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The Rise Of Public Sector Unionism In Detroit, 1947-1967

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THE RISE OF PUBLIC SECTOR UNIONISM IN DETROIT, 1947-1967

by

LOUIS E. JONES

DISSERTATION

Submitted to the Graduate School

of Wayne State University,

Detroit, Michigan

in partial fulfillment of the requirements

for the degree of

DOCTOR OF PHILOSOPHY

2010

MAJOR: HISTORY

Approved by:

Advisor

Date

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ACKNOWLEDGMENTS

As with any project of this size, this dissertation required the support of many individuals and institutions to whom I am indebted.

All of my colleagues at Wayne State University's Archives of Labor and Urban Affairs, but especially the Director and Associate Director Michael Smith and Kathy Schmeling, who supported me through the course of this work. Daniel Golodner and Johanna Russ shared their insights regarding sources from the collections of the American Federation of Teachers and American Federation of State, County and Municipal Employees. Librarians and archivists at Wayne State University's Purdy/Kresge Library, the Arthur Neef Law Library, the Detroit Public Library, the Library of Michigan and the Bentley Historical Library also provided invaluable help.

There were many friends and colleagues who seemed to provide the right mix of encouragement at key moments along the way, including James Spady, Nadel Harvey, Genna Rae McNeil, Steve Babson, Rosita Smith, Norman McRae, Kenneth Hamilton, Cheryl Dove, Randolph Cameron, Felecia Grace, Terence Hallamon, Keith White and Todd Duncan. Other friends and colleagues cheering me on include Pam May, Robert Lamm, Claudy and Jack Jones, Philip Mason, Sarah Williams, Angela Lakwete, Kenneth Hamilton, Edward Simpkins, Owusu Ansah, and Ronnie and Donna Posey who graciously agreed to play dates between our respective children, thereby allowing me much needed study time. In addition to his encouragement, I want to thank Joseph Turrini for a preliminary paper he wrote on public sector unionism in Michigan. Unfortunately, the time involved in writing this dissertation has meant that a few friends and family

members who encouraged me at earlier stages passed away before I could finish. They include cousins James and Barbara Hamilton and good friend Michael Patterson.

Marcia Farah, Richard Fry and Michael Hartman, members of my dissertation-writing group, provided invaluable feedback and encouragement through the research and writing of this dissertation. I was the recipient of a fellowship from the Melvin and Eleanor Ravitz Endowment Fund and in addition to the monetary award I received from that source, Dr. Ravitz personally encouraged me through this journey. My church family at Southfield, Michigan's New Hope Missionary Baptist Church has supported me with their prayers.

A special thanks goes to my committee, especially my advisor, Elizabeth Faue. She spent countless hours reviewing drafts to the dissertation and provided many meaningful comments along the way. She has likewise helped me better understand the contours of the historical profession. As my other committee members, professors Melvin Small, Richard Elling and fellow historian of public sector unionism, Joseph McCartin, have likewise provided me with important insights while demonstrating a truly collegial spirit.

The support I received from my parents, Harold and Wanda Jones, as well as my two brothers, Ernie and Antar Jones, have also been of inestimable benefit. Most importantly, I thank my wife, Dr. Toni Jones, and son, Emmanuel Jones, for the patience and encouragement they provided. As they know more than any others, it has been quite a ride.

If I have neglected to acknowledge others, please charge the omission to my head and not my heart.

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Introduction

The Detroit Public Sector after World War II, 1947-1967:

An Overview of its History and Historiography

The rise of the labor movement in the public service to a position of growing significance has now made imperative a fresh appraisal of programs, which aspire to create a measure of employee participation in personnel management.¹

The rise of public employee unionism...is important in its own right as a significant transformation in U.S. Labor relations, and as one aspect of recent changes in the U.S. Workforce and in the labor movement. It emerged in part because of the baby boom, and forms part of the upsurge of social movements of the 1960s.²

Power to the Public Worker. These are the words that are emblazoned in the title of a book of the same name.³ They embody an idea that public sector workers relentlessly pursued during the immediate post World War II era. Deploying this power, public workers, like those in the private sector following the enactment of the National Labor Relations Act, wanted the power to bargain collectively for wages, benefits, and working conditions. It was a power embodied in the spirit of a Civil Rights movement that elevated the Fourteenth Amendment to heights never before achieved. These rights did not come easily and in some instances not at all. Like other epic struggles for rights, the struggle for public sector unionism had many passionate advocates. A core group of them

¹Morton Robert Godine, *The Labor Problem in the Public Service: A Study in Political Pluralism* (Cambridge: Harvard University Press, 1951), 2-3.

²Robert Shaffer, "Where Are the Organized Public Employees? The Absence of Public Employee Unionism from U.S. History Textbooks, and Why It Matters," *Labor History*, 43 (2002): 323.

³Richard N. Billings and John Greenya, *Power to the Public Worker* (New York: Robert B. Luce, Inc., 1974).

resided in Detroit. They did not rest until they made progress in achieving those rights and the power that came with them.

Detroit's legacy as a city with a strong and enduring union movement is one about which few could argue. Historian Steve Babson uses the term, "union town," to describe the city. Fellow historian Robert Zieger would agree. Writing about the history of the Congress of Industrial Organizations, he refers to it as "the quintessential CIO city."⁴ The AFL and various employee associations contributed to the strength of organized labor in Detroit, which led Babson to argue that "[f]ew places in America boasted a more self-confident, combative working class than the Motor City."⁵ In 1965, *Detroit News* journalist Peter R. Lochbiler referred to Detroit as "the labor capital of the nation,"⁶ a fitting moniker for a city that many saw as just that.

One area that has not received the scholarly attention that it deserves is public sector workers in Detroit. In his historiographical article on labor history in the city, labor historian and archivist Michael Smith noted that there is a dearth of literature on the public sector that demands attention by historians.⁷ The purpose of this dissertation is to fill this void. Following World War II, the public sector began to play an increasingly important role in the life of Detroit. Like workers in the private sector, Detroit-based public employees sought the benefits of union representation to advance their economic standing. Inspired by the Civil Rights movement, Detroit's public sector followed a path

⁴Robert H. Zieger, *The CIO, 1935-1955* (Chapel Hill: The University of North Carolina Press, 1995), 242.

⁵Steve Babson, *Working Detroit: The Making of a Union Town* (Detroit: Wayne State University Press, 1986), IX.

⁶Peter R. Lochbiler, "Labor Writer Dies," *Detroit News*, 6 August 1965, 1.

⁷Mike Smith, "Let's Make Detroit a Union Town': The History of Labor and the Working Class in the Motor City," *Michigan Historical Review* 27 (Fall 2001): 169.

from relative weakness in the mid-1940s and before to increasing empowerment in the mid-1960s and beyond. The narrative that follows illustrates how public sector unions emerged and began to acquire political and economic power after World War II.

While organized labor plays a vital role in Detroit, much of it is overshadowed by the presence of the United Automobile Workers (UAW). To be sure, the UAW plays a uniquely important role in the life and history of Detroit. Given the significance of cars in American society, it is understandable that a union representing auto workers would enjoy a good deal of attention. However, an examination of public sector unionism provides an opportunity to observe how another part of organized labor influences and is influenced by the forces of history. Because of the differences between public sector workers and those represented by the UAW, research about them can only contribute to a fuller understanding of Detroit's working class of which they are an important part.

This study hinges on two pieces of legislation. The first is Public Act 336, better known as the Hutchinson Act. Enacted by the Michigan legislature in 1947, this law prohibited strikes among public sector workers and applied punitive consequences to those who did. It criminalized the act of encouraging or coercing members of the public sector to strike. In 1965, the second law, Public Act 379, referred to as the Public Employees Relations Act, significantly amended the Hutchinson Act. Indeed, two scholars have likened the second act to the 1935 National Labor Relations Act, in that it required state and local agencies in Michigan to engage in collective bargaining with its employees or their representatives. Advocates of the Public Employees Relations Act considered the Hutchinson Act overly punitive. The contrast between the two laws could not be more stark. The prohibition against striking remained intact in the second act, but

lawmakers limited the penalties for engaging in strikes in the amended law. The 1965 law eliminated the provision requiring criminal prosecution of those who encouraged or coerced public sector employees to strike.⁸

After World War II, organized labor in the public sector in Detroit was empowered by the enactment of the 1965 Public Employee Relations Act. The public sector welcomed the changes made in the 1965 law. In many ways, the public sector of the mid-1960s followed the historical trajectory experienced by organized labor within the private sector thirty years before. After all, the 1935 National Labor Relations Act (NLRA) empowering private sector employees paralleled state laws empowering public sector workers during the 1960s. In both cases, legislators bestowed collective bargaining rights upon these workers in response to oppressive laws enacted previously. Then, too, public sector union membership grew exponentially after city and state laws nationally allowed for collective bargaining in the same way that union membership grew in the private sector following the enactment of the Wagner Act. For both private sector workers following NLRA and public sector workers in the 1960s, collective bargaining agreements followed the passage of laws and union growth. At least one union representing public sector employees advanced the cause of public sector unions by

⁸ Michigan, "Hutchinson Act," *Public and Local Acts of the Legislature of the State of Michigan* (1947), 633-634; Michigan, "Public Employees Relations Act," *Public and Local Acts of the Legislature of the State of Michigan* (1965), 745-750; Russell A. Smith, "State and Local Advisory Reports on Public Employment Labor Relations: A Comparative Analysis," *Michigan Law Review* 67 (March, 1969): 891-918; Gregory M. Saltzman and Shlomo Sperka, "Public Sector Collective Bargaining in Michigan: Law and Recent Developments," in Joyce M. Najita and James L. Stern, eds., *Collective Bargaining in the Public Sector: The Experience of Eight States* (New York: M.E. Sharpe, 2001), 106-108 and 132-133; Doris B. McLaughlin, *Michigan Labor: A Brief History from 1818 to the Present* (Ann Arbor: The University of Michigan and Wayne State University, 1970), 164.

evoking the name of President John F. Kennedy and his 1962 Executive Order 10988 in the same way union activists evoked Franklin Delano Roosevelt's name during union organizing of private sector employees following NLRA. Indeed, in the same way that the Wagner Act owes its enactment to the New Deal, the Public Employee Relations Act owes much of its success to the Civil Right movement.⁹ Speaking of this latter period, historian Nelson Lichtenstein argues that, “Rights consciousness transcended most of the usual demographic and occupational barriers, it spread to almost every segment of society, to just about every interest group and faction.”¹⁰ The public sector represents one such element shaped by the Civil Rights movement.

One key component differentiated Executive Order 10988 from the National Labor Relations Act: the provision allowing for strikes, which was clearly outlined in the latter measure. Indeed, many argued that in the absence of a strike provision, the mere collective bargaining provision fell far short of what was needed.¹¹ There is some truth to this outlook. Yet, Michigan's 1965 public sector collective bargaining law and those elsewhere clearly spurred organizing efforts, transformed labor relations, and prompted strikes that the law presumed to prohibit.

Public sector workers represent a wide range of occupations. During the postwar

⁹Sara U. Douglas, *Labor's New Voice: Unions and the Mass Media* (Norwood, N.J.: Ablex Publishing Corporation, 1986), 21; Irwin Ross, “Those Newly Militant Government Workers,” *Fortune*, August 1968, 107 and 131; Saltzman and Sperka, “Public Sector Collective Bargaining in Michigan,” 106-108 and 132-133.

¹⁰Nelson Lichtenstein, *State of the Union: A Century of American Labor* (Princeton: Princeton University Press, 2002), 199; Flyer regarding “Executive Order 10988,” ca. 1962, box 56, folder 12, accessioned May 2009, unprocessed collection of the Service Employees International, ALUA.

¹¹Joseph A. McCartin, “Unexpected Convergence: Values, Assumptions, and the Right to Strike in Public and Private Sectors, 1945-2005,” *Buffalo Law Review* 57 (2009): 742-744.

era in Detroit, they hauled garbage into trucks, taught public school children, served meals in public lunch rooms, guarded public sites, worked as social workers, provided landscaping on the sides of roads and buildings, worked as steam fitters, maintained traffic signals for the Public Lighting Commission, maintained x-ray and other equipment as electricians for Detroit Receiving Hospital, drove and repaired buses and streetcars, mopped floors and cleaned bathrooms in public agencies, and provided a plethora of administrative services within city and state government.¹² Public workers differed dramatically in what they did, the skills and education that their duties required, and even the class status they held. The contrast between school teachers and librarians on the one hand and garbage workers and plumbers on the other brings into sharp relief the social gulf that sometimes separates public sector workers. At the same time, public employees have several related characteristics in common. They provide essential public services where neither a profit motive nor competition exist and they derive their income from the tax base of the governmental jurisdictions for which they work.

The following dissertation excludes some categories of Detroit-area public sector workers. Federal workers and classified state civil service workers are among these, although a few reference are made to them. The study is tailored in this way to reflect the centrality of the proposed and enacted laws in Michigan upon which this study is focused. More specifically, the two main laws upon which the following is based do not have any bearing on either federal public sector workers or classified state civil service workers.

Labor Historians and Public Sector Unionism

¹²Gordine, *The Labor Problem in the Public Service*, 14, 17.

Though a growing number of historians have come to understand and appreciate the significance of the public sector, public sector unionism has not received the historical attention that it deserves. Its general neglect has inspired the ire of at least two historians seeking to shame their colleagues into fully integrating the public sector into historical scholarship.¹³ In his review essay on the subject, Robert Shaffer refers to the sheer growth of public sector workers and their unions beginning in the 1950s as a main reason why historians should devote more research to them. With a public work force of 400,000 in 1955, employment in the public sector climbed to 4,000,000 by the 1970s. The activism public employees demonstrated in their unionization, Shaffer argues, drew from and contributed to the “civil rights movement, the student movement, the feminist movement, and the questioning of the established order normally associated with the 1960s.”¹⁴ Even as manufacturing employment has declined significantly, historians continue to write extensively and primarily about organized labor in the manufacturing sector, at the same time public sector unions experienced their near-exponential growth. Some of the growth in government employment, Shaffer shows, was due to Lyndon Johnson's Great Society programs, whose resources expanded the public sector and prompted public employee unionization. The Civil Rights movement, he argues, prompted a flurry of strikes by teachers and postal workers in the 1960s and 1970s. The Civil Rights movement also inspired AFSCME and other unions representing public sector workers to adopt a more militant stance. Shaffer argues that the study of the Civil Rights and anti-war movements overshadowed many other developments of that era, but

¹³Shaffer, “Where Are the Organized Public Employees?” 315-334; Joseph A. McCartin, “Bringing the State's Workers in: Time to Rectify an Imbalanced US Labor Historiography,” *Labor History*, 47 (February 2006): 73-94.

¹⁴Shaffer, Where Are the Organized Public Employees? 321.

he stresses that the public sector played an important part of those movements, as evidenced by the Memphis sanitation strike of 1968. This latter event, during which Martin Luther King, Jr. was assassinated, should have been a signal to historians that a fuller examination of public sector unions is in order.¹⁵

Shaffer reminds us, too, that the rise of the public sector has seen conflict between the Democratic and Republican parties. The former has argued that government plays an important role in American life while Republicans have maintained that the growth of government has caused some of the nation's problems. Needless to say, the enduring debate over taxes has been central to the discussion of public sector unions. Prominent in Shaffer's analysis is the strike by air traffic controllers, who Ronald Reagan fired in 1981. It hastened a retreat from and decline in unionization, which had already begun in the private sector in the 1950s. That public sector unions have continued to grow despite the overall decline of union membership warrants attention by historians. JFK's executive order 10988 was, Shaffer argues, an important factor in the growth of public sector unionization generally, noting that his executive order not only gave federal workers limited rights to collective bargaining but inspired unions representing state and local workers to do likewise.¹⁶ These individual and collective reasons reveal the basis of Shaffer's argument: that public sector unionism demands more attention from historians than it has received.

In his review essay, historian Joseph McCartin exhibits little concern about the lack of attention public sector workers receive in textbooks, noting that there are not currently enough secondary sources from which textbook authors can draw. Like Shaffer,

¹⁵Ibid., 315-334.

¹⁶Ibid., 315-334.

however, McCartin notes the growth of the public sector, the importance of Kennedy's Executive Order 10988, its association with the anti-government tax revolt of the 1970s, and the association that public sector unions had with the Civil Rights movement. In contrast to Shaffer, McCartin attributes the lack of attention of public sector unionism to five issues. McCartin convincingly argues that the purge of communists and other radicals from organized labor during the Cold War, the uneven relationship between organized labor and the Democratic Party, and the bureaucratization and increasing passivity of organized labor constitute reasons why historians have dismissed public sector unions. Other reasons include the debilitating affects of the law and state on labor and the inability of the labor movement to form cohesive relationships with the civil and women's rights movements.¹⁷

None of these issues take on much importance when public sector unionism is placed in the context of history. While the Cold War had a chilling affect on organized labor in general, many public sector workers did become militant before its thaw. As to the betrayal of organized labor by the Democratic Party, it was a Democratic president and big city Democratic mayors and governors that signed executive orders, ordinances and legislation permitting collective bargaining for public sector workers. According to McCartin, the general bureaucratization of unions did not affect public sector unions during the 1960s and 1970s either, although some may disagree. During this period they

¹⁷Ibid.; for articles mentioning the relationship between the anti tax revolt and public sector see Joseph McCartin, "A Wagner Act for Public Employees': Labor's Deferred Dream and the Rise of Conservatism, 1970-1976," *Journal of American History*, 95 (June 2008), 123-148; Joseph McCartin, "Turnabout Years: Public Sector Unionism and the Fiscal Crisis," in Bruce J. Schulman and Julian E. Zelizer, eds. *Rightward Bound: Making America Conservative* (Cambridge: Harvard University Press, 2008), 210-226.

did not shy away from militant activities, including strikes. Unlike what we observe in the private sector, moreover, McCartin argues, “public workers witnessed the distinct liberalization of the labor laws that affected them between 1947 and the mid-1970s,” which labor historians who focus on the decline in organized labor after the Taft-Hartley Act largely ignore. Finally, public sector unions *did* form coalitions with the civil rights and feminist movements, which runs counter to what unions representing those in the private sector did during this period, a point Robert Shaffer makes as well. Like Shaffer's essay, McCartin's essay lays the groundwork for this dissertation and reveals why it is important.

Any serious discussion of public sector unionism's history must take note of the important contribution that historian and attorney Joseph Slater has made to the literature. While his 2002 monograph, *Public Workers*, does not say much about Detroit, it is the first full-length book in recent years to discuss the subject from a historical perspective in a range of different unions. It has a breadth not found in the two histories of American Federation of State, County and Municipal Employees and the biography of former AFSCME President Jerry Wurf. In *Public Workers*, Slater addresses the 1919 Boston police strike that had implications for the public sector for many subsequent decades, the importance of law and politics in the establishment of wages, working conditions and benefits, and the unfavorable construction and application of the term, “union,” by the courts. Because Slater's book ends in 1961, it corresponds to the decades of this dissertation while providing a meaningful backdrop. Slater's last main chapter focuses on the Wisconsin public sector law, which paved the way for subsequent state laws for public sector collective bargaining. Michigan Public Employee Relations Act was among

these.¹⁸

Like Shaffer and McCartin, Slater posits reasons why labor historians have been slow to see the public sector as a viable area of research. Much of labor history operates out of a Marxist framework that ascribes importance to the owners of the means of production on the one hand and workers on the other. This relationship provides an important key to the understanding of capitalism and the profit motive. The reality, however, is that the public sector does not fit into this framework. The profit motive does not play a clear and discernible role within public sector labor relations, even while taxes derived from profits secured from capitalist endeavors does determine the extent and nature of public sector work. As Slater notes, “public sector unions did not contest the distribution of profits within private businesses...[C]ollective action by public employees were thought not to be battles against capitalists and capitalism, but rather merely disputes over how to provide services to the public.”¹⁹ In the introduction, Slater also notes the dearth of literature by historians on public sector unionism.²⁰ Educational historian James Earl Clarke agrees. In his dissertation on the history of the American Federation of Teachers, he argues that, “Teachers had to negotiate with a public body unable to increase revenues by increasing prices, because in teaching no commodity was sold.”²¹ As a result of this framework, there may not be much of a desire to pursue

¹⁸Joseph Slater, *Public Workers: Government Employee Unions, the Law and the State, 1900-1962* (Ithaca: Cornell University Press, 2004), 1-12; Billings and Greenya, *Power to the Public Worker* (New York: Robert B. Luce, Inc.); Leo Kramer, *Labor's Paradox: The American Federation of State, County, and Municipal Employees* (New York: John Wiley and Sons, Inc.); Joseph C. Goulden, *Jerry Wurf: Labor's Last Angry Man* (New York: Atheneum, 1982).

¹⁹ Slater, *Public Workers*, 4.

²⁰*Ibid.*, 1-12.

²¹James Earl Clarke, “American Federation of Teachers: Origins and History”

elements of labor history that operate on the fringes of capitalist labor relations.

In addition to these reasons for the dearth of studies by labor historians on public sector unionism, there is another. For the better part of the twentieth century, the National Labor Relations Act has played a major role in labor relations. Issues concerning the right to organize, collective bargaining, and the right to strike are codified within this law and its amendments. As a result, much of the historiography in labor is similarly concerned with this law and its amendments. Neither the NLRA nor the NLR Board apply to public sector workers,²² and labor historians of the period have been more inclined to study subjects closely linked to this law and its amendments. The importance of the NLRA as a point of departure for labor historians aside, it has not prevented them from writing about private sector labor relations before the NLRA. As Slater remarks, “While public sector unions had few if any statutory rights before the 1960s, the analogous dearth in the private sector before the New Deal has not deterred historians.”²³ The relatively small size of the public sector prior to the New Deal may also account for why historians refrained from in-depth studies of it.

A final reason for the dearth of studies on the public sector concerns the nature of the work conducted by public sector workers. Public sector unions often organize professionals like public school teachers, librarians and social workers. Such workers do not fit the image of blue collar workers, who often are imagined manufacturing cars, working in steel mills, or digging coal. To be sure, these private sector occupations are

(Ph.D. diss., Cornell University, 1966), 388; “Should Teachers Strike,” *The Detroit Teacher*, January 20, 1947, 7.

²² Godine, *The Labor Problem in the Public Service*, 3; William Edward Eaton, *The American Federation of Teachers, 1916-1961* (Carbondale: Southern Illinois University Press, 1975), 43; Douglas, *Labor's New Voice*, 90.

²³ Slater, *Public Workers*, 3.

important and deserve scholarly attention. The public sector, however, has been a major employer and the site of labor struggles for over a century.²⁴ No other indicator says this more than the growth it has experienced in the last sixty years, a growth that parallels the private sector's decline.

Public sector workers represent an important element of social history. The steam fitters, plumbers, social workers, teachers, janitors, health care workers and administrative staff associated with local and state government represent an important growth sector in the economy and in politics. For that reason, they deserve the attention of historians. In speaking of the 1960s in a book review, historian Kevin Boyle writes that, "...there were millions of other Americans – children, parents, retirees, factory workers, secretaries, school teachers, and sales clerks, the disabled and the mentally ill – about whom we know very little."²⁵ Moreover, the prominence of African Americans and women in public sector work and unions during the period calls for their consideration beyond labor history.²⁶ This dissertation hopes to contribute to that historiography.

Primary Sources Documenting Public Sector Unionism

Labor historians can no longer claim that there is a dearth of available sources on the public sector. Wayne State University's Archives of Labor and Urban Affairs possess extensive and available holdings on the public sector located in the collections of the American Federation of State, County, Municipal Employees, the American Federation

²⁴David Ziskind, *One Thousand Strikes of Government Employees* (New York: Columbia University Press, 1940).

²⁵Kevin Boyle, "The Times They Aren't A-changing," *Reviews in American History* 29 (2001), 308; see also Shaffer, "Where Are the Organized Public Employees?" 333.

²⁶Joseph Slater, "Down By: Public Sector Unions and the State in America, World War I to World War II" (Ph.D. diss., Georgetown University, 1998), 7-8.

of Teachers and the Service Employees International Union, as well as the papers and records of lawmakers and other public officials. The records of public officials are located in numerous other repositories as well. The Meany Center in Silver Springs, Maryland possess the records of the AFL-CIO Public Employees Department, which provides rich resources for research. The Wagner Archives at New York University has a number of collections concerning AFSCME that are available for research as well.²⁷ Similarly, the records of the National Association of Letter Carriers, located at Wayne State University, will be a source for the research of the public sector once they are made available in the coming months.²⁸

In many instances, sources are easily accessible in public records as well as the records of unions located in any number of archival repositories. Indeed, the narrative that follows draws from union records as well as the records of such public figures as Michigan governors G. Mennen Williams, and George Romney, located at the University of Michigan's Bentley Historical Library, and those of Detroit mayors Edward Jeffries and Albert Cobo, held at the Detroit Public Library's Burton Historical Collections, and Jerome Cavanagh's records, in the holdings of the Walter P. Reuther Library.

In the last fifty years, unions representing public sector workers experienced significant growth, and many of the people responsible for that growth are living. As a result, many of them are available to be interviewed. Indeed, one can argue that now is an ideal time to study public sector unions and the people they represented, simply because

²⁷Meredith Kolodner, "To Feature 50 Years of History: DC 37 Archiving Its Growth," *The Chief*, 17 August 2007.

²⁸See for example, the Web site of the Walter Reuther Library accessed on October 16, 2009 at: <http://www.reuther.wayne.edu/> and the Web site of the Robert Wagner Archives accessed on October 16, 2009 at: <http://www.nyu.edu/library/bobst/research/tam/>

further delay might mean that we will not have the opportunity to collect their oral histories. Taken individually or collectively, these archival sources and potential for oral history interviews will help to tell a story thus far treated as something of a stepchild in the historiography of organized labor.

Both the 1947 Hutchinson Act and the 1965 Public Employee Relations Act are provided some context by the *Michigan Manual*. As an official government source, the *Michigan Manual* provides useful information, including biographical information on individual Michigan legislators, the districts they represented and the session in which they served. Given that the following hinges on two major pieces of legislation in addition to other legislative measures, the Michigan House and Senate Journals also are important. They follow the detailed process through which bills move through the legislature. This information is vital to understanding the details of what happened, when it occurred, and the positions of elected officials. Given the historian's concern with process, any such source is useful.²⁹

While the above-mentioned sources provide a range of information, they are not always useful sources for illustrating the human side of issues. George F. Montgomery's *Backbencher: A Legislative Memoir* helps fill that gap. This personal account of a freshman legislator during the 1965-1966 legislative session accomplishes two useful things. First, it illustrates exactly how the legislature works without bogging its readers down in the waters of a legalese that are difficult to navigate. After all, the legislature was and is comprised of real people with a culture and unwritten protocols that play a role in

²⁹See, for example, Michigan, *Michigan Manual* (Lansing: State of Michigan, 1953, 1963 and 1965) and Michigan, *Journal of the House of Representatives* (Lansing: State of Michigan, 1947, 1965 and 1967).

dictating the business of that institution. Montgomery's memoir sheds light on these matters. Needless to say, the political party that dominates either chamber of the legislature plays a significant role in dictating the direction and thrust of that body. *Backbencher*, however, moves beyond the obvious and provides its readers with insights that help them to read between the lines of official accounts. Most importantly, though, Montgomery's account concerns the specific legislature that passed the 1965 Public Employee Relations Act, which is a key part of this dissertation.³⁰

Dudley Buffa's *Union Power & American Democracy: The UAW and the Democratic Party, 1935-1972*, and Margaret Nowak's *Two Who Were There: A Biography of Stanley Nowak* also provide some insight into the workings of the legislature, but neither mentions either the Hutchinson Act nor the Public Employees Relations Act. In Buffa's account, the UAW maintained a stranglehold on the Michigan Democratic Party. Buffa, however, does not provide a sense as to the climate in which they both operated. As a result, Buffa completely ignores the extent to which the Republican Party exercised a stranglehold on democracy itself through malapportioned legislative districts. This arrangement, as revealed in chapter three, allowed for a disproportionate number of Republican legislators in a state where Democrats often outvoted Republicans.³¹

Newspaper accounts are another important source of information and perspective

³⁰I would like to thank Joseph Patrick Swallow for informing me of this book. George F. Montgomery, *Backbencher: A Legislative Memoir* (Waterford, Michigan: Sunshine Publications, 2002).

³¹Dudley W. Buffa, *Union Power & American Democracy: The UAW and the Democratic Party, 1935-1972* (Ann Arbor: The University of Michigan Press, 1984), vi; Margaret Collingwood Nowak, *Two Who Were There: A Biography of Stanley Nowak* (Detroit: Wayne State University Press, 1989), 142-222.

for what follows. The *Detroit Labor News* and the *Public Employee* are two of the chief sources of labor-controlled newspapers utilized for this dissertation. The use of these and other labor organs have their limitations. As Sara Douglas tells us in her book, *Labor's New Voice: Unions and the Mass Media*, their intention is to “provide labor leaders with outlets for their opinions and to reach the rank and file.” As a result, “rarely were two sides of any issue printed.”³² For all of their claims, Detroit daily newspapers did not always render a particularly objective view of the news either. Douglas speaks to this fact as well. As she argues, “[i]t is against the inherent interests of newspapers to champion the cause of labor because they are constantly engaged in their own internal labor management issues with which to contend.”³³ Indeed, this is why those news organs published for and by organized labor often went to great lengths to counter the often biased assertions within the “mainstream” press. This idea was revealed in the reporting and editorials found in the *Detroit News*, *Detroit Free Press*, and the *Detroit Times* regarding labor-related issues. Their perspective toward legislative reapportionment, clearly revealed their anti-labor bent. The assertions in the labor press are as much intended to report news unavailable in mass market publications as it is to advance and, sometimes, slant a position to move union members into action. When the *Michigan AFL-CIO News – Detroit Labor News Edition* maintains that, “50,000 AFSCME members will hold a special Leadership Conference at the Statler-Hilton Hotel to demonstrate the union's protest to agency heads 'dragging their feet' in implementing the Public Employees Act, passed in July 1965,” we should not be surprised to find the

³²Douglas, *Labor's News Voice*, 18.

³³*Ibid.*, 29.

absence of any sources corroborating this claim.³⁴

Scholars Outside of History Weigh in on the Public Sector

Beginning in the early 1970s, a number of scholars outside of history came to realize the importance of public sector labor relations. Written by those specializing in industrial relations and with titles like *Public Workers and Public Unions*, *Public Employee Unionism*, and *Public Employee Unions*, they addressed a number of the issues in the public sector.³⁵ The authors clearly wrote the books in response to the groundswell of activity in public sector labor relations taking place in the 1960s. Morton Robert Godine's *The Labor Problem in the Public Service* is unique in this regard. Published in 1951, this monograph provides important insights into public sector labor relations. Godine speaks to the political, economic, and social environment found in that era when the Michigan legislature enacted the Hutchinson Act and when that act was implemented during the strike of streetcar workers in 1952. Admittedly, there is nothing in the book that discusses specific events in Detroit or Michigan, but many of the concepts discussed provide meaningful context for the events in Detroit and the state.³⁶

In the context of what follows, the book, *The Urban Community and Its Unionized Bureaucracies: Pressure Politics in Local Government Labor Relations*,

³⁴“AFSCME Board to Meet Here,” *Michigan AFL-CIO News – Detroit Labor News Edition*, 5 October 1966, 7; “Civic Center Local 1220,” *Michigan AFL-CIO News – Detroit Labor News Edition*, 19 October 1966; “AFSCME Rally to Hear Scholle,” *Michigan AFL-CIO News – Detroit Labor News Edition*, 26 October 1966.

³⁵Sam Zagoria, ed. *Public Workers and Public Unions* (Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1972); Jack Stieber, *Public Employee Unionism: Structure, Growth, Policy* (Washington, D.C.: The Brookings Institution, 1973); A. Lawrence Chickering, *Public Employee Unions: A Study of the Crisis in Public Sector Labor Relations*, ed. (Lexington, Massachusetts, 1976); See also Joseph Slater, “Down By Law,” 18.

³⁶Godine, *The Labor Problem in the Public Service*, (Cambridge: Harvard University Press, 1951).

addresses a portion of public sector unionism in Detroit on which the following dissertation will elaborate. Its authors dedicate part of a chapter to a discussion of Detroit Ordinance 140-G, which established a bureau of labor relations and inspired conflicts within city government. As a secondary source, it provides a useful context and backdrop to better understanding the primary sources that stand as the basis for part of a chapter in what follows.³⁷

The importance of public sector unionism also was evident in the Academy of Political Science, which dedicated a 1970 proceedings volumes to an assessment of this phenomenon. With its 13 articles, covering topics illustrating how the public sector operated in particular cities and states as well as its growth, effects, etc., this volume covered centrally important issues. Similarly, the editors of the *Michigan Law Review* ascribed enough importance to the matter to dedicate a special issue to this subject. Indeed, the author of one article argued that “public employee 'unionism,' with its attendant problems, has emerged as the most significant development in American labor relations in the last decade.”³⁸

To date, however, the periodicals that labor historians have authored have not ascribed much attention to the subject. Had the growth of the public sector been

³⁷ Sterling Spero and John M. Capozzola, *The Urban Community and Its Unionized Bureaucracies: Pressure Politics in Local Government Labor Relations* (New York: Dunellen, 1973), 44-50.

³⁸ Robert H. Connery and William V. Farr, eds., *Academy of Political Science, The Proceedings of the Academy of Political Science*, 30, no. 2 (1970); Russell A. Smith, “State and Local Advisory Reports on Public Employment Labor Legislation: A Comparative Analysis,” *Michigan Law Review*, 67, no. 5 (Mar., 1969), 2; see also Executive Committee, National Governor's Conference, *Task Force on State and Local Government Relations* (Chicago: Public Personnel Association, 1967), vi and viii; see also Lee C. Shaw, “Development of State and Federal Laws,” in *Public Workers and Public Unions* (Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1972), 20.

negligible and its unionization followed a similar path, we could easily understand the neglect. However, this sector of the economy and the organizations that represented its work force grew exponentially beginning in the 1950s. In the same decade when the Michigan State legislature passed the 1965 Public Employees Relations Act, “[m]embership in the American Federation of State, County, and Municipal Employees increased from 180,000 to 425,000 in one decade, making it the fastest-growing union in the country.”³⁹ Long-time AFSCME President Jerry Wurf provided his own take on this growth when he referred to its implications as “revolutionary.”⁴⁰ Some may argue that he had overstated the point, but few could argue that the growth and impact of public sector unions were negligible.

Public Sector Unionism in Detroit: Scholars Weigh in on the Subject

Some scholars have addressed aspects of public sector unionism and the extent to which it has manifested itself in the Detroit metropolitan area. Jeffrey Mirel, Albert Schiff, Steve Babson, Doris McLaughlin, Robert Howlett and Richard Fleming have all addressed some elements of the subject, but I expand on what they wrote and make connections to and between various important developments in the history of Detroit's public sector during the post World War II period. As an education historian, Jeffrey Mirel's *The Rise and Fall of an Urban School System*, for example, focuses on public school teachers. To this end, he did not delve into the histories of other Detroit-area public sector workers or teachers in Detroit's suburbs. Given that his study is exclusive to Detroit, he does not extend his discussion to important strikes among public school

³⁹Hugh O'Neill, “The Growth of Municipal Employee Unions,” *Proceedings of the Academy of Political Science*, 30, no. 2, (1970): 9.

⁴⁰Jerry Wurf, “The Revolution in Government Employment,” *Proceedings of the Academy of Political Science*, 30, no. 2, (1970): 134.

teachers in either East Detroit or Hamtramck, cities that shared borders with Detroit. When these school teachers engaged in a strike in 1947 and in April 1965 respectively, it prompted the Michigan legislature to enact the Hutchinson and Public Employee Relations Acts, the two laws that serve as book ends of sorts for what follows.

There is secondary literature that expands on Mirel's contribution. In his dissertation, "A Study and Evaluation of Teachers' Strikes in the United States," Albert Schiff takes on the subject of a strike wave that hit many school districts in the United States. His study is important because he not only discusses the strike of East Detroit teachers in 1947, which precipitated the enactment of the Hutchinson Act, but he places it in the context of teacher strikes transpiring throughout the country during the same period. Doris McLaughlin's *Michigan Labor*, is another important study. Written in 1970, the book does not cover the subject of Detroit-area public sector unionism in great detail, but McLaughlin dedicates an entire chapter on the subject as it relates to Michigan more generally. Steve Babson also has written on the subject. His contribution to the effort in *Working Detroit: The Making of a Union Town*, offers little on the use of the 1951 strike of Detroit Street Railway workers, but Babson does mention the subject of the public sector in the context of the strike of Hamtramck school teachers in 1965. Like McLaughlin, Babson dedicates an entire chapter on public sector unionism, although his chapter focuses on Detroit.⁴¹

None of these historians noted the significance of the affiliations of public sector

⁴¹Jeffrey Mirel, *The Rise and Fall of an Urban School District: Detroit 1907-1981*, (Ann Arbor: University of Michigan Press, 1993), 151-215; McLaughlin, *Michigan Labor*, 145-164; Albert Schiff, "A Study and Evaluation of Teachers' Strikes in the United States," (Ph.D. diss., Wayne State University, 1952), 183-207; Babson, *Working Detroit*, 192-199.

unions. The American Federation of State, County and Municipal Employees, Detroit-area teachers affiliated with the American Federation of Teachers, Division 26 of the Amalgamated Association of Street, Electric Railway & Motor Coach Employees of America, and the Service Employees International Union are some of the key unions discussed in this dissertation. They held affiliations with the American Federation of Labor before that organization merged with the Congress of Industrial Employees in 1955. The pre-1955 affiliation with the AFL is an important one given that the AFL has been more conservative and less prone to strikes than the CIO. And yet, it was these AFL unions that were activists in seeking redress of grievances. As a result, we must reevaluate the limitations associated with blanketing AFL-affiliated unions with the charge of passivity and conservatism. After all, it was a teachers' strike and threatened strike that prompted the Hutchinson Act in 1947. It was Division 26 representing Detroit streetcar workers that utilized the strike four years later. AFSCME Jerry Wurf, moreover, advocated the use of the strike when necessary during the mid-1960s. The Michigan CIO often supported Detroit-area AFL unions in their efforts to win wage gains and, indirectly, helped the AFL, with its advocacy of one man, one vote campaign that benefited most within organized labor. However, it was Detroit-area AFL unions operating within the sphere of the public sector that took on the activist disposition more closely associated with the CIO.

Scholars trained in law and political science have contributed to the understanding of the public sector and its changing role and implications in Detroit and beyond. Robert Howlett, a member of the Michigan Labor Mediation Board, authored a useful article on

the subject.⁴² In his short but insightful article, “Michigan's New Public Employment Relations Act,” Howlett outlines the basic tenets of the Public Employee Relations Act and illustrates how and the extent to which it differed from the 1947 Hutchinson Act. He paid particular attention to that aspect of the law that allowed for unfair labor practice charges against employers but not employees and argued that the legislature wrote the law in this way “on the theory that these are not necessary as a public employer may discipline or discharge a striking public employee.”⁴³ Unlike other sources, Howlett reminds his audience that Lt. Governor William G. Millikin supported the new law, an important detail, because Millikin was a Republican. Richard Fleming's essay reinforces what other sources have said on the subject of collective bargaining in the public sector. He also reveals that, following the enactment of the Public Employee Relations Act, bargaining agents were determined by dues check off and elections conducted through the state, a process not revealed in other sources. The essay is one of the few sources that make reference to the 1965 city ordinance providing for a labor relations bureau. For these reasons, it is a useful secondary source.⁴⁴

Taken together, existing studies provide a springboard from which to launch a larger study on the subject. They raise questions about the differences between public and private sector labor relations, the importance of the law, the role of teachers versus other public sector workers in determining changes in the law, the role of organized labor in

⁴² Richard P. Fleming, “Municipal Collective Bargaining: A Review of Some of the Aspects of Industrial Relations Between Employees and the Government of the City of Detroit, Michigan,” (Master's Thesis, Wayne State University Law School, 1966), 1-55; Robert G. Howlett, “Michigan's New Public Employment Relations Act,” *Michigan State Bar Journal*, 45, no. 4 (1966): 12-16.

⁴³ *Ibid.*, 14.

⁴⁴ *Ibid.*, 14.

seeking empowerment for the public sector, and the role of the Civil Rights movement in empowering public sector workers, among other questions. In short, they help prepare the way for what follows.

The Weight and Force of History in Shaping the Contours of Public Sector Unionism in Detroit

A number of forces shaped the development of the public sector and its unionization. Migration is one of the more important ones. Urban migration factors significantly into this dissertation and is intertwined in each chapter. The migration of large numbers of people from the rural South to the urban North as well as from elsewhere was coupled with a related issue: the rapid growth of the urban population. As one commentator noted, “The ‘population explosion’, which started shortly following the end of World War II, created a tremendous demand for public services which could be provided only by a greatly enlarged public work force.”⁴⁵ This population growth had as much to do with the migration of people from the South to places like Detroit and its suburbs as it did with a the population increase occasioned by the post war baby boom.⁴⁶

The role of migration on public education is one example of how it affected public sector unionism. Migration increased the number of children attending public schools and the demand for teachers. The concentration of teachers and their poor treatment resulted in labor activism as a way of seeking redress for inequities that had long been part of their jobs. Teacher activism inspired fear in the Michigan State

⁴⁵Robert C. Grosvenor, “Labor Relations in the Public Services in Michigan: A Comparison of Three Approaches,” 1, box 156, folder entitled, “Labor – General,” George Romney Collection, BHL.

⁴⁶Shaffer, “Where are the Organized Public Employees?” 316; Irving Bernstein, *Promises Kept: John F. Kennedy's New Frontier* (New York: Oxford University Press, 1991), 208.

Legislature, which enacted the Hutchinson Act. This phenomenon was not limited to Michigan. Indeed, a wave of teacher strikes provoked a number of state legislatures to enact similar legislation.

Migration also factors significantly into the problem of malapportionment. Known as the fight for 'one man, one vote,' this effort forced elected officials to redraw legislative districts so they would contain roughly equal numbers of people. Prior to the mid-1960s, large cities like Detroit had senatorial districts with populations far larger than districts in outstate Michigan, often by a ten to one ratio. This meant that rural districts, held significantly more legislative seats. Migration and urban population growth were largely responsible for these disparities, as over time more people moved to the cities from these rural areas. As cities like Detroit grew, rural areas of the state desired to retain the legislative power they had established in previous years. They sought to retain their legislative power as a way to counter the power in places like Detroit where the population continued to increase. This situation did not begin to change until the U.S. Supreme Court ruled, in *Baker v. Carr* (1962), that legislative reapportionment was subject to judicial review. Two years later in *Reynolds v. Sims* (1964), the high court took a more definitive position on the matter when it ruled that malapportioned legislative districts violated the equal protection clause of the 14th Amendment. Until that moment, Republicans dominated the state legislature.⁴⁷

Legislative reapportionment is the subject of a large body of scholarly literature. Of the secondary studies on the topic, two merit comment and provide context for this study. The first, *Apportionment and Representative Institutions: The Michigan*

⁴⁷*Baker v. Carr*, 369 U.S. 186 (1962); *Reynolds v. Sims*, 377 U.S. 533 (1964).

Experience, provides excellent background for the subject of legislative reapportionment. Indeed, James Pollock, who wrote the forward to the study, served as a Republican delegate to the 1961-1962 Michigan Constitutional Convention. That convention sought to address the issue of reapportionment before the U.S. Supreme Court ordered the state government to reapportion its legislative districts. The second study, *Interest Groups, the Courts, and Legislative Reapportionment in Michigan* by Judith Gething, includes an assessment of the reapportionment cases as they came to a conclusion.⁴⁸

Written as if it were a brief poised to influence any subsequent rulings following the Supreme Court ruling in *Baker v. Carr* (1962), *Apportionment and Representative Institutions*, published in 1963, nonetheless gives a good sense of the major issues involved in the apportionment debate in Michigan. Because the U.S. Supreme Court had not yet handed down its ruling in *Reynolds v. Sims* (1964), the study stops short of providing meaningful conclusions. Its authors could not tell the full history of cases that had immense bearing on the passage of the 1965 Public Employee Relations Act. In addition, its authors lacked the historical distance to consider the full implications of reapportionment. Then, too, the study gives scant attention to the role of organized labor in the reapportionment debates, initiative, litigation, and rulings. To that end, this current dissertation is poised to make a meaningful contribution to the literature.⁴⁹

Political scientist Judith Gething provides historical context for the issue and

⁴⁸Judith Rosemary Dean Gething, "Interest Groups, the Courts, and Legislative Reapportionment in Michigan," (Ph.D. diss., University of Michigan, 1967); Karl A. Lamb, William J. Pierce and John P. White, *Apportionment and Representative Institutions: The Michigan Experience* (Washington, D.C.: The Institute for Social Science Research, 1963).

⁴⁹Lamb, et al., *Apportionment and Representative Institutions: The Michigan Experience*.

process of reapportionment. She discusses the major reapportionment cases that had been litigated in Michigan, the U.S. Supreme Court, and in a few other states. Gething's work is important because she had the opportunity to interview labor leader August Scholle and attorney Theodore Sachs, two major figures in the efforts to reapportion Michigan's state legislature. As a result, Gething supplies insights from sources that are no longer available.⁵⁰

Her dissertation, however, is not without shortcomings. Gething states as her primary argument "that the litigants [in Michigan reapportionment cases] acted primarily as individuals and not as members of interest groups or political parties..."⁵¹ As it relates to the case of *Scholle v. Hare*, this could not be further from the truth. Scholle was an individual who pursued litigation in this case, but he brought the case as the president of the Michigan AFL-CIO. That case aside, Scholle had, as president of that body and earlier of the state CIO, voiced loud criticisms of the malapportionment that characterized the state's senatorial districts. Dating back to the 1940s, the voluminous records of the Michigan AFL-CIO⁵² provide significant evidence for labor's input into the debate over reapportionment. Most importantly, the Michigan CIO, beginning as early as 1951, and the Michigan AFL-CIO, beginning in 1958, provided substantial resources to the

⁵⁰I contacted Gething in 2007 but only to find that she had discarded her notes and other material she had amassed during the course of her research, which made it impossible for me to consult those sources for my own purposes.

⁵¹Gething, *Interest Groups, the Courts, and Legislative Reapportionment in Michigan*.

⁵²An astute observer will note that no Michigan AFL-CIO existed before 1958. However, a Michigan AFL-CIO Collection with records dating back to 1930 exists within the holdings of the Walter Reuther Library, suggesting that the records of the Michigan AFL and Michigan CIO merged their records before donating them to the Walter P. Reuther Library in the early 1970s. See Michigan AFL-CIO Lansing Office Collection, ALUA.

reapportionment effort of legislative districts in Michigan. This dissertation will address the important role of organized labor in the fight for a reapportioned state legislature.

Part of Gething's argument is that the Michigan Democratic Party was antagonistic toward reapportioning legislative districts. That antagonism, however, was exhibited in the late 1950s, not in the earlier part of that decade. Indeed, the Michigan Democratic Party supported legislative reapportionment in 1952. It even sought the guidance and input of organized labor when crafting a suitable convention resolution endorsing reapportionment, ultimately modifying its draft resolution to include stronger language suggested by August Scholle.⁵³ Gething also ascribes a larger role to the Michigan Farm Bureau in the 1952 ballot initiative against population-based reapportionment than the evidence indicates, as the Michigan Manufacturers Association played an equally prominent role. Finally, Gething argues too strongly that Scholle operated independently of organized labor in Michigan. The 1952 initiative contradicts this claim, as many members of organized labor played a role in the historical effort. Her argument misses the point that Scholle could never have pursued this fight if it were not for his position in the CIO until 1958 and the AFL-CIO thereafter. The force of Scholle's convictions aside, they would not have amounted to much outside the context of his affiliation with organized labor.

Also absent from Gething's discussion is any meaningful analysis of the impact of the Civil Rights movement on the changing direction of the idea of reapportionment. This dissertation, in contrast, examines the relationship between reapportionment and civil

⁵³ Gething, *Interest Groups, the Courts, and Legislative Reapportionment in Michigan*, 44; Draft resolution of the Michigan Democratic Party," and letter enclosing same, 28 April 1952, box 40, folder 15, Michigan AFL-CIO Collection, ALUA.

rights at great length. Indeed, the Civil Rights movement, I argue, was responsible for how the state legislature came to significantly amend the Hutchinson Act eighteen years later. It is not surprising, then, that the Civil Rights movement would have a significant impact on numerous other developments, including legislative reapportionment and the empowerment of the public sector. While Gething did not make this argument, others have.⁵⁴

While this dissertation will benefit from historical sources, earlier studies benefited from their access to contemporary events. Judith Gething, for example, interviewed August Scholle and Theodore Sachs, the plaintiff and attorney who litigated the reapportionment case of *Scholle v. Hare*. While Gething provides information and insights from those interviews, I could not interview these historical actors myself. The study on reapportionment edited by Lamb, Pierce and White similarly benefited from many first-hand witnesses to the reapportionment and, therefore, provide a scholarly account informed by the discussions during their research and writing.⁵⁵

At the same time, this dissertation benefits from sources more recently accessible. Wayne State University's Archives of Labor and Urban Affairs has made relevant records available more recently. In particular, this material provides insights into the Michigan ballot initiative concerning reapportionment. Indeed, evidence shows that the 1952 effort played a significant role in how and why August Scholle and Theodore Sachs renewed their efforts to pursue reapportionment for Michigan seven years later.⁵⁶

⁵⁴Paul Finkelman and Martin J. Hershock, eds., *The History of Michigan Law* (Athens: Ohio University Press, 2006), 8.

⁵⁵Judith R. Gething, *Interest Groups, the Courts, and Legislative Reapportionment in Michigan* (Ph.D. diss., University of Michigan), 1967.

⁵⁶See, for example, Michigan AFL-CIO: August Scholle Records, ALUA.

The Civil Rights movement looms large in the following discussion as a motivating force for public sector workers who, like African Americans, sought equality. While the equality that public sector workers sought was with the private sector, the 1960s revealed that the idea of equality was an idea that moved beyond the African American community and race relations. It likewise resonated deeply with public sector workers and those who represented them. In many respects, then, historian Sidney Fine's book, *“Expanding the Frontiers of Civil Rights,”* identifies an idea I hope to use in this dissertation. As the title suggests, the book “expands” beyond discussions of the rights of African Americans and race relations. To that end, it includes thoughtful discussions about women, migrant workers, Native Americans, and the disabled, groups that are not typically discussed in the context of the Civil Rights movement.⁵⁷ For Fine, then, a number of otherwise marginalized groups benefited from the energy and momentum of the Civil Rights movement. In its own way, Fine's study has significance for what follows in that it suggests a transformation inspired by the Civil Rights movement, a transformation that included a movement empowering public sector workers. The connections are palpable even if Fine makes no mention of public sector workers in this context.

With this said, it is curious that a book dedicated to “expanding” the definition of civil rights, only makes passing references to issues of reapportionment. Because African Americans migrated to Detroit in large numbers beginning with World War I and became part of the underrepresented urban migrants, issues of reapportionment had substantial civil rights implications. By Fine's own admission, reapportionment was a significant

⁵⁷Sidney Fine, *“Expanding the Frontiers of Civil Rights” Michigan, 1948-1968* (Detroit: Wayne State University Press, 2000), 10.

element of the deliberation during and results of the 1961-1962 Michigan Constitutional Convention. As he concedes, “It was not...civil rights concerns that provided the impetus for the drafting of a new constitution for Michigan to replace the 1908 constitution but rather the state’s fiscal problems and *its legislative apportionment system* (emphasis added).⁵⁸ In refraining to draw meaningful attention to reapportionment, Fine missed an opportunity to discuss its implications for civil rights and show what, if any, relationship the Civil Rights movement had with the labor movement via the issue of reapportionment. As an example, the Fair Employment Practices Act that took several legislative sessions in Michigan to pass would have been signed into law quicker and as a stronger measure, had the senatorial districts been reapportioned sooner. Yet Fine neglects to mention this point by making these connections.⁵⁹

Needless to say, Fine's book is just one of many publications that delve into the history of the Civil Rights movement in Detroit.⁶⁰ Taken together, this literature demonstrates the transformative power of the Civil Rights movement, a power that helped to fuel the effort to seek legislation providing for collective bargaining rights among Detroit's public sector workers and fewer restrictions against their activism. The legislation, marches, court cases, boycotts that are most closely associated with the Civil

⁵⁸Ibid., 191.

⁵⁹Ibid., 35-96

⁶⁰See, for example, Heather Ann Thompson, *Whose Detroit? Politics, Labor and Race in a Modern American City* (Ithaca: Cornell University Press, 2001); Nick Salvatore, *Singing in a Strange Land: C.L. Franklin, the Black Church, and the Transformation of America* (Urbana: University of Illinois Press, 2006); Dan Georgakas and Marvin Surkin, *Detroit: I Do Mind Dying I: A Study in Urban Revolution* (New York: St. Martins Press, 1975); August Meier and Elliot Rudwick, *Black Detroit and the Rise of the UAW* (New York: Oxford University Press, 1979); Kevin Boyle, *The Arc of Justice: A Saga of Race Rights, and Murder in the Jazz Age* (New York: H. Holt, 2004); Elain Latzman Moon, *Untold Tales, Unsung Heroes: An Oral History of Detroit's African American Community, 1918-1967* (Detroit: Wayne State University Press, 1993).

Rights movement both reflected and contributed to “an emerging black consciousness” that could not help but spill over into other areas of the social, political and economic life of Detroit and beyond.

States like Michigan resisted civil rights and sought to use their “sovereign rights” to control their citizens. Sovereignty, a term and idea imbued with legal implications, enters the current discussion from two opposing, yet relevant, angles. Both advocates and adversaries of public sector unionism used the term in order to advance their respective positions. First, the government is loathe to relinquish its *sovereignty*, but that is what it feels it is asked to do when public sector workers seek any form of mediation from what it considers third parties. Unions, arbitrators, and commissions established to mediate conflicts within public employee labor relations fall into this category. When the government and those who administer it are restricted from using their full authority over its employees, they take exception to this breach of authority, or so the argument goes. Primary sources from the era under discussion often reference issues of sovereignty in this way.⁶¹ Increasingly, the term fell out of as much use in the 1960s as it did in the 1940s, indicating that the idea of sovereignty began to possess an archaic quality.

The sovereignty of states was likewise challenged when Republican legislators sought to superimpose the sovereign status of states on that of legislative districts. Theodore Sachs, the attorney who represented August Scholle and organized labor in reapportionment cases, argued that,

it can hardly be said that the conflicting interests of sovereign states are in any way duplicated in Michigan or,

⁶¹Executive Committee, National Governor's Conference, *Report of Task Force on State and Local Government Labor Relations* (Chicago: Public Personnel Association, 1967), 3, 7 and 24; see also McLaughlin, *Michigan Labor*, 146 and 148.

indeed, in any other state. There is no sovereign entity in Michigan other than Michigan itself. Neither counties nor the cities, nor the townships have sovereignty of themselves, but are merely...convenient administrative arms of the state itself.⁶²

The relevance of the above to the public sector or other union-related initiatives may not be readily apparent, but for those either advancing or impugning the above definition, sovereignty was a weighty issue. For a good portion of the twentieth century up to and into the 1960s, rural Republicans sought to advance the idea and practice of maintaining disproportionate representation in the Michigan Senate relative to their numbers and relative to what places like Detroit possessed. The entire reapportionment debate concerned this matter of legislative districts having disproportionately more or fewer people than others. If, however, counties or cities possessed a sovereignty-like status, then they could more easily argue that they could possess a certain number of state senators in the same way that all states possessed two members of the U.S. Senate, regardless of the size of their populations. In essence, this is what rural/Republican senatorial districts sought: the opportunity to have the same number of representatives in the Michigan Senate as districts with large populations. As already revealed, the fight to reapportion legislative districts, cast in another light, was about whether counties or similar entities could receive sovereign status.

Many of the issues contained in the following narrative have important legal dimension to them and reflect the power and force of law. Legislative reapportionment, including the initiative, court cases, and legislation sought to change senate

⁶²*August Scholle v. James Hare, Secretary of State of the State of Michigan and Frank D. Beadle, et al., intervening Defendants, Brief of Plaintiff*, 48-49, State of Michigan in the Supreme Court, 1960.

apportionment, is all about the law. The issue of sovereignty as it relates to reapportionment or collective bargaining is, likewise, a legal issue. Most importantly, the Michigan Legislature enacted legislation in 1947 banning strikes by public sector employees. This curtailed the efforts of public workers to pressure Detroit city government to increase wages. The power of the law manifested itself during the 1951 strike of the Detroit Street Railway Workers, as well, when the city successfully used the Hutchinson Act against these city workers. That city workers refrained from striking until the legislature amended the Hutchinson Act in 1965 says something of the power of that law. The force of law also exhibited itself with the reapportionment of legislative districts, which paved the way for a Democratic-dominated legislature that amended the Hutchinson Act with the 1965 Public Employee Relations Act. The Civil Rights movement, which undergirds the transformation resulting in the enactment of the Public Employees Relations Act, has hugely legal dimensions as well. Indeed, civil rights leaders often looked to the courts for redress, realizing the limitations of other avenues. To that end, in the same way that the NAACP looked to the judicial system as the final arbiter for justice in school desegregation cases, the Michigan AFL-CIO sought to use the courts to force reapportionment, without which a collective bargaining law for public sector workers would never have occurred.

Key People and Organizations Shaping Public Sector Unionism

People, organizations and agencies they represent bind the different parts of this dissertation together. With their court rulings and enactment of laws, the judicial system and the legislature are two forces whose influence we see throughout. With its advocacy of public sector workers, organized labor in the form of the Michigan AFL and CIO, and

their combined forces when their state organizations merged in 1958, are likewise evident throughout. In contrast, organizations like the Michigan Manufacturing Association sought to stem the tide of public sector unions with its insistence that lawmakers lower the very taxes that the public sector sought to increase, lest they not receive the wage increases and enhancements to their benefits that they sought.⁶³

Among the people who played a signal role in the passage of the Public Employee Relations Act and reapportionment, August Scholle is important. His support of public sector workers is evident throughout, but the perseverance he exhibited as a plaintiff in a case designed to reapportion the legislature proved instrumental in the ultimate success of that effort. His prospects appeared dim early in the fight for reapportionment. In 1952, after all, advocates lost their battle to force reapportionment via a 1952 initiative, and Scholle likewise lost in his initial 1959 court case. For Scholle, success must have appeared far off given that the Michigan Constitutional Convention had approved a malapportioned legislature during its 1961-1962 gathering. For this reason, Scholle must have been ecstatic to find that the case he originally lost was reversed when the U.S. Supreme Court ruled in two other cases that the state legislatures in Michigan and any other state, could not malapportion legislative districts. The outcome of these cases and their rulings not only paved the way for the enactment of the Public Employees Relations Act, but also acknowledged the growth of an urban area like Detroit whose citizens sought the representatives in the legislature that their growing numbers demanded.

For all of Scholle's efforts, he was no lawyer. By himself, he could not have battled within the legal system to realize his dream. For that, he turned to Theodore

⁶³For a discussion over the conflict over public services and taxes see Godine, *The Labor Problem in the Public Service*, 15.

Sachs. A brilliant lawyer, Sachs provided the legal foundation and strategy for a 1952 referendum designed to reapportion the legislature and filled the need as an able litigator in subsequent cases. The issue of legislative reapportionment notwithstanding, it appears that Sachs also drafted the Public Employees Relations Act and served on committees affiliated with organized labor designed to garner the support necessary to move the idea to a bill and then on to a law.

George Edwards was a prominent figure in what follows and played a key role in diverse and numerous ways. For example, he served as a member of the Detroit City Council in the mid-1940s. In this capacity, he played an important role in ensuring that the Detroit Public School System receive the money necessary to provide pay raises to its teachers. Edwards later played a role in providing Ted Sachs with a scholarship and then served as Sachs' colleague and mentor in the firm where they both practiced. In his later service on the Michigan Court of Appeals, Edwards ironically ruled against August Scholle, who represented the Michigan AFL-CIO, which was bent on forcing the reapportionment of legislative districts. Because malapportionment reinforced conservative forces in the state, striking it down was crucial for labor's political ends.

If there was a Republican who provided a foil to Scholle or Sachs, one could argue that Edward Hutchinson could easily be cast in this role. He not only sponsored the act that bore his name and prohibited the strike as a means of empowerment for public sector workers, but he also played a key role in the 1961-1962 Michigan Constitutional Convention. The convention had its proposal to reapportion the legislature overturned by the U.S. Supreme Court, which ruled that the plan was convoluted and did not go far enough. Most importantly, Hutchinson hailed from a rural Michigan city and county

whose citizens often did not share the views of those living in big cities like Detroit. The product of a wealthy family, he did not think well of taxes, which is not surprising for a fellow whose father despised Franklin Roosevelt.⁶⁴

The Flow and Ebb of History

This dissertation hopes to capture the flow and ebb of history, often occurring simultaneously and climaxing in swirls that defy a linear or predictable progression of events. After all, the public sector won victories that were followed by defeats, which preceded more victories. In this history, there existed bright moments for the public sector, as when teachers successfully won concessions from Detroit for increased wages. With that said, research also reveals mistakes that set the cause of the public sector back. Many argue that the 1951 strike of streetcar workers was one such mistake. The variation in outcomes neither allows the historian to fixate on the defeats of public sector struggles nor their victories. This approach allows us to appreciate that, even when public sector unions experienced success or defeat, the seeds were sown for their reversals.

Following the Civil Rights movement, during which we find public sector organizations achieving some of their most notable gains, conservative forces regrouped. How else can we account for the victory of Richard Nixon in the 1968 presidential elections? In the context of public sector unionism, Joseph McCartin reminds us, conservative reality manifested itself in the mid-1970s anti-tax movements that debilitated the public sector gains of the just a few years before. This current study goes no further than 1967, shortly after the Michigan State Legislature passed the Public

⁶⁴ Robert Leland Hutchinson, Interview by Louis Jones, tape recording, July 2007; J. Edward Hutchinson, *The Hutchinson Family of Fennville: A Family History and Genealogy* (Fennville, Michigan, 1979), 4-12.

Employee Relations Act; but it is worth noting that the strength of public sector unions and of public sector employment generally made public employees a target for a resurgent right. Not only was public spending an issue but also the power of public workers and unions.

The main argument of this dissertation is that the Civil Rights movement and growing concentration of public sector workers motivated and impelled Michigan's public sector to seek rights previously denied them by the 1947 Hutchinson Act and a political climate that allowed for the enactment of the anti labor Taft-Hartley Act and Cold War. This atmosphere was not to last indefinitely, not for public employees at least. The Civil Rights movement, in other words, was a wave that the public sector rode and navigated for its purposes, even as private sector unions began their decline. The Civil Rights movement did not stand alone in having this affect on the public sector. Detroit-area teachers in 1947 benefited in a similar way. When they exercised the strike in one instance and threatened to do so in another, public officials took note because teachers throughout the country won significant concessions from school boards, city councils, and mayors in 1946 and 1947. Detroit teachers rode that wave. The desires of these teachers were probably fueled by the 1945-1946 strike wave among auto workers, mine workers, steel workers and others. Part of the lesson that these labor activists learned was that timing is an essential ingredient to success. They also learned that proponents of public sector empowerment must not wait until a wave before they begin fighting for their rights.⁶⁵

⁶⁵ Albert Schiff, "A Study and Evaluation of Teachers' Strikes in the United States," (diss., Wayne State University, 1952), ii and 183-207; Slater, *Public Workers*, 82.

Like so many other historical events, the Public Employees Relations Act did not come without a struggle. In the twenty years following World War II, liberal and conservative forces battled for dominance over one another. With the Hutchinson Act and the unsuccessful efforts to amend it, the more conservative forces remained largely in power during the earlier part of this period. This was not to remain the case. Conservative forces did seek to hold back what appeared to be the winds of change, and their unsuccessful efforts manifested themselves during the 1962 Michigan Constitutional Convention. There, Republicans sought to ensure that they would hold onto as much power as possible. They amended the state constitution to provide urban sectors more, but not enough, power. By creating a formula for senatorial representation, they accomplished this end. Their “success” only reinforced the idea that malapportionment violated the equal protection clause of the Fourteenth Amendment. Suffering from what must have been isolation from the Civil Rights movement, they assumed that the U.S. Supreme Court would acknowledge the effort they had made to provide more equality to the process. As evidenced by the subsequent rulings of the Supreme Court, the justices were not impressed.

Chapter Outline

This dissertation is comprised of five chapters, an introduction, and a conclusion. Chapter One, “The Theory of Unintended Consequences: Detroit Teacher Activism in 1947,” addresses the enactment of the Hutchinson Act and the Detroit-area strikes and often threatened strikes in and outside of Michigan that prompted the state legislature to pursue this legislation. Chapter Two, “The 1951 Strike of the Detroit Street Railway Workers,” concerns the strike that prompted Detroit Mayor Albert Cobo's use of the

Hutchinson Act. Mayor Cobo had threatened to use it during a strike of sanitation workers the previous year, but this transportation strike prompted him to utilize the weight of the law, which he did successfully, as evidenced by a ruling in his favor from the U.S. Supreme Court. Fourteen additional years passed before a legislature, this one controlled by the Democratic Party, amended the law to favor a growing public sector determined to seek a level of empowerment denied previously. The control obtained by the Democratic Party in 1965 resulted from the reapportionment of the legislature, the subject of the third chapter entitled, "Laying the Groundwork for Things to Come: Labor's Fight for Legislative Reapportionment, 1952-1964." It discusses labor's fight to reapportion the legislature as a precondition to enacting a number of laws, including the 1965 Public Employee Relations Act. Chapter Four, "An Act Poised to 'Free Us From Slavery': The 1965 Public Employees Relations Act," illustrates the successful culmination of efforts begun ever since the legislature enacted the Hutchinson Act 18 years before. Chapter Five, "The Prospects and Limitations of the Public Employees Relations Act, 1965-1967," illustrates the two-year history following the Public Employee Relations Act ending with an agreement between AFSCME Council 77 and Detroit in October 1967. The conclusion places the previous chapters in the context of current relations between Detroit and Detroit-based AFSCME affiliates seeking a contract during difficult economic times.

Together, these chapters illustrate the progression from a conservative to a more liberal period. In a sense, then, the trajectory reinforces the trends we find elsewhere. The latter part of this study, however, reveals that the conservatism associated with the 1970s began to reveal itself as early as 1967, with the reemergence of a Republican-dominated

legislature. That body sought to reassert its power by amending the Public Employee Relations Act with a bill that threatened the gains made by the public sector only two years before. That reality aside, this dissertation illustrates how the conservatism of the Cold War and the liberalism of the Civil Rights movement affected the public sector and how this sector made its own impact on those two eras.

Part I

Of Teachers, Sanitation Workers and Street Railway Operators:

Detroit's Public Sector Workers Prompt and Confront the Law, 1947-1951

Teachers are not supposed to strike! A widespread and enduring sentiment that still exists, the opposition toward teachers' strikes was the considered opinion of many immediately after World War II. In fact, many men and women bristled over the unionization of teachers in the public schools. The pursuit of grievances, collective bargaining, and strikes was the province of factory workers and others of a blue-collar persuasion, or so the argument ran. Teachers were, in contrast, 'professionals.' They answered to a calling that ran counter to the motives behind unionization. According to this reasoning, the nurturing and education of children required singular commitment and dedication, much like that often ascribed to a priest or doctor. In the immediate post war era, many Detroiters held views similar to these, even as they faced the sticky conflicts between Detroit teachers and the Board of Education over issues of pay.¹

These views notwithstanding, teachers and their representatives began questioning convictions that led them to institute a policy against striking. Indeed, the 1946 convention of the American Federation of Teachers directed its executive council to re-examine its no strike policy. Members and officers of the organization questioned the

¹For reference to teachers as anything but 'common' laborers, see Jeffrey Mirel, *The Rise and Fall of an Urban School System: Detroit, 1907-81* (Ann Arbor: University of Michigan Press, 1999), 181; August Scholle to Mary Schultz, letter, 7 February 1947, box 20, folder 8, Michigan AFL-CIO Collection, ALUA; Sterling Spero and John M. Capozzola, *The Urban Community and its Unionized Bureaucracies: Pressure Politics in Local Government Labor Relations* (New York: Dunellen Publishing Company, Inc., 1973), 2; Marjorie Murphy, *Blackboard Unions: AFT and the NEA, 1900-1980* (Ithaca: Cornell University Press, 1990), 1; "Should Teachers Strike?" *The Detroit Teacher*, 20 January 1947, 7.

practicality of a policy that lacked sufficient means of pressuring school boards and the citizenry to seriously consider their plight. Absent this pressure, stagnant wages in times of inflation only drove teachers from the profession and made it difficult to replace them, thereby creating shortages that benefited no one. The question, then, to strike or not to strike, created ambivalence in a profession whose members could see the points of both arguments. With a resolution during its 1947 convention, the AFT retained its no-strike policy, but only after extensive debate and the introduction of a substitute motion on the matter. The outcome of this debate notwithstanding, some level of ambivalence appeared to reign, not only concerning strikes but of teacher unions that teachers themselves associated with strikes.²

During this same period, Detroit street railway workers and bus drivers that comprised the Street, Electric Railway & Motor Coach Employes (sic), Division 26, operated out of a different mindset. They had no use for a system of labor relations that did not allow for challenges to the poor treatment and pay they received from the city of Detroit. Decisions made by the Detroit mayor and the Street Railway Commission kept them from receiving their fair share. Strikes and threatened strikes allowed transportation workers to forcefully demonstrate their dissatisfaction and compelled city officials to more seriously address their concerns. They may have harbored a concern about their responsibility to citizens and residents of Detroit, but not so much so that they would refrain from fighting for what they deserved. Unlike teachers, public transit workers were

²Ibid., 7-8; James Earl Clarke, "American Federation of Teachers: Origins and History" (Ph.D. diss., Cornell University, 1966), 385-396; William Edward Eaton, *The American Federation of Teachers, 1916-1961*, (Carbondale: Southern Illinois University Press, 1975), 144-145, 151.

not perceived and did not see themselves as ‘professionals.’³ They, therefore, were never burdened with sacrificing that status for a level of labor activism that could secure wage increases that were in line with the cost of living. Like Detroit-area teachers, streetcar strikes provoked legislators who complained about the ill-effects of strikes, as they deliberated about the Hutchinson Act, an anti-strike law directed toward Michigan's public sector.

Whatever their differences, and there were many, Detroit teachers and street railway workers in the immediate post-World War II era shared a common characteristic that the Michigan State Legislature, local branches of government, and the federal and state judiciary understood very well. They were public sector employees, whose compensation derived from a tax base managed by elected and appointed officials. The strikes and threatened strikes of public workers meant that there existed forces that directly challenged government managers that had no intention of freely relinquishing their powers. Regardless of the nature of their work, Detroit teachers, street railway workers, and other public sector workers were prepared to actively protest their wages and working conditions. In response, the Michigan State Legislature enacted the Hutchinson Act, which set harsh penalties against public employees who went on strike and those who encouraged them to do so. The implementation of the Hutchinson Act and the events leading up to it only intensified the relationship between public sector workers and the governmental agencies that managed them.⁴ The mixture of laws, growing anti-union sentiments, escalating coldwar and anti-tax policies and sentiment combined to

³Darold T. Barnum, “From Private to Public: Labor Relations in Urban Transit,” *Industrial and Labor Relations Review*, 25, no. 1 (October 1971): 97.

⁴ Michigan, “Hutchinson Act,” *Public and Local Acts of the Legislature of the State of Michigan* (1947), 633-634.

restrict the manner in which the public sector could improve their wages and working conditions.

Chapter One

The Theory of Unintended Consequences: Detroit Teacher Activism in 1947

The desires of Michigan governments to maintain power over their employees in the immediate post-World War II era created anxiety among many public school teachers and the unions that represented them. Teacher salaries had declined dramatically relative to the rise in inflation. Simultaneously, teachers witnessed other unionized workers successfully pressure their employers to raise wages and improve working conditions. They also saw the size of classrooms swell, increasing their already heavy work loads. With these realities before them, teachers sought redress to the abysmally poor treatment they had received for years. Given the number of women within the ranks of the profession, moreover, teachers' low pay was related to their gender. In 1947, teachers in Detroit and East Detroit (now East Pointe), Michigan, awoke to the possibilities of a more activist approach to their predicament. The strikes and threatened strikes they pursued simultaneously pressured local and state governmental bodies to address the concerns of public school teachers while also inspiring the state legislature to enact laws that restricted the actions of public sector employees more generally.⁵

Teachers' unions have played a vital role in the history of public sector unionism. Although teachers were slow to pursue the strategies adopted by others in the labor movement, the realities of the post-World War II era motivated teachers to more actively align themselves with the burgeoning labor movement. There appeared to be no other way to pressure lawmakers and appointed officials to consider their demands.⁶

⁵Mirel, *The Rise and Fall of an Urban School System*, 154, 159-160, 162, 164, 168, 175, 179; Murphy, *Blackboard Unions*, 4.

⁶Joseph Slater, *Public Workers: Government Employee Unions, the Law, and the*

The history behind teachers' labor activism is both nuanced and complicated. In response to World War II and Detroit's role as the 'Arsenal of Democracy,' southern migration to the city and its suburbs swelled tremendously and strained the already burdened Detroit metropolitan economy. Indeed, East Detroit's population had more than doubled in the previous seven years. As many cities nationwide experienced substantial growth, East Detroit was not alone.⁷ The substantial increase in population pressured school authorities to use limited resources for the construction and renovation of school buildings. The war played an important part in this scenario, as the men who would have normally been hired to build or repair buildings had been deployed in the war effort. The state of school buildings caused parents particular concern, and these concerns pitted parents and parent associations against teachers who desired salary increases and smaller classes over building construction. In the end, teachers received raises, but only after they demanded larger increases than their boards of education were willing to grant.⁸

Taxation and the Public Sector

Issues of taxation, regional interests, and representation damaged the case of teachers seeking salary increases. The legislature, which was disproportionately

State, 1900-1962 (Ithaca: Cornell University Press, 2004), 1-12; Shaffer, "Where are the Organized Public Employees? The Absence of Public Employee Unionism from U.S. History Textbooks, and Why it Matters," *Labor History*, 43, no. 3 (2002): 315-334; Joseph A. McCartin, "Bringing the State's Workers In: Time to Rectify an Imbalanced U.S. Labor Historiography," *Labor History* 47, no. 1 (2006): 73-94.

⁷Murphy, *Blackboard Unions*, 1 and 175, 180-181.

⁸"East Detroit Wins Rank as Largest City [in Macomb County]," *South Macomb News*, 19 June 1947, 1; "Voters to Pass on Teachers Salary Issue April 28," *South Macomb News*, 17 April 1947, 4; Mirel, *The Rise and Fall of an Urban School System*, 153, 155, 158; Thomas Sugrue, *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit* (Princeton: Princeton University Press, 1996), 114.

Republican and rural,⁹ sought to hold the line on taxes used to pay teachers salaries. Urban-based Democrats often took exception to low teacher salaries, but with only five out of ninety-five members in the Michigan House of Representatives and four of twenty-eight in the Michigan Senate, they struggled to raise taxes for any reason.¹⁰ This set of circumstances remained intact until the mid-1960s, when the U.S. Supreme Court ruled this type of legislative apportionment unconstitutional.¹¹

With a recently-fought war that required tremendous economic sacrifice, there were, at best, mixed sentiments about making continued sacrifices for education. On two separate occasions in East Detroit, for example, the necessary two-thirds majority refused to pass the property tax increase needed in order to meet teacher salary demands. Many segments of the business community, moreover, fought strenuously to suppress taxes, which compromised their bottom line, even as these taxes helped to increase teacher salaries. Business leaders who questioned the amount of money used to fund education did not acknowledge the possibility that educational achievement were directly related to the lack of resources allocated to education in the first place.¹²

In the first half of 1947, the Michigan Legislature fiercely debated the merits of increasing taxes. Without tax increases, some argued, the state would descend into debt. With them, the Republicans in the legislature were forced to consider an idea that violated the principles upon which they understood the world in which they lived and

⁹ This is the subject of chapter 3.

¹⁰ Michigan, *Michigan Official Directory and Legislative Manual* (Lansing: State of Michigan, 1947), 555-559.

¹¹ *Reynolds v. Sims*, 377 U.S. 533 (1964).

¹² Mirel, *The Rise and Fall of an Urban School System*, 165-168; "Teachers Threaten Steps as 5-Mill Plan Loses," *South Macomb News*, 1 May 1947, 1 and 10; "East Detroit Teachers Pay Issue Loses Again," *South Macomb News*, 12 June 1947, 1 and 11; Eaton, *The American Federation of Teachers*, 138.

legislated. New social needs required increased revenues; they had to consider tax increases. Legislators considered a range of taxes from taxes on tobacco, liquor, and gasoline to sales taxes. Only a year before, the state's electorate overwhelmingly approved a sales tax amendment on the November 1946 ballot. The amendment required that the legislature allocate one third of all sales tax revenues to schools and municipalities. The reallocation of taxes increased the tax receipts to schools from 28% to almost 45%. The problem this posed for the Michigan Legislature was to find tax revenues to replace those that were now assigned to cities and schools.¹³

The Republican governor and Republican-dominated legislature sought to have the amendment repealed or resubmitted to the electorate with the hopes that the citizens would change their minds by the time of the 1948 elections. However, the electorate merely voted in their own interests when it voted to divert taxes to cities and schools that the legislature had denied when allocating revenue generated from taxes. Ultimately, the Michigan Supreme Court used strong language to uphold the amendment: "...to declare the amendment a nullity would thwart the expressed will of the people."¹⁴

The tax split amendment grew out of and contributed to the continued conflict between the rural, conservative, and Republican-dominated legislature, on the one hand, and the more liberal and union-friendly electorate living in cities and the bulk of Democratic legislators. Educational historian Jeffrey Mirel aptly writes that, "[I]n many ways, the battle over the sales tax split was a microcosm of educational politics in the

¹³Mirel, *The Rise and Fall of an Urban School System*, 168-169.

¹⁴"Supreme Court Upholds Sales Tax Amendment," *The Detroit Teacher*, 28 April 1947, 1.

1930s and 1940s.”¹⁵

In its own way, Michigan's political economy following World War II laid the groundwork for the Hutchinson Act. This law banned public sector strikes and applied harsh penalties to public sector workers using the strike, but did not include language providing for public sector collective bargaining. With this legislation, the legislature took a position contrary to the expressed interests of public sector workers, who regularly sought salary and wage gains that required new revenues. That was at the center of the debates over the sales tax amendment.¹⁶ Already angered by the activism demonstrated by teachers, street railway workers, and other public sector employees, Republican legislators and their constituents were further provoked by the sales tax amendment. They complained about what they perceived to be the debilitating affect of cities and public sector demands on the state. The Hutchinson Act was, in part, a response to a level of activism on the part of teachers and other public employees. With the law, governments could better control its employees, thereby maintaining a hold on taxes.

The sales tax amendment enjoyed overwhelming support with the electorate. Indeed, the amendment met with a victory of 921,144 to 426,430 at the November 1947 polls. Its success suggests that the desires of the electorate was at an extreme variance with the Republican-dominated legislature that opposed it.¹⁷ When viewed in the context of the legislature, many of whose members gained their seats due to malapportioned legislative districts, this variance makes more sense.¹⁸

¹⁵Mirel, *The Rise and Fall of an Urban School System*, 169.

¹⁶*Ibid.*, 168-169.

¹⁷State of Michigan, *Official Directory and Legislative Manual, 1947-1948* (Lansing: State of Michigan, 1948), 321.

¹⁸The malapportioned legislature is the subject of chapter three.

The sales tax amendment was no panacea for those teachers seeking an increase in salaries. That school boards received additional funds did not mean that they believed teachers should receive substantial salary increases. School boards argued that they should allocate the increased funding to the construction and renovation of buildings, rather than increasing teacher's salaries.¹⁹

The Public Sector and the Necessity of Political Activities

The sales tax split aside, many teachers understood the benefits of political activity and used their power to promote legislation favorable to their interests while opposing damaging legislation. At the time when Detroit teachers considered striking in 1947, the DFT supported laws regarding fair employment, sabbatical leave, and federal aid to schools.²⁰ Similarly, the DFT fought against measures designed to weaken child labor laws, use retirement funds for school expenses originally earmarked for teachers and the Calahan Bill, which required that all foreign agencies register with the attorney general.²¹ Quoting from a report authored by the Detroit Chapter of the National Lawyers Guild, *The Detroit Teacher* shared with its readers that “the section of the [Callahan] bill which permits the attorney-general to seize funds of any labor organization, any of whose elected officials he feels is sympathetic to any foreign government, is purposely aimed at

¹⁹“Supreme Court Upholds Sales Tax Amendment,” *The Detroit Teacher*, 28 April 1947, 1; Mirel, *The Rise and Fall of an Urban School System*, 183.

²⁰“Backers of Fair Employment Outraged by Legal Tactics,” *The Detroit Teacher*, 20 January 1947, 6; “Board Approves Sabbatical Leaves Will Request Necessary Legislation,” *The Detroit Teacher*, 24 February 1947, 9; Selma Borchardt, “Analysis of Proposed School Bills,” *The Detroit Teacher*, 16 June 1947, 6 and 8.

²¹“Why is a Child-Labor Law? New Bill is Designed to Satisfy Employer,” *The Detroit Teacher*, 19 May 1947, 9; “Nip Retirement Fund Raid,” *The Detroit Teacher*, 16 June 1947, 1 and 12; “Lawyers Hit Calahan Bill: Term Provisions Unconstitutional and Aimed Against Organized Labor,” *The Detroit Teacher*, 16 June 1947, 7.

the destruction of organized labor in Michigan.”²²

Given its interest, the DFT encouraged its members to familiarize themselves with the law.²³ “Are you letting your legislators know how you expect them to vote on proposed bills which will affect you directly?” one article in the *Detroit Teacher* asked. “Take time to write a letter or send a telegram. Inform yourself on proposed legislation and act to support those bills you believe in and oppose vigorously those you do not want enacted.” The article provided the names and addresses of those who sat on the education committees of the state house and the senate.²⁴

Through its organ, *The Detroit Teacher*, the Detroit Federation of Teachers made its members aware of the platforms of prospective Detroit school board members and, while the Hutchinson Bill was under consideration, indirectly voiced its objections to the bill by asking these prospective school board members their views of striking by public school teachers.²⁵ It is probable that Michigan's Republican-dominated legislature found it easy to pursue the Hutchinson Act, because it limited the power of DFT and representatives of other unions who, on so many occasions supported legislation to which Republicans were opposed. The Calahan Bill and the Tax Split Amendment were but two measures over which teachers and Republicans battled.

Detroit-Area Teachers Take Action to Secure Wage Increases

In Detroit and East Detroit, the lack of a resolution to the sales tax split before

²²Ibid., 7.

²³“Do you know Michigan Law?” *The Detroit Teacher*, 28 April 1947, 4; “Urge Your Legislator to Support Your Views,” *The Detroit Teacher*, 19 May 1947, 2.

²⁴Ibid., 2.

²⁵“Candidates for Board Members,” *The Detroit Teacher*, 31 March 1947, 4-6; “Board Candidates Concede Teachers Right to Strike,” *The Detroit Teacher*, 19 May 1947, 7.

April 1947, contributed to anger that had been brewing for some time. This anger culminated in decisions in the two school districts to consider other means to secure the salary increases they wanted. In this context, teachers in both school districts threatened to strike, with teachers in East Detroit making good on that threat.²⁶

Fortunately for Detroit-area teachers, they received representation from unions poised to secure salary increases, even if it meant utilizing the strike. The Detroit Federation of Teachers and the East Detroit Federation of Teachers had been founded in 1931 and 1942 respectively. The DFT had achieved some notable gains in the years before its threatened strike in 1947. It obtained a single salary schedule, which equalized salaries between elementary and high school teachers and pressured the school board to eliminate the policy that denied married women promotions. It also gained the sick days lost during the Depression and successfully fought for smaller classes. Finally, it pressured the school board to provide returning World War II veterans with seniority rights and received a commitment from the Detroit School Board that it would not hinder the unionization of teachers. These were fairly modest gains, to be sure, but they laid the groundwork for more significant ones and motivated increasing numbers of teachers to join the DFT, thereby increasing the union's power. With the threatened and actual strike of the DFT and EDFT in 1947, the labor organizations came to expand their vision of what they could accomplish.²⁷

²⁶ "Teachers Ready for Action: 3 to 1 Favor Strike if All Else Fails," *Detroit Teacher*, 24 February 1947, 1 and 12; "Union Accepts Board Offer, But Membership Demands Certainty Before Discarding Strike Notice," *Detroit Teacher*, 31 March 1947; "Teachers Defy Board's Ultimatum, Face Threat of Contracts Cancellation," *South Macomb News*, 22 May 1947, 1 and 3; "Teacher-Pickets Close 4 Schools, 3,700 Pupils Left Idle in East Detroit," 5 May 1947, 1-2.

²⁷ Mirel, *The Rise and Fall of an Urban School System*, 171 and 173; *Finding Aid*

Unlike previous years, the Detroit Federation of Teachers and its counterpart in East Detroit insisted upon a salary increase in 1947. For the next academic year, the DFT demanded an increase of between \$500 and \$600 more per year than what teachers received previously. The East Detroit Federation of Teachers began their campaign for a salary increase in October 1946. That school year, teacher salaries ranged from \$1,800 to \$2,650 for teachers with a bachelors' degree; and the teacher union sought a pay scale of \$2,200 to \$3,600. The school boards in Detroit and East Detroit sympathized with the teachers, albeit in a patronizing tone, but they argued that the resources to increase the teachers' pay were not available.²⁸

The school board's responses did not sit well with these teachers' unions and how could they? Teachers could not obtain overtime, as had other workers during the war. In 1946, inflation, which already was growing at a fast pace, received fuel when war-time price controls were lifted. In addition, federal income taxes continued to rise in order to off-set wartime debts and postwar needs. These additional economic burdens helped to fuel teacher anger, which had been brewing throughout a war during which they had endured sacrifices.²⁹ Something had to give.

With this backdrop, teachers and their representatives adopted a strategy they previously avoided. In meetings convened by the Detroit Federation of Teachers and East Detroit Federation of Teachers, teachers turned out in large numbers to voice their

to the American Federation of Teachers Local 231, Wayne State University, 1; Finding Aid to the East Detroit Federation of Teachers Collection, Wayne State University, 34.

²⁸Mirel, *The Rise and Fall of an Urban School System*, 182.

²⁹Wayne Urban, *American Education: A History* (Boston: McGraw-Hill Higher Education, 2000), 303; Mirel, *The Rise and Fall of an Urban School System*, 159; Nelson Lichtenstein, *The Most Dangerous Man in Detroit: Walter Reuther and the Fate of American Labor* (New York: BasicBooks, 1995), 222.

frustration over low pay and the dismissive response of local school boards. The strike vote that the DFT took on February 15, 1947, revealed that out of the 5,978 votes cast, 4,108 favored a strike, if the school board could not agree to an acceptable increase. The more conservative Detroit Teachers Association, which opposed strikes, debated the legitimacy of the vote tally; but even non-unionized school employees agreed not to cross DFT's picket lines should that organization decide to strike. In East Detroit, the *South Macomb News* reported that on three different occasions between 300 and 500 people attended meetings in support of the teachers' demands. As in Detroit, non-teaching staff of the school system agreed not to cross the teachers' picket lines.³⁰

As part of their strategy, Detroit-area teachers' unions made use of local media. Despite editorials, particularly in Detroit, condemning the idea of a strike, teachers made their grievances known. Their letters to the editor spoke of the teachers' many years of unrewarded dedication and financial desperation, which forced many to seek employment in better-paying fields or second jobs to supplement their poor salaries. Teachers' leaders made themselves readily available to the media. They were quoted widely. When they were not quoted, teachers took out advertisements voicing their objections to the treatment they had received and pushing proposals for improvement. Mirel notes that in 1947, the DFT "released a report on thirty-five municipal occupations showing that, since 1934-35, all of the cited occupations except dogcatchers had received substantially higher salary increases than teachers."³¹ Moreover the DFT "publicized the results of a *Detroit*

³⁰Mirel, *The Rise and Fall of an Urban School System*, 182; "Detroit Federation of Teachers Local 231 Official Strike Vote Tally Report," 15 February 1947, Box 2, Folder 26, American Federation of Teachers Local 231 Collection, ALUA "School Board's Ultimatum," *South Macomb News*, 22 May 1947, 4.

³¹Mirel, *The Rise and Fall of an Urban School System*, 182-183.

News poll that found more than 80 percent of the Detroiters surveyed favored higher salaries for teachers.”³²

In East Detroit, the teachers’ garnered support from the Citizens Committee. This organization, comprised of parents of school-age children, sought to pressure the school board to meet with them and the teachers and circulated petitions for the removal of school board members. When the Citizens Committee found the school board unresponsive, members urged the removal of the school board by engaging in a campaign to have them replaced during the July 1947 school board elections. The efforts of the Citizens Committee met with success. As reported in a Macomb daily newspaper, “Incumbent Board of Education members Owen A. Kern and Arthur F. Rausch were defeated in bids for re-election at the annual school meeting in East Detroit.”³³ Their replacements? Two board members supported by the Citizens Committee.³⁴

The support for the teachers played an important part in the outcome of the strike and strike threat among teachers in Detroit and East Detroit. In his book on public sector workers, historian Joseph Slater makes the point that the success of such strikes was contingent upon support from the citizenry. Many unions within the public sector, he argues, refrain from taking the gamble and seek other means to resolve outstanding issues. 1947, however, unions enjoyed a certain level of respect within many communities, which aided them in their efforts.³⁵

With the meetings called, strike votes taken, pickets organized and citizens’

³²Ibid., 183.

³³“Incumbents Out in East Detroit,” *Daily Monitor Leader*, 15 July 1947, 1 and 2.

³⁴ Ibid., 1.

³⁵Slater, *Public Workers*, 97-124; ³⁵Elizabeth Fones-Wolf, *Selling Free Enterprise: The Business Assault on Labor and Liberalism, 1945-1960* (Urbana: University of Illinois Press, 1994), 138-139.

groups motivated to act, teachers harnessed the power capable of forcing Detroit's City Council and the East Detroit School Board to find and allocate the money necessary to raise teachers' salaries. While the salary increase fell short of what the teachers' unions originally demanded, both organizations accepted the new terms. Detroit's teachers had reason to be pleased, because they received a retroactive raise in pay for the 1946-1947 school year, in addition to an increase for the subsequent school year. As for East Detroit, its teachers did not receive pay for one of the two weeks they were on strike; and their \$400.00 increases would not become effective until the following school year.³⁶ Still, their outcome could have been worse.

The Republican-Dominated Legislature Responds to Teacher Activism

As teachers engaged in these job actions, members of the Republican-dominated Michigan legislature took notice of what they must have perceived as a troublesome urban-focused and labor-oriented activity 90 miles from the capital. Tensions already existed between business and rural interests on the one hand and labor and urban interests on the other, with the center being issues of taxation. With this background, it would have been odd had the Republican-dominated legislature dismissed these job actions taking place in their backyard. Since teachers were employees of local governments and, by extension, subject to disciplinary actions by state government, these lawmakers did what they do best. They passed a law. In this case, it was House Bill 418 outlawing strikes among public employees. The act went beyond merely outlawing public sector strikes. It stipulated that public employees who went out on strike would be considered terminated. If their supervisors saw fit, they could be rehired, but only with the stipulation that their

³⁶Mirel, *The Rise and Fall of an Urban School System*, 183.

salaries would not be increased in the succeeding year. Moreover, striking employees would be on probation for two years. A measure intended to intimidate and limit the power of public sector unions and their leaders, the law allowed for fines and jail time for non public sector employees who encouraged public sector workers to strike.³⁷

Michigan State House member, J. Edward Hutchinson, who lent his name to the bill, hailed from Fennville, Michigan, a small town in Western Allegan County. From the nineteenth century, the Hutchinsons were principal owners of the local bank, and of companies specializing in milling, electric light, insecticide, and canning. These businesses supported the agricultural industry that dominated Fennville and its surrounding county.³⁸ Born in Fennville in 1914, J. Edward Hutchinson attended its local schools before pursuing undergraduate and law degrees from the University of Michigan. After serving five years in the Army, he was elected to the same seat in the Michigan House that his grandfather, George Leland, had occupied earlier in the century.³⁹

In 1947, at 31, Hutchinson began his freshman term as a Republican representative of Western Allegan County and immediately began proposing legislation. His first bill reflected the anti-communist fervor of the times. Had it passed, it would have required “minor parties to get at least 100 signatures in at least 42 counties on petitions to regain a place on the ballot.” Hutchinson’s intent was clear – to keep the

³⁷Michigan, “Hutchinson Act,” *Public and Local Acts of the Legislature of the State of Michigan* (1947), 633-634; Wayne J. Urban and Jennings L. Wagoner, Jr., *American Education: A History* (Boston: McGraw Hill, 1996), 306.

³⁸I would like to thank Fennville and Allegan County historian Kit Lane for providing me with portions of this source and the one found in the next citation: J. Edward Hutchinson, *The Hutchinson Family of Fennville: A Family History and Genealogy* (Fennville, Michigan, 1979), 4-12.

³⁹Kit Lane, *The History of Western Allegan County* (Dallas: Curtis Media Corporation, 1988), 299; Michigan, *Michigan Manual, 1917-1918* (Lansing: State of Michigan, 1917), 796.

Communist Party and other third parties off the Michigan ballot.⁴⁰ The growing intensity of the Cold War notwithstanding, Hutchinson's bill did not secure the necessary votes for passage. In contrast, the anti-strike bill that bore Hutchinson's name received the necessary support. Hutchinson later commented that he was no more instrumental in the bill's success than were the 16 other house members, all Republicans, who sponsored it. Indeed, Detroit's local media quoted Senator Harry Hittle and Edward Frey in connection with the bill's support more often than it did Hutchinson.⁴¹ Hutchinson's rural allegiances and class pedigree were key to the bill's passage, as he represented interests typically antagonistic towards the public sector that was prominent in large cities like Detroit.

Co-sponsors of the Hutchinson Act varied in terms of their geographic location, the length of their service in the legislature, and their vocations. Five came from Wayne County, where public sector workers were much more in evidence, and the site of the threatened and actual strike of public school teachers. Like Hutchinson, other sponsors came from rural sections of the state. Four attorneys and three farmers represented the group of sponsors. An engineer, building contractor, hardware merchant retiree and in some capacity of the insurance industry filled out the remaining sponsors.

Like the mixture of districts they represented, the bill's sponsors ranged in the number of years they served in the legislature, from less than four to more than seven terms. Women and African Americans were wholly absent from the list of sponsors, unsurprising given that there were no African Americans and only one woman in the

⁴⁰Carl Rudow, "Snipers Aim at Lobby Bill," *Detroit News* 18 February 1947, 9; Grace Hamilton to *Detroit News* Editor, "Liberties Menaced," *Detroit News*, 24 April 1947, 14.

⁴¹Arnold Levin, "Public Strike Ban Upheld," *Detroit News*, 27 May 1947, 35; "State Senate Passes Stiff Labor Bill," *Detroit Free Press*, 28 May 1947, 4; Carl Rudow, "Public Strike Ban Upheld by its Author," *Detroit News*, 15 May 1951, 4.

Michigan House of Representatives. While Hutchinson Act sponsors were diverse in many ways, they held one element in common. All were Republicans, who generally had uneasy relationships with and exhibited anxieties about organized labor and taxes, a point reflected in the Hutchinson Act.⁴² With the law's provisions against strikes, it had obvious implications for public sector workers, who derived their wages from the tax base. It is little wonder that the Hutchinson Act received strong support from the Republican-dominated legislature.

Many viewed the Hutchinson Bill as a knee-jerk response to the conflicts that had transpired between teachers and school boards. Had there been machinery in place to allow for collective bargaining in the public sector, it would have been less likely that the post-World War II strikes would have occurred in the first place. The Detroit School board, however, was not comfortable with collective bargaining; so teachers in Detroit and elsewhere believed that they had no recourse but to consider a strike as a legitimate method to secure wage increases. That the AFT had a no-strike policy in times of peace and war mattered little to beleaguered teachers, who believed that they had no other option to resolve long-standing problems.⁴³

Still, many teachers felt uncomfortable with striking. Many of them had abided by the no-strike philosophy of the AFT and hesitated before joining or participating in an organization that might strike. That the organization went without striking for the first 24 years of its existence beginning in 1916 says something about how ingrained the idea was of withholding the strike as a weapon. In the 14 subsequent years, however, teachers

⁴²Michigan, *Official Directory and Legislative Manual, 1947-1948* (Lansing: State of Michigan, 1947), 670-695.

⁴³American Federation of Teachers, *Commission on Educational Reconstruction, Organizing the Teaching Profession* (Glencoe, Ill: Free Press, 1955), 102.

nationwide took to the pavement on 97 separate occasions. By the mid 1940s, then, teachers and their unions began questioning the time-honored no-strike policy even as they remained ambivalent about it. More specifically, the AFT continued to support its no-strike policy but refused to discipline those locals that used the strike to accomplish their ends. Teacher ambivalence towards striking was on the wane.⁴⁴

Apparently, Michigan teachers did not anticipate the state legislature pursuing anything on the level of a Hutchinson Act, even though it was their activism that motivated it. In the spring of 1947, when Michigan lawmakers debated this anti-strike bill, teachers in Detroit and elsewhere had other legislative concerns. That New York had passed an anti-strike law directed at its public sector did not prompt them to consider that Michigan might take a similar turn.⁴⁵

The manner in which bills are conceived, introduced, debated and signed into law is an often circuitous one, characterized by the slow pace of the legislative process. Within this process, there are forces both internal and external to the legislature, which push, pull and mold bills into law or discard them before governors can render their judgment. To observe the Hutchinson Bill as it became a law is to better understand how these forces and this process operates.⁴⁶

Hutchinson's effort received wide support within the legislature. The bill, as Hutchinson originally submitted it, contained language wholly eliminated from the final

⁴⁴Clarke, "American Federation of Teachers: Origins and History," 386-392.

⁴⁵Joshua B. Freeman, *Working Class New York* (New York: The New Press, 2000), 202.

⁴⁶Wendell Brown, Letter to the Editor in Public Letter Box, "Let the Legislature Take its Time," *Detroit News*, 21 March 1947, 26. For a description of the legislative process, see "The Legislative Process," *Michigan CIO Legislative Report*, 1951, 8-13, box 89, folder 5-Legislative Report, 1951, Michigan AFL-CIO Collection, ALUA.

version. Other amendments lessened the penalties for striking, as when the Senate asked that the bill reduce from three years to one year the time before those who violated its provisions could receive a wage increase if they regained their positions. The Senate also requested that the number of years any such employee remain on probation decrease from five to two years. Finally, the Senate approved language allowing for mediation between disputing parties when called for by a majority of the employees in question, “or upon request of any public official in charge of such employees...” Whatever compassion the state senate exhibited with these provisions was eroded by other provisions. Specifically, the senate approved to levy as much as a \$1,000 fine and one year prison sentence for “[a]ny person not a public employee who shall knowingly incite, agitate, influence, coerce, or urge a public employee to strike...,” clearly a reference to organized labor.⁴⁷

Even before the original bill left the House Labor Committee, the body of nine Republicans and no Democrats eliminated the provision that called for the electorate to endorse its provisions.⁴⁸ The Republican-dominated legislature recently had lost in a referendum, resulting in a tax split that many of them had opposed. With overwhelming support for House Bill 418, supporters must have determined that allowing this extra step was not worth the risk. Wide support for the bill was reflected in a final vote showing that 81 house members voted for it, with only three voting against and eight members abstaining.⁴⁹

Forces Supporting the Demands of Detroit-Area Teachers

⁴⁷ Michigan, *Journal of the House of Representatives of the State of Michigan, 1947*, regular session, 1115, 1158, 1179, 1617, with the quotes at 1618; see also Michigan, House Bill No. 418, Michigan Sixty-Fourth Legislature, session of 1947.

⁴⁸ *Ibid.*, 1003.

⁴⁹ *Ibid.*, 1666-1667.

The immediate causes for the Hutchinson Act were obvious. At the top of the list were the strike threat and the actual strike of public school teachers in Detroit and East Detroit respectively. Many state legislators saw these actions as brazen and unwarranted attempts to undermine the power of state and local governments over employees. These job actions, however, existed in a larger context, one that buoyed the aspirations of Detroit teachers, even as they created anxiety within the state legislature. That larger framework included the wave of teacher strikes taking place in numerous cities throughout the United States in 1946 and 1947. The Detroit City Council and Detroit Mayor Jeffries must have appreciated the momentum on which the Detroit teachers were building when they decided that conceding to most of the teachers' demands was in their best interest.⁵⁰

If the Jeffries' administration required more evidence before responding to the proposed strike in Detroit, all it needed to do was to review the stream of correspondence, telegrams, and postcards that Mayor Jeffries received from citizens voicing their near universal support of the teachers and their request for salary increases. Often describing themselves as property-owning taxpayers, these Detroiters repeatedly argued the teachers' case. They understood that qualified teachers needed raises to meet the high cost of living lest they leave the profession altogether. In this way, Manie Langley's letter to Jeffries captured the essence of what others wrote in their letters to the mayor. As she explained, "A parent, taxpayer and woman intensely interested in civic affairs in my own right..., I urge you[, Mayor Jeffries,] to do everything in your power to help prevent a

⁵⁰Mirel, *The Rise and Fall of an Urban School System*, 185 and 201; Albert Schiff, "A Study and Evaluation of Teachers' Strikes in the United States," (Ph.D. diss., Wayne State University, 1952), 62-222; Eaton, *The American Federation of Teachers*, 143-151; Urban and Wagoner, *American Education*, 305-306.

teachers' strike by granting them their entirely justified raise. We want the best public school system our money can buy."⁵¹ Another letter, written by Bernice Howell, an officer of the League of Women Voters, likened a good education to food and encouraged Jeffries to accept the Board of Education's budget that included a raise for Detroit teachers. Her argument that Detroit teachers needed a salary increase was informed by research she conducted about the plight of teachers throughout the nation.⁵² Clearly, she had read about teachers striking for increased salaries across the nation and placed Detroit teachers in that context. Others who wrote to Jeffries were similarly informed.

One strike that was remarkable occurred in Buffalo, New York. Involving 2,400 teachers, 79 schools and 72,000 children, the strike of Buffalo teachers was the largest teachers' strike in the United States at the time. New York Governor Thomas Dewey called for and, ultimately, signed into law what is commonly referred to as the Condon-Wadlin Act. Like the later Hutchinson Act, the law prohibited strikes among government employees of New York State. So popular was this legislation among Republican state legislators throughout the country that many of them modeled legislation in their states on the New York law. On July 3, 1947, Michigan became one of those states.⁵³

⁵¹Manie Langley to Edward Jeffries, letter, Ca. April 1947, box 2, file titled, "Board of Education," 1947, Detroit Mayor's Papers, Burton Historical Collection, Detroit Public Library.

⁵²Bernice Howell to Mayor Edward Jeffries, April 3, 1947 letter, file titled, "Board of Education," 1947, box #2, Detroit Mayor's Papers, Burton Historical Collection, Detroit Public Library.

⁵³Slater, *Public Workers*, 94, 156 and 169; Schiff, "A Study and Evaluation of Teachers' Strikes," 66, 69, 71; Mirel, *The Rise and Fall of an Urban School System*, 182; Spero and Capozzola, *The Urban Community and its Unionized Bureacracies*, 8; Clarke, "American Federation of Teachers," 393-394; Eaton, *The American Federation of Teachers, 1916-1961*, 149.

Teacher activism in Buffalo, Detroit, and other major cities was not the only factor that compelled the Michigan State Legislature to pass the Hutchinson Act. It was, however, probably the most important ingredient that pushed Michigan lawmakers to pursue this legislation.⁵⁴ As these lawmakers deliberated the components of the Hutchinson Bill, they made reference as well to street railway workers and their efforts to win concessions in pay and classification from the Detroit Street Railway Commission. In the Detroit daily papers, journalists made frequent references to the actions of Detroit Street Railway workers as what helped to prompt lawmakers to pursue anti-strike legislation directed toward public sector employees. “If we pass this bill,” Republican Senator Wood argued in discussing the pending Hutchinson bill, “DSR employes [sic] cannot go on strike and the 75 per cent of the factory workers who are forced to stay at home when the DSR stops running can now be assured of a day’s wages.”⁵⁵ In discussing the bill, a Detroit daily newspaper maintained that, “The measure would have sweeping effect in Detroit where tieups by DSR and other public employees have been frequent.”⁵⁶

Hutchinson Bill Debated in the Legislature

Before the Hutchinson Bill made its way to the governor’s desk for his signature, the measure was subject to the wrangling that characterized the system. Bills up for consideration in late May of 1947 were part of the maneuvering between the two houses

⁵⁴ Mirel, *The Rise and Fall of an Urban School System*, 184-185; Schiff, “A Study and Evaluation of Teachers’ Strikes in the United States, 206-207.

⁵⁵ Al Kaufman, “No-Strike Bill Affects DSR, Schools,” *Detroit Times*, 3 June 1947, 1

⁵⁶ Hub M. George, “Provides Penalties in Sabotage,” *Detroit Free Press*, 22 April 1947, 1; see also “Government Must Come First,” Editorial, *Detroit News*, 26 February 1947, 4; “Public Workers Strikes Banned,” *Detroit Times*, 3 July 1947, 12.

of the legislature that, for a brief time, left the work of the legislature undone. On May 27, the *Detroit News* reported that members of the Michigan House boycotted the legislative process in response to their colleagues in the Senate, who had taken on a “‘pompous’ policy of killing House bills so that similar measures sponsored by senators could become law.”⁵⁷ Despite the wrangling in the legislature, there was one bill that had garnered enough popularity within both houses; and that bill was the Hutchinson Bill. What the *Detroit News* had not reported was the irony of a chamber of the state legislature conducting a boycott, even as it sought legislation preventing other public sector employees from withholding *their* labor.

The Hutchinson Bill inspired some opposition within the legislature, and even from some Republican state senators. Republicans from Jackson, Bay City, and seven other districts opposed the Hutchinson Bill. The *Detroit Times* quoted Senator Nichols of Jackson as arguing that “[t]his bill is a grave mistake for the Republican Party and it makes us look as though we are out to cripple labor.”⁵⁸ Bay City Republican Senator Heath had equally harsh words for the proposed bill: “This is cockeyed legislation because we are taking away the rights of certain employes [sic] unnecessarily,” he began. “We have never had strikes of state employes [sic] and there is no good reason for this bill.”⁵⁹ Indeed, the strikes and threatened strikes that motivated legislators to pursue this legislation were teachers and, to a lesser degree, streetcar workers, which were local government employees.

When opponents of the bill realized that their efforts to stop the bill would not

⁵⁷ Carl B. Rudow, “House Revolt Halts 23 Bills,” *Detroit News*, 27 May 1947, 24.

⁵⁸ Al Kaufman, “Affects DSR, Schools,” *Detroit Times*, 3 June 1947, 2.

⁵⁹ *Ibid*, 2.

succeed, they changed tactics and sought amendments to soften the bill's affects. Senators Clarence Reid (R) and Joseph Brown (D), both of Detroit, sought amendments making it lawful for public sector employees to organize and bargain as well as a provision requiring compulsory arbitration.⁶⁰ Their efforts were in vain. These legislators saw the bill as punitive, embodying an element of revenge, unnecessarily crippling labor, and denying rights to a sector of the work force. Their arguments, however, did not resonate with their colleagues, and their numbers were not large enough to defeat the bill before it made its way to the governor's desk.⁶¹

Republican opposition aside, journalists of the *Detroit Times*, *Detroit News* and *Detroit Free Press* acknowledged that elements of the bill were “drastic,” “hard-hitting” and “stringent,” citing the bill's anti labor tone. Editorials in these same papers tell of a different story. For them, the bill was necessary.⁶²

The Political Climate of the Times

In its own way, the Hutchinson Act reflected the anxieties inherent in the times. Michigan legislators could not fully control matters related to taxation, labor unrest, or inflation, but public sector workers were another matter. The state presumably had sovereignty over its own employees. With the Hutchinson Act, the legislature found a way to implement this control. If the word, ‘sovereignty’ never appeared in their remarks,

⁶⁰Carl B. Rudow, “Liquor, Union Bill Survive,” *Detroit News*, 22 May 1947, 26; Arnold J. Levin, “Public Strike Ban Upheld,” *Detroit News* 27 May 1947, 35; Carl B. Rudow, “Union Curbs Split House,” *Detroit News*, 3 June 1947, 3.

⁶¹Al Kaufman, “No-Strike Bill to Sigler: Affects DSR, Schools,” *Detroit Times*, 3 June 1947, 2.

⁶²Albert Kaufman, “2 Strike Ban Bills Near O.K. by State,” *Detroit Times*, 13 May 1947, 1; “City Strike Ban Nears Passage,” *Detroit Times*, 27 May 1947, 4; Hub M. George, “Legislature Ends Session After Passing 384 New Laws,” *Detroit Free Press*, 8 June 1947, 2.

its meaning was manifested as legislators discussed the obligations of public employees to honor the public trust. Editorials, responses, and articles in Detroit's daily newspapers that quoted elected officials, or espoused these views independently, considered strikes among public employees outrageous. In February 1947, U.S. Senator Arthur Vandenberg of Michigan equated such strikes with 'rebellion' that could not be tolerated. Voicing concerns over communism, the author of one *Detroit News* editorial argued that the proposed Hutchinson Act "deal[s] rather effectively with the opportunity otherwise left open to the Commies to heave a gigantic monkey wrench into the machinery of government whenever that might suit their unpredictable purposes." And then later in that same editorial, the author argued that, "[t]he sovereign people should be at all times, through their government, sovereign. That is a truth that is so elementary as to leave no room for argument." Michigan legislator Harry Hittle of East Lansing, a major sponsor of the bill, argued that, "we cannot permit minority groups to suspend the activities of Government." Another editorial, this one specifically regarding Detroit teachers was equally adamant. "...if there is recognition of the right of any public servant to strike, the beginning of the end of government as we know it is upon us." Many legislators could not even envision the right of collective bargaining for public sector employees. For them, the idea of collective bargaining implied the possibility of strikes, which compromised the idea of the state's sovereignty over public employees.⁶³

⁶³"Government Must Come First," (Editorial) *Detroit News*, 26 February 1947, 4; William R. Muller, "Vandenberg Sets Goal for Labor Peace," *Detroit News*, 8 February 1947, 1; "Use Your Power, Councilmen!" (Editorial), 27 March 1947, 30l; Arnold J. Levin, "Public Strike Ban Upheld," *Detroit News*, 27 May 1947, 35; "Public Employees Must Not Strike," Editorial, *Detroit News*, 5 June 1947, 30; Martin S. Hayden, "Officials Welcome Bill to Outlaw Public Strikes," *Detroit News*, 8 June 1947, 13; DN, 13 June 1947, 22; "Sham Values," Editorial, *Detroit Free Press*, 7 April 1947, p. 4; "City Strike

Although the term 'sovereignty' possessed an archaic tone, it also possessed a relevance to issues of collective bargaining in the public sector and to strikes in that sector of the work force. Lawmakers often took the position that unions, collective bargaining, and strikes deprived lawmakers of making the decisions that were inherent in their offices. Inherent in public work, moreover, was a trust that did not exist in the private sector. Competition in the private sector involved companies producing or providing the same products or services, and consumers could patronize one manufacturer when and if its competitors no longer met their needs. Not so in the public sector. Services provided by the public sector often had monopoly status. Not only were the revenues generated for public service work derived from a tax base supplied by the citizenry, but the monopoly of government in providing certain services meant that the public often had few alternative sources for those services. When, therefore, people paid their taxes, they did it with the understanding that the revenue from those taxes would pay for the education of their children, removal of their garbage, and for public safety among others.⁶⁴ When public officials spoke out against collective bargaining, the resolution of grievances, and especially strikes, they were voicing their anxieties about the loss of or impediments to sovereignty that these activities suggested. For public officials and others, no third party should be able to mediate the relationship between public sector workers and the elected or appointed officials that directed and supervised

Ban Nears Passage,” *Detroit Times*, 27 May 1947, 4; Douglas Jamieson, President of the Detroit Board of Education, “Statement of Fact and Policy,” 28 January 1947, 2.

⁶⁴ American Bar Association, H. Eliot Kaplan, et al. “Report of the Committee on Labor Relations of Governmental Employees,” (Chicago: American Bar Center, 1955), 90-91.

their work or the wages, conditions, and benefits of that work.⁶⁵

At the same time, without workers having the right to strike, state and local agencies possessed little incentive to consider their legitimate concerns. In addition, there were no laws that ensured that teachers and other public sector employees would receive the pay that they deserved. There were some who argued that the Hutchinson Act was enacted for reasons other than issues of sovereignty but rather as a means of “taking revenge against government employees because we cannot control the strikes of other laboring men,” as one senator said.⁶⁶

The criticism was legitimate. About six weeks before the Hutchinson Bill was passed and signed into law, some 250,000 people demonstrated in downtown Detroit’s Cadillac Square to protest against the federal Taft-Hartley Act. More than a law advancing the agenda of business interests, with its significant restrictions on organizing, collective bargaining, strikes, and the banning of communists as union officers, the Taft-Hartley Act grew from and contributed to anti-labor forces in the United States. In the year of 1945-1946, the United States experienced a strike wave among private sector workers unlike any other. Although simultaneous massive strikes were not as common in the spring of 1947 as they had been the year before, the memory of those job actions remained lodged in the public consciousness as well as in that of the Michigan State Legislature. With this in mind, some would argue, came a propensity to react harshly to a public sector over which the legislature believed they should be able to more fully

⁶⁵Slater, *Public Workers*, 191-192.

⁶⁶Al Kaufman, “No-Strike Bill to Sigler,” *Detroit Times*, 3 June 1947, 2; Spero and Capozzola, *The Urban Community and its Unionized Bureaucracies*, 4-5; Murphy, *Blackboard Unions*, 182.

control.⁶⁷

Organized Labor's Opposition to the Hutchinson Bill

Opponents of the Hutchinson Bill existed outside of the Michigan State Legislature as well. Unable to influence an intransigent Republican-dominated state legislature and governor to block the bill from becoming a law, opponents bickered amongst themselves as to what constituted the most effective way of stopping the bill. One such quarrel took place during the proceedings of the ninth Michigan CIO convention of June 16-18, 1947. In response to a report made by Ken Morris, the chairman of the publicity committee, Yale Stuart, a member of the United Public Workers of America, complained that the Michigan CIO did little to inform its members about the pending Hutchinson bill or to stop it from moving through the legislative process.⁶⁸ Stuart was not an anomaly within the United Public Workers of America. Mort Furay, a fellow officer of the union, was even more adversarial regarding the Hutchinson bill. Desirous of testing the constitutionality of the bill in making it a criminal offense for labor leaders to urge government employees to strike, Furay said he would purposely “incite” a strike.⁶⁹ Michigan CIO President Gus Scholle agreed. In his analysis of the bill, he argued that,

[t]his bill attempts to isolate public employees from the rest

⁶⁷ Lichtenstein, *The Most Dangerous Man in Detroit*, 262-263; Gregory M. Saltzman and Shlomo Sperka, “Public Sector Collective Bargaining in Michigan: Law and Recent Developments,” in Joyce Najita and James L. Stern, eds., *Collective Bargaining in the Public Sector: The Experience of Eight States* (New York: M.E. Sharpe, 2001), 108; Murphy, *Blackboard Unions*, 182-184; Slater, *Public Workers*, 94.

⁶⁸ “Jack Crellin, “State CIO Battles Over Red Issue,” *Detroit Times*, 17 June 1947, 2; *Proceedings of the Ninth Annual Michigan C.I.O. Council Convention*, June 16-18, 1947, 55 and 56.

⁶⁹ Albert Kaufman, “Plans City Strike to Challenge Act,” *Detroit Times*, 4 June 1947, 6.

of the community by making it illegal [sic] for any citizen to recommend to a public employee that he join a union and strike if necessary. This provision is clearly unconstitutional since it denies the rights of free speech and free assembly. It even denies a newspaper the right to print an editorial stating that in a particular case public employees should organize and strike.⁷⁰

In addition, UAW President Walter Reuther came out in opposition to the bill. He met with Michigan Republican Governor Kim Sigler in an unsuccessful effort to pressure the governor to veto the bill, which had already passed both houses of the Michigan Legislature. Reuther ascribed a certain amount of importance to the Hutchinson bill and its myriad implications.

Reuther's interest in the Hutchinson Bill may have not been limited to issues of labor, although this was almost certainly his main consideration. There were, perhaps, more personal interests. Simply put, his wife, May, was a public school teacher and card-carrying member of the Detroit Federation of Teachers. An avowed socialist, "she taught in one of Detroit's most racially integrated public schools, where she was indefatigable in her efforts to build a strong teachers' union."⁷¹ It would have been difficult, then, for the discussion within the Reuther household to have avoided the subject while Michigan legislators deliberated a law largely inspired by Detroit area teacher activism. Besides, it was well known that Walter and May Reuther discussed everything together.⁷²

Michigan's Governor Kim Sigler Enters the Fray

⁷⁰“Analysis of H.B. 418 (Public Employees Denied Right to Strike),” box 205, folder 6, Legislation Correspondence, June 1947, Michigan AFL-CIO Collection, ALUA. See also August Scholle to Kim Sigler letter, June 10, 1947 enclosing the above.

⁷¹ Lichtenstein, *The Most Dangerous Man in Detroit*, 52.

⁷² Jack Skeels oral history interview of Al Leggat, 69, University of Michigan – Wayne State University Institute of Labor and Industrial Relations, 4 December 1959, ALUA

Walter Reuther must have known that his efforts were unlikely to persuade the governor. Even if Sigler decided to veto the bill, there existed enough votes in the legislature to override his veto. And yet for nearly three hours Reuther and Sigler, who had never met each other before, debated the merits of the Hutchinson Bill and other labor-related bills, along with labor unrest in the state and the nation. Reuther complained that simple answers could not be legislated and argued that the Hutchinson Bill would only “aggravate rather than remove the basic causes of industrial unrest.” Sigler disagreed. “For 1,000 years,” he argued, “controversies have been solved through some sort of law...And labor-management problem[s], no different from other controversies, will be solved by law.”⁷³

It is curious that Sigler even bothered to meet with Reuther about this or any other matter. A week and a half before, Reuther and other UAW officers, including R.J. Thomas and George Addes, had sent Sigler a telegram asking the governor to veto the bill. In response, Sigler invited the men to his office to discuss the matter. None of them kept the appointment. Sigler was particularly angered and said as much. “When a fellow asks a girl out and she stands him up,” he was reported to have said, “he doesn’t usually call her anymore.” While Sigler did not necessarily call Reuther, he did agree to meet with him subsequent to the original appointment.⁷⁴

Sigler’s meeting with Reuther was not the only meeting the governor would have with labor leaders about the Hutchinson Bill. On July 1, 1947, three days before he

⁷³“Ask Labor Bill Veto,” *Detroit Times*, 16 June 1947, 14; Al Kaufman, “Reuther Warns of Labor Laws,” 27 June 1947, 3; Carl B. Rudow, “Unionists Ask Sigler Vetoes,” *Detroit News*, 26 June 1947, 41.

⁷⁴Asher Lauren, “It Isn’t ‘Gus and Kim’ Yet, Despite Fuss at Convention,” *Detroit News*, 22 June 1947, 8.

signed the bill into law, Sigler met with about twelve other labor leaders. Contrary to the methods used elsewhere by public employees, these labor leaders complained that a law inhibiting the right of any workers to strike was not beneficial to any party concerned. Frances Comfort of the Detroit Federation of Teachers said it best. In discussing the recent job actions undertaken by Detroit teachers, she argued that, “occasionally such actions or threatened actions are necessary when despotic officials either elected or appointed absolutely refuse to meet with their employes (sic).”⁷⁵

Discussions that Sigler had with Reuther, Comfort, or other Detroit labor leaders, however illuminating they may have been, did not help their cause. Sigler’s parting words after his meeting with Reuther did not reflect a ringing endorsement of the views espoused by opponents of the bill. “I’ll do the best I can,” he is reported to have said, “but somebody is going to be disappointed.” Needless to say, the disappointment would reside with public sector workers and those working on their behalf.⁷⁶

Sigler's willingness to sign the bill may have reflected his political ambitions. Elected governor following his appointment as the special prosecutor in a series of high profile cases involving bribery, contempt of court, and murder, he had designs on the presidency of the United States. Indeed, Sigler looked to Thomas Dewey, himself a presidential hopeful, as a guide to that highest office, as Dewey had been a high profile prosecutor and New York Governor before pursuing the presidency. The similarities did not end there. Following Dewey's example with the Condlin-Wadlin Act prohibiting public sector strikes, Sigler did the same with the Hutchinson Act.⁷⁷

⁷⁵“Unions Voice State Labor Bill Protests,” *Detroit Labor News*, 4 July 1947, 1-2.

⁷⁶Al Kaufman, “Reuther Warns of Labor Laws,” *Detroit Times*, 27 June 1947, 3.

⁷⁷I would like to thank Judge Avern Cohn for suggesting I consult the following

In the context of the Hutchinson Act, and with his sights fixed on higher office, Sigler may have looked back on another event for inspiration. In 1919, that is, a strike of public sector workers, in this case Boston police officers, “launched the national political career of then future president [Calvin] Coolidge.”⁷⁸ Coolidge strongly opposed the efforts of striking police officers and, as historian Joseph Slater explains, “denounce[d] all public sector unions.”⁷⁹ It is likely that Sigler knew about the 1919 Boston police strike, given that it “was routinely cited by courts and officials through the end of the 1940s.”⁸⁰ Perhaps the ambitious Sigler saw his support of the Hutchinson Act as playing to an audience interested in his relocation to Washington. After all, the office of the governor offered too many restrictions and frustrations for an attorney used to making decisions unchecked by the legislature or other entities. The Hutchinson Act, after all, allowed Sigler to make a decision without any such restrictions and to possibly reap political rewards for it in the future. Sigler lost his re-election bid as governor and lacked the popularity within his own party to pursue the presidency. Despite his failure, Sigler’s signing the bill into law reshaped public sector work for the next 18 years.⁸¹

Conclusion

Michigan's Democratic Party experienced something of a resurgence under the leadership of G. Mennen Williams and even more of one after Republicans lost much of

book: Bruce A. Rubenstein and Lawrence E. Ziewacz, *Three Bullets Sealed His Lips*, (East Lansing: Michigan State University Press, 1987), xiv, 7-8, 13-14, 200-203; Helen Washburn Berthelot, *Win Some, Lose Some: G. Mennen Williams and the New Democrats* (Detroit: Wayne State University Press, 1995), 30; Marquis Childs, “Dewey and Labor Legislation,” *Detroit Free Press*, 20 May 1947, 4; “Dewey's Strike Stand,” *Detroit News*, 22 April 1947, 22.

⁷⁸Slater, *Public Workers*, 15.

⁷⁹*Ibid.*, 37.

⁸⁰*Ibid.*, 14.

⁸¹Berthelot, *Win Some, Lose Some*, 42, 49-50.

their power, following the reapportionment of the legislature in the mid 1960s. In 1947, however, Democrats held little power in the legislature; and progressive forces suffered with the rightward turn of the country in the Cold War era. With this background, it is understandable that the Hutchinson Act experienced little difficulty in getting passed.⁸² Following its enactment, the Act inspired little comment, not until 1951, that is. In that year, Detroit Mayor Albert Cobo deployed it as he sought a resolution to a strike conducted by the Detroit Street Railway. It is that story that the next chapter concerns.

⁸²Margaret Collingwood Nowak, *Two Who Were There: A Biography of Stanley Nowak* (Detroit: Wayne State University Press, 1989), 220-221; Martin Halpern, *UAW Politics in the Cold War Era* (Albany: State University of New York Press, 1988), 265-266.

Chapter Two

The 1951 Strike of the Detroit Street Railway Workers

According to George Fox, the role of transportation, “is so vital to modern civilization that it has become more than a service function – it has become a partner of the government, the commerce, and the society which it serves and represents the occupation and livelihood of a large section of the population as well.”¹ Local transportation systems reflect this importance. They move people to and from workplaces, schools, commercial outlets, and cultural and social functions, and help meet the needs of riders fulfilling social commitments to friends and families. This was true of Detroit in 1951, when the use of cars had not yet achieved the widespread use that they would in later years. When, Detroit Street Railway workers engaged in a strike demanding wage increases and maintenance of fringe benefits, they paralyzed the city in a way little else could. As a result, city officials used the newly passed Hutchinson Act to force Detroit Street Railway workers back to work. In the hands of Detroit Mayor Albert Cobo and his administration, the law comprised a force, which DSR workers and their union could not withstand.

The 1951 strike of Detroit Street Railway Workers had far-reaching implications for the city. Because it substantively affected the whole of the city, the strike must be viewed from numerous perspectives to understand what happened, why it happened, and the strike’s wider meaning. The law existed in the constellation of these other elements, largely dictating how the conflict between Division 26 of the Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America, (A.F.L.) and its

¹ George Fox Mott, “Transportation Orbit,” *Annals of the American Academy of Political and Social Science*, 345 (January 1963): 130.

members, on the one hand, and the city of Detroit, on the other, moved to some sort of resolution. The Hutchinson Act drew from and was inescapably connected to these other elements. The law shaped the actions of the Detroit Street Railway Commission, the Mayor, and Division 26, and the judicial system, among other actors. Given the context of the strike, with a raging cold war, rising inflation, fears about economic security, and concern of sovereignty, to mention only a few, the union and its members did not fully understand how a strike would provoke public opposition or how the law might be used against them. This chapter will reveal that the Hutchinson Act, largely inspired by a spate of teacher strikes nationwide, was an effective weapon to defeat the aspirations of workers of the Detroit Street Railway and the union that represented them.

Prelude to a Strike

Like most other strikes, the 1951 strike of DSR workers had as its cause workers' demand for a wage increase. The strikers aimed to convince the Detroit Street Railway Commission and Mayor Albert Cobo that they deserved a raise of 8.5 cents per hour, in line with the cost of living, along with improvements to their fringe benefits, namely the inclusion of six paid holidays. With Division 26's contract expiring March 30, 1951, union representatives sought to begin negotiations for its 3,500 members in February of that year. Negotiations began in March of 1951, but went nowhere. As negotiation sessions resumed during and even after the strike, the city agreed to a five-cent raise on the condition that the union agree to forego some of the fringe benefits provided in prior contracts. Most insulting to the union and its members, the city demanded that the union relinquish fringe benefits amounting to the five-cent raise the city was offering, essentially making the raise meaningless. For the union and its members, the city's offer

was unacceptable. With the battle lines drawn, the union asked for and received strike authorization from its membership after the city cancelled a meeting with state and federal mediators on April 17. Four days later, the union's executive board called the strike.²

In the American context, strikes are such a commonplace phenomena that their existence, though annoying and inconvenient, is not necessarily exceptional. The 1951 strike of 3,500 DSR workers fit within the category of exceptions that union members and management seek to avoid whenever possible. Its length, the nature of the service that the workforce provided, and the reaction it provoked offer an explanation as to its importance. Lasting 59 days, it became "...the longest and most costly transit strike in American History..." at that time.³ Given that the DSR transported 700,000 passengers twice a day during the weekday, while using 1,700 buses, 350 streetcars and 58 coaches" during peak hours,⁴ it played an integral part in Detroit's life. The citizens, of the city made do without their transportation system by hitching rides or walking, but this alternative made for sore feet and traffic jams caused by the increase of cars. A large city could not function well under these conditions.⁵

The reaction of the city residents is a second reason why this strike embodied an importance not found in many other job actions. Like Detroit-area teachers who took to

²"No Date Set for Strike of Div. 26," *Detroit Labor News*, 20 April 1951, 1; "DSR Hunts Way Out of Legal Fix," *Detroit News*, 4 May 1951, 1.

³"No Retreat Left to City by Firings," *Detroit News*, 26 April 1951, 1; "Sidelights as Service Resumed," *Detroit News*, 19 June 1951, 4.

⁴"Cobo Orders DSR to Fire Strikers," *Detroit News*, 22 April 1951, 2; "All Streetcars and Buses Idle," *Detroit News*, 21 April 1951, 2; "Time to Get it Started: Transportation," Editorial, *Detroit Free Press*, 11 May 1951, 6.

⁵Walter J. Mattison, "Blight and Mass Transportation in Metropolitan Communities," *Virginia Law Review*, 36, no. 7 (November 1950): 869; George Fox Mott, "Transportation in Orbit," 132.

the picket lines four years previously, DSR workers were public employees, managed by the people through its elected and appointed officials; and they provided a service that the city could not easily replace. Like transit systems elsewhere, the Detroit Street Railways held a monopoly status.⁶ In order for any governmental unit to efficiently and effectively operate, the argument runs, it must have sovereign control over its public employees and, by extension, cannot allow them to fathom a strike, let alone actually engage in a job actions without suffering consequences designed to make the workers think twice before considering such an action.

Legal Action Regarding DSR Workers

Because citizens hitched rides with willing motorists, parked their cars in otherwise illegal locations, walked to and from work, school, and shopping, or refrained from doing so because of the lack of transportation, the parties in the dispute sought legal means to resolve the conflict.⁷ There were actually two lawsuits. The first was a suit initiated by Avern Cohn. Cohn currently is a federal judge in Detroit, a position he has held for over thirty years. In 1947, however, he worked as a lawyer in his father's firm.⁸ In the context of the 1951 Detroit Street Railway strike, he entered the fray as a concerned citizen. His issues were two-fold. First, he wanted the DSR workers to return to work and pursued litigation to force them to do so via an injunction.⁹ Few argued that he had any complaints with the workers per se, although the injunction did seek to force

⁶Darold T. Barnum, "From Private to Public: Labor Relations in Urban Transit," *Industrial and Labor Relations Review*, 25, no. 1 (October, 1971): 96.

⁷"Motorists Delayed in Big Jams," *Detroit News*, 1 and 4.

⁸http://www.mied.uscourts.gov/Judges/guidelines/topic.cfm?topic_id=88, cited on February 27; Avern Cohn, Interviewed by Louis Jones, February 2009.

⁹Proceedings, in re: *Avern Cohn v. City of Detroit et al.* (No. 475,156) & *City of Detroit v. Division 26 of the Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America*, (No. 475,181), 28 May 1951.

the workers to do something that they would not have done of their own volition. Cohn simply did not like what the strike did to every facet of the city's existence: "I think this strike has gone far enough," the *Detroit News* quoted him as saying.¹⁰ He questioned the Hutchinson Act's mandate to terminate striking public sector workers and asked the court to order the striking street railway workers back to work while the parties entered into contract negotiations.¹¹

Cohn served as the plaintiff in the matter, but the designation does not accurately capture his role in the litigation. It was his father who had an interest in settling the strike, and not the younger Cohn. Like many other law suits, attorneys often play a larger role than the actual plaintiff, as it is the lawyer who prepares complaints and pleadings while advocating for the plaintiff in open court and/or before the media. As his attorney, the elder Cohn was in a better position to advocate for the idea that the bus drivers and streetcar drivers should return to work without the city pursuing the full force of Hutchinson Act. The elder Cohn may not have believed that the case that he had his son bring before the court had much merit, in the legal sense of the word, but he believed firmly that the strike debilitated the city. The law aside, its operators had to get back to work, given the vital role the streetcars and buses played in the social and economic life of the city. This was the kind of person the elder Cohn was, someone who got involved in the community and found satisfaction in contributing to its health, even if it meant agitating for change.¹²

The city sought an injunction of its own against the union, but its efforts were to

¹⁰"Sues to End Strike," *Detroit News*, 18 May 1951, 2.

¹¹Proceedings, *in re: Cohn v. Detroit* and *Detroit v. Division 26*, 28 May 1951, 3 and 23.

¹²Avern Cohn, Interview by Louis Jones, Detroit, Michigan, February 2009.

resume the transportation service, with or without the striking DSR workers. Most importantly, the city sought from the court a ruling on its understanding of the Hutchinson Act, namely that it was both constitutional and applicable to the circumstances. The last suit made its way through the Michigan Circuit Court, the Michigan Supreme Court, and the U.S. Supreme Court.¹³

Within the provisions of the 1948 Detroit City Charter, which the city originally adopted in 1918, the DSR was charged with managing and operating the Detroit Street Railways.¹⁴ In reality, however, it had limited power to make decisions that conflicted with other forces in Detroit's political structure. This power to resolve the city's labor relations remained with Detroit Mayor Albert Cobo. While the Detroit Street Railway Commission, city-contracted attorneys, and negotiators certainly played an important role in the negotiations, strike, and legal strategy, Cobo never delegated significant decision-making authority to any other person or agency. Needless to say, Division 26 and its members did not think well of Cobo's decisions and resented the power that destroyed their chances of receiving either pay raises or improved fringe benefits, but there was little they could do about it.

Observers should not have been surprised by Cobo's position or strategy. He entered office having campaigned on one major issue: housing. He vigorously opposed public housing and, by extension, catered to white homeowners who feared that public housing projects meant that African Americans would move into their neighborhoods

¹³“Who Runs Detroit? The One Issue,” Editorial, *Detroit Free Press*, 24 April 1951, 6.

¹⁴City of Detroit, *Charter of the City of Detroit*, Title IV, Chapter XIII, Revised to January 1, 1948, Adopted by Vote of the People of the City of Detroit, 25 June 1918, Filed with the Secretary of State and in Effect 27 June 1918, 76-81; “DSR Must Run,” *Detroit News*, editorial, 11 May 1951, 1.

and, presumably, decrease the value of their homes. Many white home owners, when polled, said they would vote for the popular George Edwards for mayor. Once in the voting booths, however, their votes reflected their perceived interests as home owners. Because labor organizations, particularly the UAW, actively supported George Edwards for mayor, Cobo was under little obligation to recognize the concerns of the street railway workers. Having served as a city treasurer previously, Cobo was a fiscal conservative who was not receptive to tax increases or, as in the case of transportation, fare hikes used to increase wages of Detroit streetcar workers.¹⁵

Division 26 of the Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America presented data indicating that its members were not receiving wage increases consistent with what other city employees received nor according to the standards set by the cost of living index or the wage stabilization board. City officials countered with statistics that indicated that street railway workers received more than any other similarly situated transportation workers in the country when fringe benefits were taken into account. Who was telling the truth? They both were, but if letters written to Albert Cobo were any indication, the public believed the countless reports from the daily newspapers, which backed Cobo in his efforts to break the strike, if not the union itself. Which side was “right”, or who the public believed mattered little in a case that hinged on a Hutchinson Act, which made no reference to any criteria established by the wage stabilization board or to a cost of living index.

Detroit Mayor Albert Cobo Receives Support

¹⁵ Thomas Sugrue, *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit* (Princeton: Princeton University Press, 1996), 82-87; Melvin G. Holli, “Mayoring in Detroit, 1824-1985: Is Upward Mobility The ‘Impossible Dream?’” *Michigan Historical Review* 13 (Spring 1987): 1-19.

As the strike moved from one week to another, Cobo maintained considerable support from varied sectors. The press constituted a key segment of the Detroit community that provided some of the greatest support to the mayor and his handling of the DSR strike. It helped to sway citizens to Cobo's side. The editorial pages of the Detroit dailies did not equivocate on the issue of the strike or the Hutchinson Act. With titles like “The DSR Strike: Open Defiance,” “No Surrender to Outlaws,” “The Law is Plain and Must be Obeyed,” “The Law Must Be Upheld: City Can’t Be Intimidated By Threats of Strikers,” “Government by Law, Not Goons,” “DSR’s Men ARE Best Paid in U.S.,” and many others too numerous to cite,¹⁶ the Detroit dailies took the side of city officials and their use of the law against the Detroit Street Railway Workers. As James Aronson noted in his book on the cold war and the press, the titles themselves had the capacity to shape the opinions of the readers.¹⁷

In one such editorial, the writer argued that, “The strikers by striking have severed their employment. That is how the law reads.”¹⁸ Another was just as resolute. “...the Hutchinson Act is the law of the land so far as Michigan is concerned and, as such, must be obeyed.”¹⁹ Commenting on the losses suffered by the city as a result of the strike, one *Detroit Free Press* editorial had this to say: “The public could not have been more

¹⁶“The DSR Strike: Open Defiance,” editorial, *Detroit Free Press*, 23 April 1951, 6; “No Surrender to Outlaws,” editorial, *Detroit Free Press*, 1 May 1951, 6; “Stand Firm for a Clear Decision,” editorial, *Detroit News*, 26 April 1951, 34; “The Law is Plain,” editorial, *Detroit News*, 2 May 1951, 1; “The Law Must Prevail in DSR Strike,” editorial, *Detroit Free Press*, 12 May 1951, 6; “The Law Must Be Upheld: City Can’t Be Intimidated By Threats of Strikers,” editorial, *Detroit Free Press*, 18 May 1951, 6; “Government by Law, Not Goons,” editorial, *Detroit News*, 19 May 1951, 4; “Cobo Kept His Oath of Office,” editorial, *Detroit News*, 20 June 1951, 34.

¹⁷James Aronson, *The Press and the Cold War* (Boston: Beacon Press, 1970), 2.

¹⁸“The Law is Plain,” editorial, *Detroit News*, 2 May 1951, 1.

¹⁹“It is the Law and Must Be Obeyed,” editorial, *Detroit News*, 10 May 1951, 34.

effectively robbed if the strikers had staged corner holdups.”²⁰ In a particularly graphic representation, one cartoon depicted an ill-tempered man with the words, “Illegal Transportation Strike,” on his back and wielding a club over a man bearing a forlorn expression and beaten down on the sidewalk. He is identified as an, “Innocent Street-Car Rider,” and with the caption over him saying, “How Long, O Lord, How Long!”²¹ Numerous other editorials are found on the pages of all Detroit dailies. Given the potential of the press to influence public opinion, we must acknowledge how these and other editorials possibly helped to shape how the public came to understand the 1951 Detroit Street Railway strike. Given such editorials were regular fixtures on editorial pages throughout the course of the strike, it is little wonder that readers would be swayed by their arguments.

The editorials addressing the strike adopted a consistent anti-strike tone. Former UAW President Douglas Fraser, who was a rising star within the UAW and the Detroit labor movement at the time, believed that the Detroit dailies more than likely picked and chose from among the sources until they found support for their generally conservative perspective. *The Detroit Labor News* almost certainly did the same. Given its limited circulation and weekly publication, it was not capable of fomenting public opinion to the extent that the three Detroit dailies did.²²

It is not clear why Detroiters took umbrage with striking street railway workers in 1951, while they largely supported Detroit-area teachers in their bid for pay raises four years before. It may be that the strike of street railway workers directly affected a larger

²⁰“DSR Losses Pile Up,” editorial, *Detroit Free Press*, 25 May 1951, 6.

²¹“How Long, O Lord, How Long!” editorial, *Detroit Free Press*, 18 May 1951, 6.

²² Douglas Fraser, Interviewed by Louis Jones, 28 March 2007.

array of people than did the strike of Detroit-area teachers. Indeed, the street railway strike made it difficult for people to get to and from work or fuel the economy in other ways. The four years that separated the two strikes may have contributed to how the public perceived the two events. While the Taft-Hartley Act reflected a definite anti-union mood that reverberated throughout the country, unions still enjoyed some level of support from the general public in 1947 when the Congress enacted Taft-Hartley and Detroit-area teacher unions pressured their school boards to raise their salaries. By 1951, however, support for organized labor began to wane. The editorials regarding the Detroit Street Railway strike reflected this change in atmosphere.²³

When their otherwise diverse voices operate in unison and in an open manner, those who comprise the public have a power unmatched by most any other force. The power of public opinion clearly manifested itself in the letters that Mayor Cobo received as well as letters to the editor that similarly voiced opinions about the strike and Cobo's handling of it. Fortunately for Cobo, he received overwhelming support from those who wrote him. Echoing the opinions voiced in the editorials of the Detroit dailies, Detroiters supported Cobo and his position on the Street Railway workers. "You are right in standing firmly on your convictions and insisting on obedience to law," one Detroitier said in his letter to Cobo.²⁴ Another wrote in order "to congratulate you on your stand! Don't back down! Law and order must win."²⁵ Writing in the final days of the strike,

²³Lawrence Richards, *Union-Free America: Workers and Antiunion Culture* (Urbana: University of Illinois Press, 2008), 38-61.

²⁴Reverend Robert Young of the Highland Park Presbyterian Church to Albert Cobo, letter, 18 May 1951, DMP DSR Letters (1) 1951, Burton Historical Collections, Detroit Public Library.

²⁵Edwin Polk to Albert Cobo, letter, 24 May 1951, DMP DSR Letters (1) 1951, Burton Historical Collections, Detroit Public Library.

Henry Beam, vice president of Anchor Steel and Conveyor Company, said, “I am glad that Detroit has a Mayor who believes in living by the law and seeing that it is enforced.”²⁶ R. Schmidt shared some advice, with which Cobo would have certainly been in agreement. “The Hutchinson Act is your club,” he said. “I and a lot of D.S.R. Maintenance workers and supervisors hope you can and will keep swinging it...Winning this strike will save you many headaches in the future.”²⁷ Even some professed union members supported Cobo. “Hold the fort!” a member of Local 600 argued. “You’re on solid ground.”²⁸ “Many of us workers at the Dodge Plant talk this strike over almost every morning and I have yet to hear anyone who is in favor of the strikers,” another one commented.²⁹ If accurate, the comment spoke volumes. As the success of strikes are often determined by their support from other unions, the letters reflected poorly on the efforts of the striking DSR workers to solicit public support. To Cobo’s benefit, this letter and the overwhelming number and percentage of the hundreds of others he received, voiced approval of his position and methods.

Occasionally, he received petitions from Detroit residents. One, signed by 13 residents, opened by saying that, “The undersigned want you to know that we are solidly with you concerning the D.S.R. strike. It is purely a question of whether we are to be

²⁶Henry Beam to Albert Cobo, letter, 22 June 1951, DMP DSR Letters (1) 1951, Burton Historical Collections, Detroit Public Library.

²⁷R. Schmidt to Albert Cobo, letter, 30 April 1951, DMP DSR Letters (2) 1951, Burton Historical Collections, Detroit Public Library.

²⁸Unsigned letter from a member of UAW Local 600 to Albert Cobo, letter, 28 April 1951, DMP DSR Strike Letters – No Addresses 1951, Burton Historical Collections, Detroit Public Library.

²⁹A Dodge Worker to Albert Cobo, postcard, 13 May 1951, DMP DSR Letters (6) 1951, Burton Historical Collections, Detroit Public Library.

governed by law or unions. We contend it should be law.”³⁰ Frank Day Smith and Duane Mosier, writing on behalf of the Federated Civic Associations of Northwest Detroit, encouraged Cobo to continue his fight against the Detroit Street Railway workers: “You upheld the law as you were bound to do...”³¹ Edward Benscoe and Arthur Wood of the Detroit Republican Club had this to say about the strike and Cobo’s position on it: “If the streetcar men can strike, so can the firemen, the policemen, the garbage men and the employees of the Public Lighting Commission,” they wrote, suggesting that a law prohibiting all public employees was necessary.³²

Organizations and individuals did not stand alone in the opposition of the public to the strike. Business groups also chimed in to give support to Cobo as regards the strike. Signed by five people, one letter read, “We congratulate you upon your courage in standing firm in upholding the Hutchinson Law. We are losing money personally, and in our business, but feel that if the law is broken for the benefit of the bus drivers this time, we shall be in jeopardy from them again and from other public workers who supply the necessities of life.”³³ Writing on behalf of the Retail Merchants Association, Charles E. Boyd wrote about the numerous meetings his organization had about the strike and its impact on its members. “Those meetings,” he said, “were held to a minimum in number and duration because a number of retailers were insistent that no word should go out of

³⁰Petition from 13 residents to Albert Cobo, 1 May 1951, DMP DSR Letters (1) 1951, Burton Historical Collections, Detroit Public Library.

³¹Duane Mosier of the Federated Civic Associations of Northwest Detroit to Albert Cobo, letter, 22 June 1951, DMP DSR Letters (1) 1951, Burton Historical Collections, Detroit Public Library.

³²Edward Benscoe and Arthur Wood of the Detroit Republican Club to Albert Cobo, letter, 1 July 1951, DMP DSR Letters (1) 1951, Burton Historical Collections, Detroit Public Library.

³³Wallace Hushen, Draughm et al. To Albert Cobo, letter, 10 May 1951, DMP DSR Letters (6) 1951, Burton Historical Collections, Detroit Public Library.

those meetings other than evidencing support of the position which you have been taking during this strike period of maintaining the law.”³⁴ These letters represent only a fraction of those sent to Cobo. Given that the life of Detroit significantly revolved around the health of its commercial enterprises, these letters and others must have encouraged Cobo to continue a position and strategy in opposition to that of Division 26 and its members.

The letters of support emboldened Cobo in his approach to the DSR strike, as evidenced by his response. “Thanks greatly for your expression of confidence, which is very pleasing to me,” he wrote in response to one individual. “As long as people are interested enough to make their views known to those in public office,” he continued, “we can be assured of a responsive government.”³⁵ In this case, the responsiveness of government depended upon the extent to which letter writers reflected views already held by Cobo himself. Otherwise, Cobo’s response would have had a markedly different tone. Whatever the case, it would have been difficult for him to have taken the position he did had the public refrained from supporting him.

The Cold War mentality behind many of the letters did not help the cause of the strikers. It was an era of loyalty oaths, blacklistings, and allegations of treasonable acts and of espionage, all centered around the “Red Menace,” a phrase regularly used in headlines and public discourse. The Cold War had grown with intensity both domestically and internationally since its unofficial beginning four years before. Any time a public official, in this case Wisconsin Senator Joseph McCarthy, could make the

³⁴Charles E. Boyd, Secretary of the Retail Merchants Association to Albert Cobo, letter, 21 June 1951, DMP DSR Letters (2) 1951, Burton Historical Collections, Detroit Public Library.

³⁵Albert Cobo to Dr. R. Beverly Wilson, letter, 1 June 1951, DMP DSR Letters (1) 1951, Burton Historical Collections, Detroit Public Library.

now-infamous claim that he held the names of 205 communists who worked in the State Department without naming them, one could argue that a widespread paranoia and irrational fear permeated the polity.³⁶ With unions and their workers so often excoriated by large segments of the country as communists, particularly in Detroit, DSR workers and their union fought an uphill and, ultimately, impossible battle. The anti-communist sentiment of the immediate post World War II period manifested itself in particular ways in Detroit.

Detroit targeted those of its public employees suspected of being members of the Communist Party. Supported by Mayor Van Antwerp and the Civil Service Commission Secretary, not to mention the *Detroit News* and other Detroit officials, Detroit citizens voted in favor of a referendum that allowed the city to investigate suspected communists in 1949. The city did not stop with this referendum. “The Common Council followed up the Charter-amendment victory by appointing a Loyalty Commission and an advisory Loyalty Committee, which consisted of seven dependable citizens.”³⁷ The Council’s action led one citizen to write Cobo regarding the strike, asking him to use this commission “to thoroughly investigate the complete situation.”³⁸ Gilbert Piks held similar views. In his letter to Cobo, he maintained that, “I am willing to walk 10 miles a day instead of letting the union take over. To me the union are like a bunch of Reds and poor Americans.”³⁹ Little evidence exists to suggest that there were communists in the

³⁶David Cate, *The Great Fear: The Anti-Communist Purge Under Truman and Eisenhower* (New York: Simon and Schuster, 1978), 48.

³⁷*Ibid.*, 339-340.

³⁸Mrs. Percy Pollared, president, Civic Study Club to Mayor Albert Cobo, letter, 11 May 1951, DMP DSR Letters (3) 1951, Burton Historical Collections, Detroit Public Library.

³⁹Gilbert Piks to Mayor Albert Cobo, letter, 16 June 1951, DMP DSR Letters (2)

rank and file of Division 26 or among its officers, but the power of suggestion as prompted by the press and believed by many made it difficult for Division 26 to receive a fair hearing.⁴⁰

U.S. entry into the Korean War the year before the Detroit Street Railway strike reflected its efforts to stop the spread of communism and, in its own way, added to concerns that many had about the strike. “All I hear is ‘strike,’ one GI in Korea commented.

Why don't people back home Wake up? They [i.e., DSR strikers] strike when they could be sending equipment to us over here, to help win this war...The DSR strike holds up the guys who make part of the M1 rifle, or the ones who make part of a tank or an engine. That could change the war altogether.⁴¹

While the city did not employ nearly as many war-related industries at the time of the DSR strike as it did during World War II, it still remained an important industry. Its importance is reflected in the comments of this GI.⁴²

The reason why the Federal Mediation and Conciliation Service sought to enter the strike, a fray that was essentially local, resulted from the possibility that Detroit's contribution to the war industry would be hampered by a strike that prevented workers from getting to work. Reports appearing in the daily newspapers, moreover, complained about the significant decrease in blood donations used for U.S. Military personnel in the Korean War due to the strike, as would-be donors often had no transportation to get to

1951, Burton Historical Collections, Detroit Public Library; see also Harvey Patton, “Tempers and Side Issues All but Derail DSR Parley,” 23 April 1951, 1.

⁴⁰ Aronson, *The Press and the Cold War*, 2.

⁴¹ PAT to Editor, “Strikes Annoy a GI in Korea,” *Detroit News*, 4 June 1951, 16.

⁴² Sugrue, *The Origins of the Urban Crisis*, 141.

and from American Red Cross donation centers.⁴³

In its own way, attacks on sovereignty and support of the communist threat morphed into one another as threats to the state were masked as efforts of communists to compromise and overthrow the government. A number of letters to Cobo during the strike expressed these sentiments. "...[I]f the unions which in my estimation is nothing but communists under disguise is allowed to defy the laws then you and I will and all of us will be in danger."⁴⁴ "...[I]n our desire to protest a small minority interest," another Detroitier wrote Cobo, "we sometimes overlook the sovereign rights of an entire people."⁴⁵ While most Detroiters corresponding with Cobo about the strike never used the word, "sovereignty" in their remarks, the idea of the government's sovereign rights rang loudly, as when Lester Larkin suggested that, "...now is the time to decide whether the city will operate the system or surrender abjectly to domination by its employee."⁴⁶ Others expressed similar sentiments.⁴⁷

As revealed in chapter one, Cobo may have benefited politically from his stance on the strike of Detroit Street Railway workers in the same way others had before him. A letter from one Detroitier made this point. "As a citizen and tax payer of this city, I wish to advise you that if you yeal (sic) and turn this city over to the union to run it, we might

⁴³"Strike Cuts Blood Donors," *Detroit News*, 12 May 1951, 2.

⁴⁴W.J. Fitzpatrick of the National Supreme Council A & ASR Masons to Albert Cobo, letter, 16 May 1951, DMP DSR Letters (3) 1951, Burton Historical Collections, Detroit Public Library.

⁴⁵Percy Loud to Albert Cobo, letter, 15 June 1951, DMP DSR Letters (2) 1951, Burton Historical Collections, Detroit Public Library.

⁴⁶Lester Larkin to Albert Cobo, letter, 1 May 1951, DMP DSR Letters (2) 1951, Burton Historical Collections, Detroit Public Library.

⁴⁷F.E. Keefe to Albert Cobo, letter, 19 May 1951, DMP DSR Letters (3) 1951, Burton Historical Collections, Detroit Public Library; J.R. Millar to Albert Cobo, 18 May 1951, DMP DSR Letters (3) 1951, Burton Historical Collections, Detroit Public Library.

as well look for a city like Boston, Mass. where Gov. Coolidge once established law and order which made him famous in the history of our country.”⁴⁸ It is not known if Cobo possessed ambitions for higher office, although he must have known that the possible results of his actions in the strike might have moved others to consider him. Any such ambition could have motivated him to continue pursuing the strike in the way he was.

Cobo's Strategy

Mayor Cobo knew better than to make full use of the Hutchinson Act, given the power of organized labor in Detroit. One streetcar worker spoke to this power when he commented on the idea of hiring replacement workers: ““And how can they train substitutes if the union won’t let the buses out of the terminals?”” he asked rhetorically.⁴⁹ And yet, the city seriously considered making full use of the Hutchinson Act and limiting the power of the Detroit Street Railway workers even more than they had. “Now – mindful of the people’s mandate – the commission has determined to resume operation of the transit system either with or without its striking employees,”⁵⁰ one *Detroit News* editorial wrote. So desperate were city officials to have the transportation system resume its operation that they sought some way to take over the street railway system while protecting it from angry members of Division 26. In response to a request for guidance on his powers, Detroit’s acting and assistant corporation counsel wrote to the Director of Civilian Defense for the city, “We are...compelled to advise you that in the absence of

⁴⁸Professor W.J. Fitzpatrick of the National Supreme Council A & ASR Masons to Albert Cobo, letter, ca. 16 May 1951, DMP DSR Letters (3) 1951, Burton Historical Collections, Detroit Public Library.

⁴⁹ “Foolish Question? Who Owns DSR?” Editorial, *Detroit Free Press*, 27 April 1951, 4; see also “Injunctions Sought in the DSR Strike,” *Detroit Labor News* 1 June 1951, 1; “Div. 26 Stands Firm as Fourth Week Ends,” *Detroit Labor News*, 18 May 1951, 1.

⁵⁰“The City Must Abide by the Law,” Editorial, *Detroit News*, 17 May 1951, 38.

authority from the State Director of civilian defense, you are without power to take any action out on the strike of employees of the Department of Street Railways.”⁵¹ This comment aside, the city appeared poised to run its transportation system without the striking workers: “Once the restraining order has been issued, a DSR officer confidently declared, “the lines will be put back in operation as fast as we get operators.”” The *Detroit News* reported that Governor G. Mennen Williams “assured additional protection by state police and the National Guard, if necessary...to maintain peace and order in Detroit if the police could not cope with the situation.”⁵² General Superintendent of Transportation James Bostick appeared hopeful that the city could resume service of the street railway even as he admitted that it would take weeks or months for each line to fully do so.⁵³

Organized Labor Supports DSR Strikers

To whatever extent the city seriously considered resuming transportation service, at some point city officials backed off of the idea. They decided that managing customers’ inconvenience due to the strike was a better idea than breaking the strike, without regard to the consequences of such an act. The rationale for why the city never pursued such a course of action is obvious. Never actually admitted by Cobo or the DSR Commission, it was clear that Detroit was a union town. This idea was more than idle words. Robert Zieger says the same, although in a different way. “Detroit was the

⁵¹ Acting and Assistant Corporation Counsels to Brigadier General Clyde Dougherty, Director of Civilian Defense for Detroit, letter, 25 April 1951, DMP (3).

⁵²Wallace Hushen, “Bus Union to Submit ‘New Idea,’” *Detroit News*, 16 May 1951, 1-2.

⁵³Wallace Hushen, “Bus Union to Submit ‘New Idea,’” *Detroit News*, 16 May 1951, 2; see also Wallace Hushen, “Pickets Block DSR Rehiring,” *Detroit News*, 17 May 1951, 1; Harvey Patton, “State Offer Accepted by Union,” *Detroit News*, 14 May 1951, 1; Wallace Hushen, “Hot Words Bog Parley on Strike,” *Detroit News*, 13 May 1951, 2.

quintessential CIO city,”⁵⁴ he proclaimed in his book on the CIO. While Division 26 was an AFL union, the general power of organized labor was evident in Detroit-based labor organizations. A union's affiliation to a federation did not necessarily determine its activism.

While individual union members may have voiced objections to the strike, their union officers stood firmly with Division 26. To this end, the power of organized labor to meet the challenge posed by the city seeking to break the strike and the union overseeing it was probably enough to inhibit city officials. Asher Lauren of the *Detroit News* reported that Detroit-area unions representing 600,000 members issued veiled threats should the city follow through on its plan to resume service of the DSR, regardless of whether or not the striking workers returned to work.⁵⁵ The Detroit and Wayne County Federation of Labor supported the Division 26 strikers with a resolution of support and an effort to solicit local labor organizations to provide a strike fund.⁵⁶ The lines separating the AFL and the CIO became blurred during the strike, as the local CIO came out in full support of a job action initiated by an AFL union. “At a special mass meeting of locals in the Wayne District CIO, a resolution was passed instructing officials of that body to do everything to assist the strikers in line with what AFL leaders tell them must be done.”⁵⁷ Even as the strike entered its fifth week, support among Detroit’s labor organizations did not wane. Delegates of the AFL and CIO assembled collectively “to hear their leaders

⁵⁴Robert H. Zieger, *The CIO, 1935-1955* (Chapel Hill: University of North Carolina, 1995), 242.

⁵⁵Asher Lauren, “Public DSR Quiz Urged,” *Detroit News*, 18 May 1951, 1-2.

⁵⁶“Unanimous Vote on Aid Resolution,” *Detroit Labor News*, 4 May 1951, 1.

⁵⁷“Unanimous Vote Aid Resolution,” *Detroit News*, 4 May 1951, 2.

pledge all-out aid to the striking operators,” the *Detroit Labor News* reported.⁵⁸ The support received not only came in the form of resolutions at mass meetings and conventions, but sixty-six labor organizations, with the prompting of the Detroit and Wayne County Federation of Labor, donated to the Division 26 strike fund anywhere from \$5.00 to \$1,000 for a total of \$9,470. Eleven of these organizations represented public sector employees.⁵⁹

Detroit-area unions locked arms in support of the DSR workers. “Our union is sincerely interested in doing everything that we can to aid Division 26, Streetcar and Bus Operators Union, to obtain their just demands in their current strike caused by the refusal of Mayor Cobo and the DSR management to bargain in good faith,” the UAW Secretary-Treasurer Emil Mazey commented in an open letter to Detroit and Wayne County Federation of Labor President Frank X. Martel.⁶⁰ Martel submitted his own open letter to Mayor Cobo himself. “Our city is one of the best organized cities in the United States today,” he wrote. “The sentiment against strikebreaking in this city is so overwhelming that for you or anyone else to attempt it on a large scale would be bound to generate excitement and resentments that would have far-reaching repercussions,” he continued.⁶¹ In addition to the solidarity exhibited within organized labor in Detroit, Detroit Street Railway workers remained committed to the strike as well, with but a few minor exceptions. “In voting tabulation that lasted all day Tuesday,” the *Detroit Labor News*

⁵⁸“Strike is Unsettled as Fifth Week Ends,” *Detroit Labor News*, 25 May 1951, 1; see also “Division 26 Complies with Judges Decree,” *Detroit Labor News*, 22 June 1951, 1.

⁵⁹“Division 26 Strike Fund Contributions,” *Detroit Labor News*, 18 May 1951, 1.

⁶⁰Open Letter from Emil Mazey to Frank X. Martel, 2 May 1951, as found in the *Detroit Labor News*, 4 May 1951.

⁶¹Open Letter from Frank X. Martel to Albert Cobo, as found in the *Detroit Labor News*, 17 May 1951, 1.

reported, “more than 3,100 members voted nearly seven to one in favor of the strike.”⁶² Even the otherwise anti-union *Detroit News* had to concede that the DSR workers were generally ready to follow the advice of the union leaders. ““The union leaders know what they are doing and I will follow their advice,”” Division 26 member, Frank H. Becker, told a reporter of the *Detroit News*.⁶³ A week later, the same paper reported similar sentiments. ““We know we’re right and we’ll stand by our union,”” another Division 26 members said. ““We won’t accept [an offer] until our union tells us to,”” said another. Another member added that, ““I’ve tightened my belt and will stick it out with the rest of the fellows.””⁶⁴ When Division 26 held a mass meeting in mid-May, 2000 of the 3,000 strikers attended. ““They booed loudly when Walter Stanley, union business agent, told them Mayor Cobo had not changed his mind on insisting they go back to work under the terms of the Hutchinson Act.””⁶⁵ With the city’s high level of unionization, Cobo could not wholly ignore Division 26, try as he might.⁶⁶

The morale among the Division 26 members remained high throughout the strike. In early June 1951, the union convened a mass meeting of their members, where their solidarity was made evident.⁶⁷ That solidarity also reflected itself in members’ continued support of their union leaders. Indeed, two weeks following the strike, union members reelected Walter Stanley as business agent, Pat McIntyre as president and John Francis as

⁶²“No Date Set for Strike of Div. 26,” *Detroit Labor News*, 20 April 1951, 1.

⁶³“DSR Operators Hit Firings, Stick With Union’s Action,” *Detroit News*, 27 April 1951, 2.

⁶⁴“Strikers, Drawing Last Pay, Say They’ll Not Give In,” *Detroit News*, 3 May 1951, 8.

⁶⁵Harvey Patton, “State Offer Accepted by Union,” *Detroit News*, 14 May 1951, 1.

⁶⁶Barnum, “Labor Relations in Urban Transit,” 96.

⁶⁷“Injunctions Sought in DSR Strike,” *Detroit Labor News*, 1 June 1951, 1.

secretary treasurer. Had members of the DSR been angered at their leaders, they would not have received the votes to retain them in these, the union's most powerful offices.⁶⁸

Organized labor's opposition to the city's position in the DSR strike was reflected in the Michigan Federation of Labor as well. Fuming from the treatment of street railway workers during the 1951 strike, the Michigan Federation of Labor, during its annual convention held in the last days of the strike, adopted six resolutions and endorsed one bill that reflected labor's sentiment about the strike and the Hutchinson Act. The convention had ended its first day before the strike came to an end. The resolutions sought "repeal of this unjust anti-labor and anti-democratic Act," and "condemn[ed] the Detroit Street Railway Commission and Mayor Albert E. Cobo because they ... attempted to strikebreak and ... refused to bargain in good faith." Other resolutions condemned the Hutchinson law as relegating public employees to "the position of being second class citizens when compared to their fellow workers in private industry." To this same end, the MFL "endorse[d] the necessary legislation granting to public employes [sic] the same right to organize, to be recognized and to bargain collectively as is enjoyed by people employed in private industry." The Michigan Federation of Labor's endorsement of several bills at the convention echoed these sentiments. These bills advocated the right of Michigan public employees to organize and utilize the services of the Michigan Labor Mediation Commission." Its fate, however, reflected the party that had controlled the legislature during that and many previous years. The Senate's labor committee killed them.⁶⁹

⁶⁸"City Stoops to Spite Firings as 'Economy'" *Detroit Labor News*, 6 July 1951, 1.

⁶⁹*Proceedings of the Sixty-Second Annual Convention of the Michigan Federation of Labor*, June 18-21, 1951, 19, 21, 23, 54, 58, and 91, ALUA.

Cobo Continues his Strategy Against DSR Strikers

To what extent Cobo and other city officials interpreted the show of unity for the strikers from powerful elements within the Detroit labor community is unknown. However, it is probable that they believed that if they had fired the striking workers, pursued criminal charges against their union leaders, refrained from negotiating with them and hired replacements, they might have inspired a powerful and negative response. Cobo did not want to go a route that would have had this result.

Nevertheless, despite the power of the labor movement and the criticism he received, Cobo maintained a position of control during the strike and the subsequent period of mediation and litigation. One observer concluded in the third week of the strike that, “[a]t this point, [Cobo] is very properly keeping his own counsel.”⁷⁰ In “keeping his own counsel,” Cobo did not delegate important decisions to any individual or agency.

Since the start of the strike “only 93 of the 3,500 fired operators have applied for reinstatement.” With but few exceptions, they remained committed to following the lead of their union officers. Division 26 Business Agent Walter Stanley reportedly threatened that, “[a]nybody who tries to go back to work before everybody does will be very unhappy.” Whether through coercion or voluntary commitment, the city could neither break the strike nor the union that organized it. With all of the bold and strident assertions in editorials, as well as letters to the editor and to Cobo, the city simply could not replace 3,500 DSR operators. Since the charter stipulated that the DSR commission had to maintain and operate a transit system, Cobo had no choice but to seek a resolution with

⁷⁰“The Law Must Prevail in DSR Strike,” editorial, *Detroit Free Press*, 12 May 1951, 6.

the DSR operators and their union representatives.⁷¹ Wayne County Federation of Labor President Frank X. Martel advised Cobo to ignore the Hutchinson Act, he argued that the police had done as much when they ignored parking and traffic laws in order to accommodate car owners who parked illegally during the strike or who used lanes reserved for use by vehicles moving in different directions. It did not help matters for the city that the Michigan State Employment Service refused to refer otherwise unemployed people to fill jobs vacated by DSR workers on strike. “We are not a strike breaking agency,” one of its officials said, “and it is not our policy to refer jobseekers to struck plants.”⁷²

The Litigation Concerning the DSR Strike Begins

By the time the city and Division 26 entered litigation to resolve their conflict, the DSR workers had been on strike for over six weeks. The circuit court judge that heard the case was sensitive to the need for a prompt ruling, but fully realized that his ruling would be appealed to a higher court. It was in this way that the litigation began.⁷³

In testimony offered by several union officials before Circuit Court Judge Ira Jayne, the union argued that Mayor Cobo and the DSR Commission entered into negotiations, but they did not make a good faith effort. After the city first agreed to

⁷¹Harvey Patton, “DSR Offer Stiffened by Mayor,” *Detroit News*, 3 May 1951, 2; “The Law is Plain,” editorial, *Detroit News*, 2 May 1951, 1; “Hope Lags as Union, DSR Talk,” 27 April 1951, 1; Frank E. Whipple to editor, “Suggests DSR Hire New Men,” *Detroit News*, 3 May 1951, 36; “Strikers, Drawing Last Pay, Say They’ll Not Give In,” *Detroit News*, 3 May 1951, 8; “DSR Hunts Way Out of Legal Fix,” *Detroit News*, 4 May 1951, 1; Harvey Patton, “Living Cost Wage Pact Suggested,” *Detroit News*, 2 May 1951, 1; Wallace Hushen, “All Police Called Out in Strike,” *Detroit News*, 7 May 1951, 2; “DSR Must Run,” editorial, *Detroit News*, 11 May 1951, 1.

⁷²Wallace Hushen, “Last-Hope Parley Due With Union,” *Detroit News*, 11 May 1951, 1.

⁷³Proceedings in re: *Cohn v. Detroit & Detroit v. Division 26*, 28 May 1951, 2.

mediation, and to a particular time and place for the first session, the city called it off. Determined never to willfully pursue it again, the city had argued that the state mediator, Charles Bowles, was “partial toward unions.” The city’s bad faith in negotiations was also evidenced by the constant threats to invoke the Hutchinson Act, should the union continue to strike. Union officials, moreover, testified that DSR workers would not return to work subject to the Hutchinson Act, which translated into a demand for a pay raise. After all, Division 26 officers believed that their members deserved raises like other city employees. Without offering much of a rationale, the union also argued that the Hutchinson Act was unconstitutional.⁷⁴

In part, the union presented an argument that had a novel element to it. The DSR workers were not public employees at all, it argued. Any law directed toward public employees could not legally apply to the striking DSR workers. The argument followed from the revenues the DSR generated in the form of fares, unlike “other” public sector employees whose salaries were derived from taxes. Besides, the city required that the Detroit Street Railways pay taxes based on the revenue that made its way through the fare box and calculated by its auditors. If this arrangement, peculiar for a ‘public’ agency, did not make it at least a quasi-private entity, Division 26 attorney Edward Barnard argued, he did not know what did.⁷⁵

City officials, and the line of questioning pursued by attorneys for the city, countered the arguments presented by the union and proposed that the court should rule on a different basis. The city requested that the court simply rule that the Hutchinson Act was constitutional and applied to the striking DSR workers. It further asked that the court

⁷⁴Proceedings in re: *City of Detroit v. Division 26*, June 6-7. 1951.

⁷⁵*Ibid.*

find that the DSR had complied with its tenets in dealing with its workers. Most importantly, the city requested that the court issue an injunction prohibiting Division 26 and its members from interfering with the operation of the street railways. Witnesses during the proceedings testified that the DSR would raise wages only following an increase in fares and that the DSR would not increase the fares for that purpose. As to the charge that the DSR did not pursue good faith negotiations with the union, attorneys for the city argued that the law did not stipulate that the city had to pursue mediation. Since the union never sought mediation by having a majority of its members vote for it, as stipulated by the Hutchinson Act, the city was under no obligation to pursue negotiations independently.⁷⁶

This last argument was an important one. Without a requirement to pursue mediation in the process described by the act, the union's other demands were of dubious merit. After all, only legally mandated mediation could have compelled the parties to have a representative from the state labor mediation board seek resolution to the issues that brought one party to strike against the other. Union officials had not asked union members to vote on the issue of mediation, as stipulated in the Hutchinson Act. Perhaps it was because the last time they sought binding arbitration with the approval of city officials, union members did not fare well in the arbitrator's decision. It may have been the case, however, that union attorneys and officials never thought of the requirements concerning mediation. Why else would they actively seek it without following the law? Whatever the case, even mediation had little power to resolve the conflict, because the law did not stipulate that it was binding. In short, the Hutchinson Act did not view bad

⁷⁶Proceedings *in re: City of Detroit v. Division 26*, June 6-7, 1951.

faith negotiations as being all that bad. This moment in the conflict harkened back to the initial debate in the state legislature four years earlier when the radical, yet respected, State Senator Stanley Nowak prophetically declared, "...mediation is practically meaningless."⁷⁷

Judge Ira Jayne, who heard the arguments and ruled on the case, offered a ruling that was a mixed outcome for both the union and the city. The Hutchinson Act was constitutional, he ruled, and it did apply to the matter that brought the parties to his court. However, it did not apply in the way that the city desired. Jayne ruled that the city should have willingly consented to mediation or pursued this avenue on its own. In this way, he ordered the otherwise striking DSR workers back to work and required that both parties pursue mediation in the mean time. In so ruling, Judge Jayne relied on what some argued constituted the spirit of the law. Specifically, he blamed the city for not making use of mediators that were readily available to the parties, even though the law did not mandate that either party pursue this course. As columnist W.K. Kelsey explains, Judge Jayne "became less interested in legal quiddities than in practical compromises more in keeping with the spirit of justice and the interests of the community."⁷⁸

Under the leadership of Mayor Cobo, the city pursued a strategy that included countless delays, designed to wear down the DSR workers and their union representatives, while strategically making use of appeals leading to the U.S. Supreme Court. Ultimately, the court ruled in favor of the city. In this context, the idea of non-binding mediation played well into the city's legal strategy, because with it the city was not obligated to anything beyond discussing issues. It did not have to make any

⁷⁷Arnold J. Levin, "Public Strike Ban Upheld," *Detroit News*, 27 May 1947, 35.

⁷⁸W.K. Kelsey, columnist, "The Commentator," *Detroit News*, 14 June 1951, 36.

concessions along the way.

First, DSR officials Hough and then Nowicki conveniently made themselves unavailable to meet with Division 26 officers, despite the latter's attempts to negotiate a new contract. When Cobo finally made the offer of a five cent per hour raise contingent upon cuts in fringe benefits, he waited until the contract expired on March 31. Even after Judge Jayne ordered the streetcar operators back to work and authorities representing parties back to negotiations, the city refused to negotiate, arguing that the Hutchinson Act applied. The law did not require that the city negotiate with workers who violated the law by striking. The city would wait for a ruling from the Michigan State Supreme Court before negotiating. To the extent that city officials did negotiate, it was only to reiterate the offer that they had extended throughout the strike. The city's position led the state labor mediation board to concede defeat in its efforts to resolve the conflict.⁷⁹

As for the Michigan Supreme Court, it ruled that the Hutchinson Act was both constitutional and applicable to the conflict that brought the parties to court. It further ruled that the DSR did not have "to offer and give the strikers an opportunity to return to work under terms, conditions, rights and benefits under which they were working before they struck, and without penalties imposed by the Act..." Dismissing Judge Jayne's efforts to force the parties into mediation, the Michigan Supreme Court further ruled that,

⁷⁹Proceedings, 7 June 1951, 7-8 and 156-158; "Hutchinson Haunts Injunction Hearing," *Detroit Labor News*, 8 June 1951, 1; "Negotiations Are Stalled By DSR's Stubbornness," *Detroit Labor News*, 15 June 1951, 1; "DSR Rolls Again as Div. 26 Goes Back," *Detroit Labor News*, 22 June 1951, 1; "DSR Management Gives Div. 26 a Rough Time," *Detroit Labor News*, 29 June 1951, 1; "City Stoops to Spite Firings as 'Economy,'" *Detroit Labor News*, 6 July 1951, 1; "DSR 'Too Busy' to Mediate with Union," *Detroit Labor News*, 20 July 1951, 1; "Further Bad Faith by DSR Commission," Editorial, *Detroit Labor News*, 20 July 1951, 10; "Mediation in DSR Dispute Gets Nowhere," *Detroit Labor News*, 27 July 1951, 1; "Mediation Bd Gives up on DSR Dispute," *Detroit Labor News*, 3 August 1951, 1.

“after the strike, the city did not have a legal duty to mediate, and continue to mediate, with the returned strikers under the Michigan Labor Mediation Board.⁸⁰ Needless to say, city officials were pleased with the ruling. Their position was validated when the U.S. Supreme Court took only eleven words to affirm the lower court’s ruling. “The motion to dismiss,” the opinion read, “is granted and the appeal is dismissed.”⁸¹

In the Aftermath of the Litigation

Segments of Detroit’s organized labor community fumed over the court rulings. Following the U.S. Supreme Court’s judgment, the headline in the *Detroit Labor News* read, “UPHOLD ‘HATCHET’ ACT.” Observing that the U.S. Supreme Court did not rule on the legality of the Hutchinson Act, but rather on whether any federal questions were at issue, Division 26 attorney Edward Barnard, in conjunction with union officers, weighed the options before them. The options were limited. The union conceded the defeat without much further comment on the matter.⁸²

In the end, Division 26 and its members lost more than they gained in pursuing the strike. They could not legally force the city to provide them with raises and/or improvements in fringe benefits. By pressing the matter, the union only inspired the courts to rule and uphold rulings verifying the constitutionality and applicability of the Hutchinson Act. Largely due to the money lost by the city during the strike, and a subsequent loss in ridership, the DSR laid off numerous Detroit Street Railway workers,

⁸⁰*City of Detroit v. Division 26 of the Amalgamated Association of Street, Electric Railway & Motor Coach Employees of America*, Michigan Supreme Court, 7 January 1952.

⁸¹*No. 207, Division 26 of the Amalgamated Association of Street, Electrical Railway & Motor Coach Employees of America, et al. v. City of Detroit et al.*, 13 October 1952.

⁸²“Uphold ‘Hatchet’ Act,” *Detroit Labor News*, 16 October 1951, 1-2.

following a national trend.⁸³ While those DSR workers who had been on strike were never forced to reapply for their jobs, their morale must have been damaged given the outcome of the strike. With the Cold War in full force, the Korean War underway, a conservative Michigan legislature in office, an anti-labor Detroit mayor and the touchy matter of public sector strikes, it would have been a stretch for the Detroit Street Railway workers to have been victorious, even given the power of organized labor in the city at the time.

Streetcars ceased to exist five years following the strike. As would-be riders grew increasingly accustomed to driving cars for transportation during the 1951 strike, their choices hastened the demise of streetcars in the city. During the same time that Division 26 sought a wage increase, larger more powerful forces were at work that may have facilitated the demise of streetcars in Detroit and elsewhere. The mass production and affordability of cars, coupled with the construction of freeways and parking facilities allowing for their use, did not bode well for a Detroit Street Railway system seeking to remain relevant.⁸⁴ Division 26 could not stop this chain of events. The Cobo administration's use of the Hutchinson Act was one of the causes that propelled Detroit streetcars out of existence.

Conclusion

The history of the Hutchinson Act, as reflected in its emergence and subsequent use, reveals the perils involved in strike actions among public sector workers. When

⁸³Barnum, "Labor Relations in Urban Transit," 98; Mattison, "Blight and Mass Transportation in Metropolitan Communities," 869.

⁸⁴Kenneth Schramm, *Detroit's Street Railways* (Charleston, S.C.: Arcadia Publishing, 2006), 8; Glenn Yago, *The Decline of Transit: Urban Transportation in German and U.S. Cities, 1900-1970* (Cambridge: Cambridge University Press, 1984), 70-71.

Detroit-area teachers went out on strike and/or threatened to do so, there was no Hutchinson Act that local and state officials could use to thwart such efforts. Given that these 1947 job actions coincided with a national strike wave, Detroit-area teachers were not poised to accept anything less than a meaningful pay raise.⁸⁵ That City Councilman George Edwards, a progressive politician, played a role in the decision to address Detroit teachers' concerns, boded well for those teachers seeking a pay raise. Interestingly, it was 18 years before Detroit-area teachers challenged the Hutchinson Act, opting instead, to improve their conditions through less confrontational means.

By the time Detroit sanitation workers went out on strike in 1950, and certainly by the time Detroit Street Railway workers undertook a lengthy strike in the spring of 1951, Detroit officials successfully used the law to fight back efforts by public employees to obtain pay raises by striking. It did not help the cause of striking public sector workers that the Cold War was at full tilt. The fervor of the Cold War domestically manifested itself in the ousting of 11 unions from the CIO, including Detroit-based locals 285 and 279 of the United Public Workers of America. Without the institutional support of the CIO, its efforts to secure wage increases met with limited success. Institutional support did not necessarily translate into the type of power that resulted in success. The 1951 strike of Detroit Street Railway workers affiliated with Division 26, an AFL union, illustrated this point. In this strike, Detroit's entire labor leadership supported the striking workers; and yet the most they had to show for their efforts was a confirmation from the U.S. Supreme Court that Cobo's use of the Hutchinson Act was both applicable and constitutional. These rulings solidified the legal basis for limiting public sector unionism.

⁸⁵ Adelaide Hart, "Walkout in Buffalo Complete Success," *The Detroit Teacher*, March 31, 1947, 1-2.

In his research on public sector workers in Illinois, historian Joseph Slater reveals the perceived risks of public sector strikes for unions. In the course of discussing the Service Employees International Union's public sector strikes during the 1930s, Slater had this to say:

Strikes by government workers were illegal, unpopular, and usually unsuccessful. While private sector locals in the BSEIU used strikes effectively, the BSEIU feared that a strike by any of its public sector locals would be a public relations disaster that would undo all they had tried to accomplish for school and other government employees everywhere.⁸⁶

The idea often applied to other public sector unions who engaged strikes in subsequent decades.

The 1951 strike by Detroit Street Railway workers is another example of the perils associated with public sector strikes. Had the general public believed some mutual interest existed between it and striking streetcar workers, those workers may have met with success in their strike.⁸⁷ With this said, the issue of timing often dictated the success – or lack thereof – of public sector activism. When, that is, Detroit-area public school teachers engaged in strikes or threatened strikes during the winter and spring of 1947, they did have some success. The difference, though, was that these job actions followed a strike wave among school teachers throughout the country, including competition for trained teachers, whose effects Detroit officials probably feared. Additionally, City Councilman George Edwards intervened in the matter and consented to allocate the necessary funding from the Detroit treasury. His activism allowed Detroit school teachers

⁸⁶Slater, *Public Workers*, 119-120; see also Godine, *The Labor Problem in the Public Service*, 8.

⁸⁷*Ibid.*, 8.

to receive a raise without resorting to a strike. This set of circumstances did not exist for either Detroit garbage collectors in 1950 or street railway workers in 1951, revealing the tenuous position in which public sector workers often find themselves when they strike against the government.

Debates over the Hutchinson Act did not begin or end with the job actions among teachers in 1947, or with the dramatic 1951 DSR strike. Although it appeared to have settled the issue of the Act's constitutionality, Michigan's labor movement, in conjunction with its allies in the legislature, alternately pursued a campaign to confront, expose and neutralize the Act. An additional strike, reports publicizing its harm, campaign platforms and legislative amendments that intended to compromise its purpose and power, all contributed to the campaign to eliminate the act. To the chagrin of the Act's antagonists, these efforts did not meet with success until 1965.

Unfortunately, DSR workers and their union did not fully appreciate the similarities between the sanitation workers strike of the previous year and the strike they pursued in terms of how the Cobo administration might respond. They also did not learn meaningful lessons from the earlier job action. Perhaps they believed that Cobo would have remembered, with kindness, the way that both the AFL and the CIO simultaneously supported him and attacked the garbage workers, as he considered a way to handle the DSR strike.⁸⁸ For Cobo, it mattered little that the CIO had ejected the United Public Workers from its ranks the previous year. Whatever its thinking, the union clearly misjudged the Cobo administration's determination to use the Hutchinson Act. Had the DSR workers and their union reflected on Detroit Public Works Commissioner Carl D.

⁸⁸“Cobo Acts to Restore Alley Work,” *Detroit News*, 1 September 1950.

Warner's comments about the striking sanitation workers, they may have approached their negotiations differently. On the first day of the 1950 sanitation workers strike, Warner had this to say about the treatment the workers could expect from the Cobo administration: "We'll put the fear of God into them forever."⁸⁹ It was a chilling message.

In the months preceding the 1951 DSR strike, the Michigan Democratic Party's campaign platform called for the "[r]epeal of the Bonine-Tripp and Hutchinson Acts, and substitution of a state labor relations law, and a workable mediation act, to encourage free collective bargaining."⁹⁰ Goodwill gesture though it was, political gestures are not always capable of moving beyond the rhetoric, especially when there were not enough labor-friendly legislators to repeal the act. The years that came and went without an amendment to the Hutchinson Act spoke for themselves.

Through its legislative newsletters, reports and press releases, the Michigan CIO argued for an amendment to the Hutchinson Act and publicized efforts for an amendment. In 1951, one Michigan CIO publication argued that "[t]he Hutchinson Act, denying public employes [sic] the basic right to strike, should be repealed and replaced with legislation..., which would make public employes [sic] first class citizens, not second-class citizens as at present."⁹¹ The Michigan CIO repeated the argument on

⁸⁹Louis Segadelli, president, Detroit Joint Board, United Public Workers to All Labor Unions," letter, September 2, 1950, Michigan AFL-CIO Collection, box 114, folder 7 titled, "Public Workers, 1950-1951, ALUA; "Cobo Acts to Restore Alley Work," *Detroit News*, 1 September 1950, 2.

⁹⁰"Campaign Platform Adopted at Convention of Michigan Democratic Party, 3 February 1951, box 31, folder 6, Political Action, 1951, Michigan AFL-CIO Collection, ALUA.

⁹¹"Legislative Program of the Michigan CIO," Michigan Legislative Report, 1951, 32, box 89, folder 5 – Legislative Report, Michigan AFL-CIO Collection, ALUA.

numerous other occasions, but years would pass before it would make any headway on the matter.⁹²

Throughout the late 1940s and early to mid 1950s, members of both the Michigan House and Senate alternately introduced bills to amend the 1947 Hutchinson Act. Organized labor in Michigan enthusiastically supported these bills. They mandated or allowed for organizing, collective bargaining, fines and jail sentences for those refusing to recognize the right of public workers to organize, and for the Michigan Labor Relations Board to intervene in such disputes, even when neither party requested mediation. In a Michigan legislature dominated by anti-union Republicans, the bills rarely made it out of committee. Even when they did, the bills did not receive majority support in either house. As evidenced by his 1950 Labor Day speech in Detroit, during the eight-day Detroit sanitation workers strike, Williams admonished his audience about their election-day apathy. This apathy, he said, had allowed the state legislature to block a repeal or significant amendments to the Hutchinson Act. Speaking on the second day of the strike, Williams received enthusiastic applause from Labor Day parade spectators. However, he never received the opportunity to sign a bill repealing or neutralizing the anti-strike law.⁹³ Neither these bills, Michigan CIO media attention, nor the strikes that

⁹²See, for example, “For Public Employees,” *Michigan CIO Legislative Newsletter*, January 1954.

⁹³“Voting Record 1951-1952 and Explanation of Bills Recorded on Following Page,” *Legislative Newsletter*, box 44, folder 8, Michigan AFL-CIO Collection, ALUA; “Senate Bill No. 1246,” Michigan 67th Legislature, Regular Session of 1953, Michigan AFL-CIO Collection, folder 10 titled “Legislation, 1952-1953, box 128, ALUA; “More Legislation Died this Week – in the Senate,” *Michigan CIO Legislative Newsletter*, April 28, 1953, 5; Press Release, 1952, Michigan AFL-CIO Collection, box 87, folder 10 titled “Lansing Office,” 1952; “In the Senate,” *Michigan CIO Legislative Newsletter*, 28 April 1953, box 89, folder 4 titled, “Legislative Report,” Michigan AFL-CIO Collection, ALUA; “House Bill No. 121,” Michigan 68th Legislature, Regular Session of 1955, box

violated the Hutchinson Act did anything to prompt the legislature to repeal it or address the concerns of public sector workers who engaged in strikes. In the immediate post World War II period, too many forces aligned themselves against any such effort.

Historian Joseph Slater argues that state and local agencies increasingly warmed to the idea of recognizing public sector unions during contract negotiations. They furthered expressed less fear about public sector unions pursuing strikes to accomplish their ends.⁹⁴ As in other historical transitions, there was continued contention between the public sector and the agencies that employed them. The job actions among Detroit-area teachers, garbage workers, and street railway workers reflected this contention in these same years that others achieved success at empowerment.

5, folder 18, "Legislation Material, 1947-1948," Detroit Federation of Teachers Local 231 Collection, ALUA; "Labor Day Address," box 423, June-December 1950 Speeches, G. Mennen Williams Papers, Bentley Historical Library, University of Michigan.

⁹⁴Slater, *Public Workers*, 159-166.

Part II

A Bridge Over Troubled Waters

As long as the majority of Michigan's residents have only half a voice in the Michigan Legislature...these conservative groups can push through the kind of legislation they want – hold down the kind of legislation most of the people in the state desire.¹

Part II and chapter Three are one and the same. They fit between the section dealing with the enactment and implementation of the Hutchinson Act on the one hand, and the subsequent part concerning the Public Employee Relations Act, on the other. The history regarding legislative reapportionment spans the same time period and was inescapably connected to the Hutchinson Act and the Public Employee Relations Act amending it. Malapportioned legislative districts had made it possible for the Hutchinson Act to remain intact for eighteen years. By the same token, its amendment in 1965 flowed from the reapportionment of legislative districts in 1964, just in time for the elections of that year. That election swept into office legislators who passed the Public Employee Relations. The chapter that follows is the bridge that links these two laws and the eras in which the Michigan legislature enacted them.

Neither the Hutchinson Act nor the Public Employee Relations Act are discussed at length in the chapter that follows. Instead, the chapter focuses on how legislative reapportionment set the groundwork for legal changes. The Michigan CIO and its affiliates championed reapportionment during a 1952 initiative on the matter, but Detroit-area public sector unions, like those affiliated with the American Federation of State,

¹“Your Voting Power Has Been Cut in Half,” box 151, folder 4, Michigan AFL-CIO Collection, ALUA.

County and Municipal Employees, the American Federation of Teachers and Division 26 of the Amalgamated Association of Street, Electric Railway & Motor Coach Employees of America were all AFL-affiliated unions. While the Michigan CIO did not oppose the empowerment of these or other public sector unions, they did not forcefully champion their causes either. Because much of the chapter that follows focuses on the 1952 initiative when the CIO made its first concerted effort to force reapportionment, the Hutchinson Act remained outside of what the CIO considered most important. Even given this, legislative reapportionment held an important enough place in the development of public sector unionism to warrant a full discussion here.

Chapter Three

Laying the Groundwork:

Labor's Fight for Legislative Reapportionment, 1952-1964

What better form could be found for the expression of contempt for the people than to equate one person with a specific amount of dirt?²

An apportionment which generally over represents rural areas at the expense of metropolitan cities obviously favors farmers and discriminates against industrial workers.³

The Brown case and the changes that it brought about caused many people to believe that it was the most important case of my tenure on the Court. That appraisal may be correct, but I have never thought so. It seemed to me that accolade should go to the case of *Baker v. Carr* (1962), which was the progenitor of the 'one man, one vote' rule."⁴ – U.S. Supreme Court Chief Justice Earl Warren.

Teachers, sanitation workers, streetcar workers, and other public sector workers had their share of concerns about the Hutchinson Act. Many believed that it applied overly punitive consequences to public sector workers by terminating or making it difficult for them to retain their positions after going on strike. Particularly onerous was the provision that a fine and/or prison term possibly awaited those who encouraged public sector workers to strike. However, amending the act proved difficult, even futile, given the conservative make up of the legislature. They took exception to an empowered public sector that was poised to challenge the power structure with demands for increased wages

²Karl A. Lamb, William J. Pierce and John P. White, *Apportionment and Representative Institutions* (Washington, D.C.: The Institute for Social Science Research, 1963), 206.

³Ibid., 301.

⁴Earl Warren, *The Memoirs of Chief Justice Earl Warren* (New York: Madison Books, 2001), 306.

and improved working conditions. With an empowered public sector came the possibility of tax increases, since wage demands necessitated these changes. The Hutchinson Act was not the only legislation about which organized labor exhibited concern. Organized labor also showed a desire for the enactment of legislation concerning a Fair Employment Practices Commission, expanded unemployment compensation, and workmen's compensation, among other legislation.

With these hopes for legislative change before them, organized labor sought another means to amend the Hutchinson Act and pass other legislation. Its efforts coalesced in a fight that pitted organized labor against the business community and certain segments of agriculture, a fight over legislative apportionment. From the lay perspective on this fight, "one person, one vote" described the struggle in question.⁵

The idea of "one person, one vote" is fairly recent and not only because discrimination kept African Americans and women from voting from the earliest years of the Republic. Up until the mid-1960s, rural legislative districts in most states received significantly more representatives in the state legislature per capita than their urban counterparts. The disparity in the Michigan State Senate was particularly inequitable. Because urban districts tended to be more labor-friendly than rural districts, this arrangement worked against the interests of organized labor in cities like Detroit. Following a protracted battle that encompassed a ballot proposal, introduction of bills in

⁵See for example, "The Record of the Legislature, 1951-1952," box 173, folder titled, "Lansing Office," Michigan AFL-CIO Collection, ALUA; Sidney Fine, *"Expanding the Frontiers of Civil Rights," Michigan, 1948-1968* (Detroit: Wayne State University Press, 2000), 35-96; Michigan CIO Legislative Conference Schedule, 30 January 1952, box 194, folder 9, Michigan AFL-CIO Collection, ALUA; Neal Peirce, *The Megastates of America: People, Politics and Power in the Ten Great States* (New York: W.W. Norton & Company, 1972), 418-420.

the state legislature, suits before state courts and debates within the 1961-1962 Michigan Constitution, the turning point in the apportionment debate came in the early 1960s when the Supreme Court finally took the side of plaintiffs calling for reapportionment based solely on a population basis.⁶

With these rulings, significantly more state legislators from urban districts in Michigan were elected to office. More labor-friendly legislation followed. Reapportionment is thus central to understanding why the 1965 Michigan state legislature and its governor passed and signed into law the Public Employees Relations Act. This legislation amended the 1947 Hutchinson Act by limiting the consequences to striking by public sector workers. The 1965 law also required state and local agencies to engage in collective bargaining with most public sector workers or their representatives. Only with legislative reapportionment, however, was it possible for a sufficient number of labor-friendly (usually Democratic) legislators to be elected to amend the Hutchinson Act.

This chapter exams the role that organized labor played in this effort to reapportion Michigan's legislative districts, including the two U.S. Supreme Court rulings in *Baker v. Carr* (1962) and *Reynolds v. Sims* (1964), which together required states to reapportion state legislatures on a purely population basis.⁷

Malapportioned legislative districts prevented certain measures to meet with

⁶*Baker v. Carr*, 369 U.S. 186 (1962); *Reynolds v. Sims*, 377 U.S. 533 (1964). For an excellent overview of reapportionment in Michigan, see Theodore Sachs, "Scholle v. Hare – The Beginnings of 'One Person-One Vote,'" *Wayne Law Review*, 33, no. 5, 1605-1624.

⁷A good overview of the Michigan and Federal reapportionment cases are located in Sachs, "Scholle v. Hare – The Beginnings of 'One Person-One Vote,'" *Baker v. Carr*, 369 U.S. 186 (1962); *Reynolds v. Sims*, 377 U.S. 533 (1964); Doris McLaughlin, *Michigan Labor: A Brief History from 1818 to the Present* (Ann Arbor: Institute of Labor and Industrial Relations, 1970), 152; Steve Babson, *Working Detroit: The Making of a Union Town* (Detroit: Wayne State University Press, 1986), 195.

success through the legislative process. At the extreme, Michigan's 32nd state senatorial district, representing four rural counties with a combined population of just over 61,000 in 1950, received one state senator, whereas Detroit's 18th state senatorial district, with a population of nearly 700,000 in the same year similarly received one state senator. In other words, one senatorial district received over 11 times more state senators per capita than another, leading one observer to ask, “What better form could be found for the expression of contempt for the people than to equate one person with a specific amount of dirt?”⁸

Efforts to reapportion legislatures throughout the country, leading to the landmark Supreme Court rulings in *Baker v. Carr* and *Reynolds v. Sims*, have fueled an extensive literature. Because the phenomena remained controversial, there is a range of perspectives on its importance. Chief Justice Earl Warren himself believed that the reapportionment rulings by the U.S. Supreme Court outweighed the decision in *Brown v. Board of Education* (1954). With reapportionment, Warren argued, the laws of the country came to be more of and for the people, which is what the Warren Court is best known.⁹

Other legal scholars refuse to ascribe any particular importance to reapportionment, arguing in one case that, “reapportionment problems represented nothing more than a bad case of acne, frequently embarrassing and temporarily disfiguring but not of vital importance.”¹⁰ Their argument, however, is belied by other

⁸Karl Lamb, “The Political Evolution of the Michigan Apportionment Formula,” in Lamb, et al., Eds., *Apportionment and Representative Institutions*, 206.

⁹Warren, *The Memoirs of Chief Justice Earl Warren*, 306.

¹⁰See, for example, Philip B. Kurland, *Politics, the Constitution and the Warren Court* (Chicago: University of Chicago Press, 1970), 83.

realities. With the reapportionment rulings, legislatures became more responsive to urban constituents who previously had a difficult time making their voices heard. After reapportionment, more citizens came to look to and participate in state government as a means of addressing their needs and concerns. Moreover, a growing number of African Americans representing urban districts became politically active. Because competition for office was more equitably distributed, legislators who were both more qualified and more representative began pursuing office. The very *idea* of reapportionment was important. Attorney Theodore Sachs, an integral figure in the struggle for reapportionment in Michigan, quoted Victor Hugo when, in writing about reapportionment, he argued that “there is nothing more powerful than ‘an idea whose time has come.’”¹¹ By the early 1960s, the powerful idea of reapportionment had come, and organized labor in Michigan helped to pave the way for its introduction in Michigan and beyond.

The phenomenon of legislative reapportionment is incomprehensible outside of the context of the Civil Rights movement. There are few events in modern American history that rival the Civil Rights movement in terms of its transformative significance. Mass demonstrations, sit-ins, boycotts, freedom rides, marches, and landmark Supreme Court rulings were the most visible evidence of its importance. However, the sentiments and ideas generated by this era inescapably seeped into areas not always associated with the Civil Rights movement. Public sector unions and the people who organized, or were organized by them, were among the forces shaped and inspired by civil rights activism. Indeed, the rights consciousness of this historical moment pervaded these organizations and emboldened their members and officers to pursue rights few imagined just a

¹¹Sachs, “*Scholle v. Hare* – The Beginnings of ‘One Person-One Vote,’” 1605.

generation before. It is in the context of this era that we can best understand the equitable reapportionment of Michigan's legislative districts and the subsequent growth of labor-friendly legislators who passed laws that previous legislatures, dominated by rural and conservative members, had refused to release from committees, let alone support or champion.

The 1952 Initiative

In 1951, following intense debate, the Michigan CIO Council and its president, Gus Scholle, launched an effort to amend the state constitution "to require periodic legislative apportionment in both houses on 'strict population' basis: each district having plus or minus fifteen percent of the 'average' district population and having effective procedural mechanisms for enforcement."¹² By 1952, labor honed its political argument about legislative reapportionment and conceived a plan to change it. It is not clear what precisely precipitated the idea that organized labor should choose this particular moment to seek a reapportionment of the Michigan State Legislature. Perhaps labor leaders figured that they could translate Governor G. Mennen Williams' popularity and endorsement into success for the ballot initiative in the November election. Perhaps labor strategists determined that a presidential election year, with its larger voter turnout, would grant them success.

A letter from August Scholle and Barney Hopkins, President and Secretary-Treasurer of the Michigan CIO Council, illustrated the decision and relevance of reapportionment to organized labor in Michigan. In this January 1952 letter, they wrote that, "...1952 will be an even more vital year because of the two-"R" problem in

¹²Sachs, "Scholle v. Hare – The Beginnings of 'One Person-One Vote,'" 1607.

Michigan – reapportionment and reorganization. In particular” the letter continued, “the question of the reapportionment of the state will have to be considered, and a broad educational campaign begun in order to acquaint the people of Michigan with the fact that tree stumps and deer are better represented in our State Legislature than many citizens.”¹³ With some legislative districts containing large masses of wooded acreage but with few residents, the reference to tree stumps and deer held validity.

Whatever constituted the motivating factor(s), organized labor did not hold back on its support of reapportionment. To that end, it designed a well-coordinated and multifaceted campaign to ensure the reapportionment of the state’s legislative districts when it began seeking a ballot initiative in 1952. As reflected in legal research, policy statements, manuals, surveys, resolutions, the use of sympathetic media, CIO advocates of legislative reapportionment moved forward with their mission. The use of lectures, signatures for petitions, television, newspaper and radio advertisements, state maps with demographics, cartoons, flyers, banners and buttons, and the substantial resources secured to pursue all of these activities, the campaign developed by organized labor in Michigan stood poised for near-definite success.

It was with this effort that organized labor laid the groundwork for subsequent campaigns to compel the reapportionment of legislative districts. The plan began with research that the CIO undertook in 1951 and early 1952, which allowed organized labor in Michigan to outline the broad parameters of a reapportionment argument. In turn, the argument assisted organized labor in convincing its constituents that reapportionment was

¹³August Scholle and Barney Hopkins to All County CIO Councils Affiliated with the Michigan CIO Council, letter, 29 January 1952, box 179, folder 17, Michigan AFL-CIO Collection, ALUA.

a meaningful objective and developing a plan to pursue an initiative. The research analyzed the problem, including its history, outlined the current Michigan law, developed recommendations and considerations, provided a bibliography, and maps that included demographics of the counties. CIO proponents of reapportionment detailed many of these elements in a document titled, “Memorandum on Proposed Constitutional Amendments Respecting Reapportionment,” in 1951.¹⁴

The “problem” that malapportioned legislative districts posed, the author(s)* of the memorandum argued, was that citizens living in rural and sparsely populated areas had disproportionately greater power than those in urban areas. Because they elected more representatives to the legislature than those in urban districts, relative to their numbers. Evoking a history extending back to England, which had adopted its own brand of malapportionment, the author(s) argued that “[f]or years, and in most of the states, city dwellers have had to live with rotten borough government by the few, and government by the land and not by the people.”¹⁵ By legally guaranteeing many counties legislators, often irrespective of population, the law was at fault. When legislators ignored their obligation to reapportion districts every ten years as constitutionally mandated, thereby allowing sparsely populated districts to maintain their control of the legislature, the end

¹⁴“Memorandum on Proposed Constitutional Amendments Respecting Reapportionment,” box 129, folder 13, Michigan AFL-CIO Collection, ALUA.

*The author of this “Memorandum...” is not listed, but there is a good chance that it was Theodore Sachs who, under the direction of August Scholle of the Michigan CIO, had been representing the CIO in regards to reapportionment issues as early as 1952 and extending well into the 1960s. However, Tom Downs, one of August Scholle’s close assistants and a lawyer in his own right, also could have played some role preparing this “Memorandum,” as he was considered an expert on the subject of reapportionment. See for example, Berthelot, Helen Washburn, *Win Some, Lose Some: G. Mennen Williams and the New Democrats* (Detroit: Wayne State University Press, 1995), 59.

¹⁵*Ibid.*, p. 1.

result was disenfranchisement, the memo explained. Courts exhibited reluctance to enter the legal fray around malapportioned districts, arguing that to do so “would violate the doctrine of separation of powers,” that is, for the judicial branch to dictate the operation of the legislative branch. In this context, CIO proponents sought to reapportion legislative districts based on population, without regard to partisan considerations, and on the condition that mechanisms are established allowing for redress when a party believes that districts have returned to a malapportioned state.¹⁶

The research for the initiative in 1952 concerned previous litigation that spoke to legislative reapportionment. In each case, the courts reached the same conclusions: Gross malapportionment, like the one the Michigan CIO sought to change, had no place in Michigan. The author(s) of the “Memorandum” quoted the most prominent of these cases, *Giddings v. Secretary of State*, which argued that, “it was never contemplated that one elector should possess two or three times more influence in the person of a representative or senator, than another elector in another district.”¹⁷ While there were several other decisions that came to the same conclusion, one major matter changed since the time of those rulings, massive population shifts that provided urban centers with far larger numbers than even malapportionment advocates of the nineteenth century had witnessed.

The Memorandum did not go into statistical detail about this shift, but CIO strategists and lawyers seeking to compel the reapportionment of legislative districts must have been aware of the immense changes that characterized the urban versus rural sections of the state. Detroit’s population grew dramatically during the first half of the

¹⁶Ibid; *Colgrove v. Green*, 328 U.S. 549 (1946).

¹⁷*Giddings v. Secretary of State*, 93 Mich. 1 (1892).

20th century. In 1910 that population numbered 465,766. Ten years later it escalated to 993,678. By 1950, it reached its height at 1,849,568. Many rural cities in Michigan grew as well, but not as dramatically. The city of Allegan, for example grew from 1,141 in 1910 to 4,801 in 1950 and reached 4,822 in 1960. The contrast was phenomenal and revealed the potential political power of Detroit should the CIO prove successful in reapportioning Michigan's legislative districts.¹⁸

CIO advocates of reapportionment often used the essence of this argument when preparing material for those collecting signatures for the ballot proposal on a reapportioned state legislature. In one such packet of material, entitled "Speaking of Representative Government," the CIO included a section entitled, "What the Founding Fathers Did," that quoted Article XIV, Section 11 of the U.S. Constitution. Saying that, "Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed."¹⁹ The CIO readily used information gleaned from its research when seeking signatures for its petitions.

The year 1952 was not the first time that advocates of reapportionment sought changes in the Michigan constitution. Others sought changes in 1924, 1930 and again in 1932. Their efforts improved on each occasion. However, as late as 1932, a

¹⁸http://www.daahp.wayne.edu/1900_1949.html;
http://www.daahp.wayne.edu/1950_1999.html; Michigan, *Michigan Manual*, 1911-1912 (Lansing: State of Michigan, 1911), 636; Michigan, *Michigan Manual*, 1951-1952 (Lansing: State of Michigan, 1951), 382; Michigan, *Michigan Manual*, 1961-1962 (Lansing: State of Michigan, 1961), 338.

¹⁹As quoted in "Speaking of Representative Government," *Michigan CIO Council*, box 179, folder 18, Michigan AFL-CIO Collection, ALUA.

reapportionment proposal lost by 145,000 votes.²⁰ While unsuccessful, these efforts kept the issue of reapportionment alive and allowed the advocates of the 1952 effort to examine what might be necessary to achieve the success that eluded them on previous occasions.

The effort to pursue a ballot initiative by organized labor began three years earlier. At that time, the CIO and UAW Political Action Department began working with the Michigan Committee for Representative Government to create a proposal for reapportionment in the state.²¹ Although the Committee supposedly operated independently of organized labor, its ties to organized labor suggest a questionable independence. That Theodore Sachs, who served as counsel for the Michigan CIO and later the Michigan AFL-CIO, acted as attorney to the committee indicates its close alliance with organized labor.²² The Michigan CIO spent upwards of \$65,000 to fund the ballot initiative sponsored by this committee.

It is misleading to say that the whole of organized labor in Michigan took up the charge to change the political state of affairs. In 1952, that is, the AFL and CIO were three years away from a merger, and their Michigan State counterparts did not merge until 1958. They disagreed with one another about the challenges and possibilities for organized labor in Michigan and more broadly. As in other states, the Michigan CIO was

²⁰John P. White, "Legislative Apportionment Under Three Michigan Constitutions," in Karl Lamb et al. *Apportionment and Representative Institutions: The Michigan Experience*, 133-135; "Constitutional Amendments," ca. 1952, box 129, folder 13, Michigan AFL-CIO Collection, ALUA.

²¹"You've Been Shortchanged at the Ballot Box – Sign Petition to Gain Equal Representation" and "UAW, State Back Drive," box 151, folder 4, Michigan AFL-CIO Collection, ALUA.

²²*August Scholle v. James M. Hare and Frank D. Beadle, et al*, Defendant's Answer to Plaintiff's Supplemental and Reply Brief, No. 48,580 (January 1960), 29.

the more militant of the two organizations, and it remained true, even after conservative elements largely succeeded in purging the organization of its communist elements.²³

Like the Michigan CIO, the Michigan Federation of Labor criticized the way senatorial districts were apportioned. As 1952 got underway, however, its official position remained at variance with the plan advanced by the Michigan CIO. One may even argue that the initial AFL plan was decidedly antagonistic to the CIO plan. In a March 25, 1952, MFL secretary-treasurer, Robert Scott clearly expressed the AFL's views. In that missive, he referred to the plan supported by the Michigan CIO as "unclearly drafted," "hastily put together," "stupid," and a "mousetrap." Six different times in the three-page letter, Scott referred to the CIO plan as a "scheme." While noting the inappropriateness of a system where "one senate district has 696,670 persons within its boundaries while another has 61,008 persons," Scott argued that the CIO "scheme allows, in fact encourages, gerrymandering of the most vicious kind" by allowing the Republican Secretary of State Fred Alger to "take away or make more difficult to win other House and Senate seats in districts which were close in 1948 and 1950." In contrast to the Michigan CIO plan, the MFL plan specified that, "[t]he county [would be] preserved as the primary political unit, which prevents gerrymandering."²⁴ In other words, the MFL plan kept intact a provision allowing "every county with more than 1/2 of 1 per cent of the State's population [to] have a representative of its own, and each

²³Robert H. Zieger, *The CIO, 1935-1955* (Chapel Hill: University of North Carolina Press, 1995), 2.

²⁴Michigan Federation of Labor Secretary-Treasurer Robert Scott to Democratic County Chairman, letter, 25 March 1952, box 73, folder titled, "Legislative Reapportionment," G. Mennen Williams Collection, Bentley Historical Collections. (Note: the portion of the letter listing the addressee was ripped off. It appears to have been written to members of the Michigan Democratic Party, box 179, folder 16, Michigan AFL-CIO Collection, ALUA.

county with a population greater than 1 1/2 per cent of the State's population [to] have at least two representatives.”²⁵ The Michigan CIO countered, that when a county was accorded this respect, it was often the case that small counties received a disproportionate number of representatives.

It is not clear exactly why the MFL abandoned its competing petition drive in 1952. It may have been connected with an effort on the part of Walter Reuther, Gus Scholle, and James Hoffa “to get the AFofL to withdraw their petition.”²⁶ Given the power of these labor leaders, it is conceivable that their combined power swayed the MFL. In any case, the MFL decided that the idea of pursuing its own petition drive independent of the Michigan CIO did not make sense and that it was in the best interest of their members to support the CIO reapportionment plan. As reported in the *Detroit Labor News* in July 1952,

[t]he abandonment of its petition by the Michigan Federation of Labor, and its announced support of the one now going on the ballot, will clear the atmosphere and make the unification in the effort to provide a workable reapportionment amendment to the state constitution.²⁷

Among the efforts that the CIO arranged in early 1952 to advance its interest to reapportion state legislative districts, was its February 9 conference, which was attended by upwards of 400 people and addressed by the governor. It allowed the CIO to demonstrate its commitment to reapportionment by educating its participants to better understand its importance. The conference addressed a number of topics, including taxation, the Fair Employment Practices Commission and civil rights, workmen's

²⁵Ibid.

²⁶“Regular Executive Board Meeting, Michigan State CIO Council,” 17 April 1952, box 151, folder 4, Michigan AFL-CIO Collection, ALUA.

²⁷“Reapportionment on the Way,” *Detroit Labor News*, 3 July 1952, 8.

compensation and safety, unemployment compensation and welfare, and state labor mediation, in addition to reapportionment. Although the conference's objectives discussed the CIO's legislative program, legislative reapportionment was a key part of the discussion. In fact, the achievement of other pieces of legislation would be uncertain without a reapportioned legislature.²⁸ Representatives of the UAW and CIO dominated at the session on reapportionment. Attorney Ted Sachs, who represented the Michigan CIO, and Bernice Howell of the League of Women Voters also participated in this session. They gave short presentations, but the object of this and other sessions was to engage audience participation.²⁹ Many of the participants of the conference participated in the petition drive for a ballot initiative and used the information and insights from this conference in the work on this effort.

Reapportionment was closely connected to the issue of taxation without representation, and reapportionment advocates did not hesitate to remind anyone who listened that a relationship between the two existed. When those members of the tax-paying citizenry pay a disproportionate amount of taxes, relative to the number of representatives they receive in the state senate, the taxation issue becomes contentious. The Michigan CIO railed against the disparity as it encouraged its members and others to sign the petition calling for a referendum on reapportionment. A newsletter of the

²⁸“Conference Schedule,” 9 February 1952, box 194, folder 9, Michigan AFL-CIO Collection, ALUA; G. Mennen Williams to August Scholle, letter, 7 January 1951, box 194, folder 8, Michigan AFL-CIO Collection, ALUA; Don Stevens to Theodore Sachs, letter, 14 February 1952, box 194, folder 12, Michigan AFL-CIO Collection, ALUA.

²⁹“Legislative Conference, Panel Participants,” ca. January 1952, box 194, folder 10, Michigan AFL-CIO Collection, ALUA; August Scholle and Barney Hopkins to All Resource People, letter, 17 January 1952, box 194, folder 9, Michigan AFL-CIO Collection, ALUA.

Democratic Party made the point this way: “Although Wayne County citizens pay 48% of the state’s total tax bill, they have only 7 of the 32 senators to speak for them in the legislature.”³⁰

Defendants of the current apportionment arrangement also opposed the empowerment of the public sector. As the public sector and their unions increased in power, so did their efforts to negotiate for higher wages. Because higher wages might require higher taxes, many bristled over these efforts. It does not require a huge leap to conclude that opponents of reapportionment also supported the Hutchinson Act for the same reasons, since this law made it more difficult for the public sector and their unions to fight for wage increases and improvements in their working conditions.

The heavily CIO-supported Michigan Committee for Representative Government did not pursue an initiative on reapportionment alone. It formed a coalition with other organizations that stood to benefit from a reapportioned legislature. The Michigan CIO aside, the Detroit chapter of the NAACP, Americans for Democratic Action (ADA), the Michigan Democratic Party, the Michigan Farmers Union, the Teamster’s Union, the American Federation of Labor and others came together to assist in the effort to gather signatures and encourage their members that reapportionment had merit. The Michigan Federation of Labor joined the effort after its own petition drive could not gain traction. With the NAACP’s membership based in metropolitan Detroit, its constituents suffered even more acutely from the current apportionment of legislative seats. As for the ADA,

³⁰“No Taxation Without Representation,” *Seventh Democrat*, March 1952, box 129, folder 15, Michigan AFL-CIO Collection, ALUA; see also, “Draft Statement on Reapportionment,” box 129, folder 13, Michigan AFL-CIO Collection,” ALUA and “U.S. Constitution Was Written to Provide Equal Representation,” *Michigan CIO News Service*, 3 April 1952, box 151, folder 4, Michigan AFL-CIO Collection, ALUA.

its civil rights platform suggested that it would think well of reapportionment.³¹

While the Michigan Committee for Representative Government formally headed up the effort to place a reapportionment initiative on the November 1952 ballot, the Michigan CIO and several of its member entities played the major role in the effort even as they sought to give the impression that they did not.³² That the Michigan CIO played a major part in this effort formally coordinated by the Michigan Committee for Representative Government is evidenced by the presence of Ted Sachs and Bernice B. Howell during the drafting of the formal language to be placed on the ballot. Sachs served as attorney for Committee at this time.³³

In 1952 and the years leading up to it, the Michigan CIO's stance vis a vis reapportionment paralleled that of the state's Democratic Party. Indeed, Neil Stabler of the Michigan Democratic Party requested input from Teamster President James Hoffa, the UAW's Roy Reuther, Michigan Federation of Teacher's Robert Scott, and Gus Scholle of the Michigan CIO, for a strongly-worded resolution condemning malapportionment and calling for a democratic remedy. The resolution read, in part,

The Michigan Legislature has for a full generation refused to perform its constitutional duty to reapportion the legislature every 10 years. This cynical disregard of a plain

³¹“U.S. Constitution was Written to Provide Equal Representation,” *Michigan CIO News Service*, 3 April 1952, box 151, folder 4, Michigan AFL-CIO Collection, ALUA; Regional Executive Board Meeting of the Michigan State CIO Council, 17 April 1952, box 151, folder 4, Michigan AFL-CIO Collection, ALUA; “Michigan Committee for Representative Government [Endorsement List],” ca. July 1952, box 73, folder titled, “Legislative Reapportionment,” G. Mennen Williams Collection, Bentley Historical Collections, University of Michigan.

³²*Michigan CIO Council Legislative Newsletter*, 7 March 1952, 2, folder titled, “Michigan CIO Council Legislative Department – Legislative Newsletters,” CIO Legislative Department Collection, ALUA.

³³*August Scholle v. James M. Hare and Frank D. Beadle, et al*, Defendant's Answer to Plaintiff's Supplemental and Reply Brief, No. 48,580 (January 1960), 29.

constitutional mandate has made our law-making body a towering symbol of flagrant law violation. It denies the most basic beliefs on which our democracy was founded. It destroys the faith of our people in government by law. It arrogates to a minority the power to govern us all. We consider this condition intolerable, not merely because we are Democrats and believe men to be equal but still more because we are Americans and believe in our American democracy. We repudiate the pretensions of the present Republican leadership, which would perpetuate this condition. We repudiate their claims of superior wisdom in a minority of our people.”³⁴

That Staebler sent this draft resolution to four prominent leaders of Michigan’s organized labor demonstrates the interests that organized labor had in reapportionment and the close relationship between organized labor and the Democratic Party in Michigan. The Michigan Democratic Party, two weeks later during its May 10, 1952 convention, adopted many of August Scholle’s suggestions for changes to the resolution. This demonstrates the strength of the relationship, as well the deference of Michigan Democrats to organized labor.³⁵

As the Michigan Committee for Representative Government and CIO identified organizations to help fight for reapportionment, they used the media to assist in the effort. Through television, radio and film, they ensured that prospective signatories to the petitions knew about the issues regarding reapportionment.

The use and distribution of cartoons comprised part of this strategy to inform and convince. To say that a picture can tell a story of a thousand words is to miss the point that pictures often tell stories that words cannot fully relate. Such is the case with the

³⁴Draft resolution of the Michigan Democratic Party,” and letter enclosing same, 28 April 1952, box 40, folder 15, Michigan AFL-CIO Collection, ALUA.

³⁵“Resolution of the Democratic [Michigan] State Convention,” 10 May 1952, 7, box 490, folder titled, “Democratic Party State Convention – May 1952,” G. Mennen Williams Collection, Bentley Historical Library, University of Michigan.

cartoons that reapportionment advocates used to dramatize their position. The 1952 campaign to gain a ballot proposal illustrates this point. One handbill had four images -- one of an ax chopping through a ballot, another with a man gagged and handcuffed, a third of a gloating politician making a speech, and a fourth depicting a man with a bandage around his head and carrying a tattered flag. The images sought to graphically depict the ill-effects of malapportionment as to how votes became unequal, how the majority of the people were without a voice, and how conservative politicians benefited from the system. “As long as the majority of Michigan’s residents have only half a voice in the Michigan Legislature,” the flyer proclaimed, “these groups can push through the kind of legislation they want – hold down the kind of legislation most of the people in the state desire.” “If enough people sign the petition which will be circulated house to house throughout the state,” the flyer continued, “this proposal will go on the ballot.”³⁶

In another cartoon, distributed to factory workers at plant gates, the word, “shortchanged,” accompanied the image of a butcher representing the state legislature weighing a small piece of meat with a tag attached reading, “your vote.” The buyer looked worried and confused while a woman left the store with a large piece of meat tagged, “special privileged vote.”³⁷ Yet another cartoon depicted a fist holding up a dumbbell that was tilted with eleven stick figures at one end, representing the 18th district, with eleven people and one person coupled with three pine trees, four stumps, and three rabbits at the other end, representing the 32nd district. In this illustration, each

³⁶“Your Voting Power Has Been Cut in Half,” box 151, folder 4, Michigan AFL-CIO Collection, ALUA.

³⁷Ralph Showalter to Purdy et al., 22 April 1952, UAW memo, box 151, folder 4, Michigan AFL-CIO Collection, ALUA.

side of the dumbbell received one vote.³⁸ The cartoons served an important role, given that many perceived the reapportionment debate as confusing, somehow associated with communism, or simply unconvincing.³⁹ Graphically depicting the issues helped sway otherwise doubtful members of the electorate to sign petitions and, ultimately, convinced some to vote for the proposal that made its way onto the November 1952 ballot.

In terms of educating prospective signatories, reapportionment advocates did not stop with cartoons. They also bought television and advertising time. In a two-minute television commercial, which apparently doubled as a film to show to prospective voters, a prototypical voter enters a voting booth only to suddenly get squashed down to about 1/2 size. He became agitated and worried at the thought of having his vote similarly shrunk. The film, a UAW memo argued, “can be used to introduce a 15 minute discussion, or to be followed by a short appeal to sign the petitions.”⁴⁰ With the number of union meetings in Detroit and elsewhere in the state, CIO reapportionment advocates sought many opportunities to pursue this angle.⁴¹ This is why early on in the petition campaign, August Scholle and Barney Hopkins let it be known that “The Michigan CIO Council is...interested in preparing materials which can be used throughout Michigan in

³⁸Flyer titled, “Who’s the Dumbell??” 1952, box 179, folder 16, Michigan AFL-CIO Collection, ALUA.

³⁹Regional Executive Board Meeting, Michigan State CIO Council, 17 April 1952, box 151, folder 4, Michigan AFL-CIO Collection, ALUA; Florence Peterson, Dale Presler and John Annulis to All CIO Presidents, Unit Chairmen, and PAC Chairmen, letter, 10 June 1952, box 179, folder 16, Michigan AFL-CIO Collection, ALUA; Andrew Baird to Mrs. Joseph F. Howell, letter, 7 October 1952, box 73, folder titled, “Legislative Reapportionment,” G. Mennen Williams Collection, Bentley Historical Collections.

⁴⁰Ralph Showalter to Purdy et al., UAW memo, 22 April 1952, box 151, folder 4, Michigan AFL-CIO Collection, ALUA.

⁴¹Don Stevens to John Annulis, letter, 7 April 1952, box 179, folder 16, Michigan AFL-CIO Collection, ALUA; “April – 1952 [Calendar]” with note from John Annulis to Don Stevens, April 1952, box 179, folder 16, Michigan AFL-CIO Collection, ALUA.

such a [reapportionment petition] campaign. Among the materials which we are considering are film strips and motion picture films.”⁴² In an effort to ensure that this tactic had merit, Scholle and Hopkins requested that Michigan CIO councils complete a survey indicating if they had motion picture projectors and film strip machines, if they might be interested in purchasing such machines and if they would be willing “...to show these film-strips to local unions, community groups, [and] other agencies in your community.”⁴³

Because of their extensive television campaign, unions may not have limited themselves to union meetings as an outlet for public education on reapportionment. “For the first time in the history of Detroit television,” a memo from Ed Lee, Coordinator of the Reapportionment Petition Campaign, to petition circulators claimed, “all three stations – WXYZ-TV, WJBK-TV AND WWJ-TV – will be carrying the same type of program [regarding reapportionment] at the same time for the same sponsor.”⁴⁴ As the memo later urged, “So we want every possible petition circulator to be ringing door bells while we have this tremendous television audience looking on.”⁴⁵ Not only did elements within organized labor offer ten cents per valid signature, they also made another offer. “The petition circulator in Wayne County who gets the most signers that day will be the guest of Guy Nunn on the ‘Meet the UAW’ television show WWJ-TV, in the near

⁴²August Scholle and Barney Hopkins to All County CIO Councils Affiliated with the Michigan CIO Council, letter, 29 April 1952, box 179, folder 17, Michigan AFL-CIO Collection, ALUA.

⁴³“Survey of CIO Councils” enclosed with letter cited above.

⁴⁴Ed Lee, Coordinator of the Reapportionment Petition Campaign to All Petition Circulators in the 14th District, memo, ca. April 1952, box 179, folder 16, Michigan AFL-CIO Collection, ALUA.

⁴⁵Ibid.

future.”⁴⁶ As an added suggestion on how to secure signatures, the authors advised, “Chats and debates might be interesting, but they won’t get you on television.”⁴⁷ This tactic was probably inspired by the need for organized labor to find “gimmicks” for this effort. Those involved understood that “it is many times easier to get petitions out than to get them back loaded with signatures.”⁴⁸ Other techniques included simply smiling, having a pleasant manner, and the timing of follow up comments to initial negative reactions. Hard sell tactics were followed by tactics of a soft sell nature, all of which one letter suggested would result in optimal results.⁴⁹

The radio announcements that the UAW produced may have been more important than the television programs, given that radio still had a larger audience than television in 1952. When the UAW produced “a number of radio spot announcements ...[for]... Wayne County,” the organization used a wise strategy. It even produced an announcement in Polish, recognizing the large Polish-speaking community in Hamtramck and elsewhere in the Detroit area.⁵⁰

To assist the petition circulators in their effort to solicit signatures, organizers representing the Michigan Committee for Representative Government issued “red, white and blue badges for you to wear on your lapel while you are circulating petitions,” which

⁴⁶Ibid.

⁴⁷Ibid.

⁴⁸[CIO] Political Action Department to Newman Jeffrey, William Bozell, Robert Chase, Henry Nickelberry, R. Lyle Stone and Ivan Brown, memo, 2 May 1952, box 179 folder 16, Michigan AFL-CIO Collection, ALUA.

⁴⁹ John J. Annulis, Coordinator to Dear Petition Circulator, letter, 20 May 1952, box 179, folder 16, Michigan AFL-CIO Collection, ALUA; see also UAW Ralph Showalter to Purdy et al., memo, 22 April 1952, box 151, folder 4, Michigan AFL-CIO Collection, ALUA.

⁵⁰Ralph Showalter to Purdy et al., UAW memo, 22 April 1952, box 151, folder 4, Michigan AFL-CIO Collection, ALUA.

simultaneously identified them as pursuing an authorized activity, but also communicated the idea that the effort was consistent with American values.⁵¹ In a period of American history where many saw unions and much of what they supported as having a foreign and communist element, this was an important idea to convey.

The CIO took out advertisements in newspapers to help argue its point and encourage its readers to sign reapportionment petitions. In one full-page advertisement in the *Flint Weekly Review*, the headline blared, “FOR THE PEOPLE: LET’S HAVE REAPPORTIONMENT.” The ad showed a picture of Abraham Lincoln and quoted him as saying, ““That Government of the People, By the People And for the People Shall Not Perish From the Earth.”” It also provided information on population disparities among senatorial districts and anti-labor legislation that a reapportioned state legislature could eliminate.⁵²

Reapportionment’s friends in organized labor ensured that those soliciting signatures for petitions received the necessary training and instructions to carry out the work. Leaving few stones unturned, they anticipated questions that petition circulators might confront. In a two-page handout entitled, “Questions and Answers on How to Circulate Petitions,” workers were told who qualified to circulate petitions, what other requirements circulators had to satisfy, and if names had to be signed in ink. The handout even provided instructions for the way married women should sign a petition, if initials were appropriate, and where circulators could obtain information about petitions.⁵³ In

⁵¹Ted Pankowski to all petition circulators in the 1st district, letter, 2 May 1952, box 179 folder 16, Michigan AFL-CIO Collection, ALUA.

⁵²“For the People: Let’s Have Reapportionment!,” *The Flint Review*, 18 April 1952, box 179, folder 18, Michigan AFL-CIO Collection, ALUA.

⁵³“Questions and Answers on How to Circulate Petitions,” box 129, folder 13,

another handout simply titled, “Instructions,” the document instructed prospective petition circulators to obtain lists of registered voters from the relevant precinct, work with others, and solicit signatures after 5:00pm when people were more likely to be at home. These 'instructions' also asked circulators to return signed petitions “to your Local Union or to the CIO Council Office,” and complete the proper paper work so that the petition circulator can credit him or her properly.⁵⁴ Consistent with the idea of leaving no stone unturned, Gus Scholle urged that “[d]uring the [petition] drive, we should have a weekly report and keep a list of people in each county who are to file the petitions.”⁵⁵

The CIO ensured that petition circulators received compensation for their work, thereby better ensuring the success of the petition drive. Since early April, “they had established a policy of paying 10 [cents] for each valid signature.” While costly, the Michigan CIO Council hired a core of full time petition circulators to undertake the task, even when August Scholle objected because of the cost involved.⁵⁶

Portions of the Michigan CIO considered the effort important enough to raise funds for the work involved in securing signatures. Instead of dipping into funds earmarked for other purposes, they encouraged CIO-affiliated locals “to pass [a] 10 cent per capita contribution” for the effort. The UAW went so far as to match five cents for every ten cents contributed to the campaign by non-UAW locals, indicating the

Michigan AFL-CIO Collection, ALUA; see also, “How to Circulate,” [*Michigan CIO Council*] *Legislative Newsletter*, 26 March 1952, 1, box 179, folder 16, Michigan AFL-CIO Collection, ALUA.

⁵⁴“Instructions,” ca. Spring 1952, box 179, folder 16, Michigan AFL-CIO Collection, ALUA.

⁵⁵Gus Scholle to Don Stevens, ca. memo, Spring 1952, box 179, folder 16, Michigan AFL-CIO Collection, ALUA.

⁵⁶Regular Executive Board Meeting, Michigan State CIO Council, 17 April 1952, box 151, folder 4, Michigan AFL-CIO Collection, ALUA.

seriousness with which it endowed the campaign. The CIO also sought to have the wives of members, members of the women's auxiliary, and the unemployed to seek signatures. They arranged for unemployed members of the petition drive to receive pay without having to pay income taxes or report their pay to the Unemployment Commission. Through these means, the CIO simultaneously secured temporary employment for those who needed it while seeking the signatures it needed.⁵⁷

In addition to the above, the UAW produced "a thousand posters on fairly thin paper bearing the red, white and blue colors to denote a tone of patriotism with the words, 'Sign a petition for FAIR and EQUAL representation – Michigan Committee for Representative Government.'" The UAW planned to produce 5,000 posters of the same design and layout but made of cardboard for the purpose of "tacking up on posts and putting in windows." With these posters, the UAW also produced "50 banners made of from the design of this poster but a different shape." These large banners, four feet by twelve feet, "on sign cloth with 5 foot ropes attached at the four corners," could be used during various parades and demonstrations where reapportionment advocates would participate.⁵⁸

For the effort it put forth, the Michigan Committee for Representative Government, with significant help from the Michigan CIO, secured the necessary

⁵⁷Don Stevens to John Annulis of the Kent County CIO, letter, 7 April 1952, box 179, folder 16, Michigan AFL-CIO Collection, ALUA; "Coordinating Meeting on Reapportionment Petition Drive," 20 March 1952, box 179, folder 17, Michigan AFL-CIO Collection, ALUA; August Scholle and Barney Hopkins to Non-UAW Local Union Presidents and Financial Secretaries in Michigan, letter, 28 March 1952, box 179, folder 16, Michigan AFL-CIO Collection, ALUA.

⁵⁸Ralph Showalter to Purdy et al. Re: Additional Publicity on Reapportionment Petition Campaign, UAW memo, 22 April 1952, box 151, folder 4, Michigan AFL-CIO Collection, ALUA.

signatures, allowing it to be placed on the November 1952 ballot. Asking the electorate to amend Sections 2, 3, and 4 of Article V of the 1908 Michigan Constitution, the constitutional amendment proposed by the Michigan Committee for Representative Government and strongly supported by the state CIO, sought a reapportionment of the state legislature based strictly on population. The secretary of state, whose office held jurisdiction over reapportionment, was to use the U.S. Census for Michigan as the basis for reapportionment. The Secretary of State was to make arrangements for reapportionment on April 1, 1953, and repeat the process every ten subsequent years. The proposal required that the Secretary of State publish and distribute the plan and for the Supreme Court of Michigan to hold jurisdiction over its enforcement.

Proposal 2 provided for a 33 member senate and a 99 member house, the population of senatorial and house districts was to be determined by dividing the number of state residents by 33 and 99 respectively in order to obtain the average size of these districts. Understanding that no reapportionment plan could assure precisely equal populations between districts, it allowed for a 15% differential from the average. Proposal 2 included clauses that operated against gerrymandering by requiring that individual counties not be divided for the purpose of determining senate or house districts unless they exceeded 115% of the average size of a county. Similarly, Proposition #2 provided that no city may be divided to form senatorial districts unless such cities comprise in excess of 85% of a district. Proposition #2 allowed for exceptions where a single city was located within two counties, in which case it could be divided at the county line. Proposition #2 also mentioned that territory comprising each senatorial district should contain three house districts. Additionally, districts were not to be formed

with regard to partisan consideration, and these districts were to be convenient, contiguous, compact and rectangular in shape.⁵⁹

Much to the chagrin of Proposal #2 advocates, its opponents were successful in placing a rival apportionment initiative on the ballot. Proposal #3, which its detractors argued was only introduced once the proponents of Proposal #2 began their own petition drive, differed greatly from Proposal #2. It called for 34 state senators and not more than 110 house members. Decidedly more complicated than Proposal #2, Proposal #3 called for the districts to consider factors in addition to population.⁶⁰

The basic difference between the two proposals was that Proposal #2 argued for population equality between districts while Proposal #3 sought to balance the competing interests of rural counties against those of urban interests. In the same way that each state has two U.S. Senators, regardless of the population of those states, so the argument runs, counties should have at least one senator, regardless of size. Proponents of Proposal #2 argued that such an arrangement gave undue power to rural residents and that the constitutional provision mandating that each state receive two U.S. Senators was based on the idea that states possess sovereignty, which, by definition, requires representation, whereas no such constitutional provision was ever intended to extend sovereignty to counties within states. Even Proposal #3 supporters conceded that some counties were too small to justify the same level of representation as those larger counties existing in

⁵⁹“Notice [of] Proposed Constitutional Amendments [for the] General Election, November 4, 1952” as listed as “Exhibit I” of Defendant’s Answer to Plaintiff’s Supplemental and Reply Brief,” in *August Scholle v. James M. Hare and Frank D. Beadle, et al.*, January 1960 Term.

⁶⁰ *August Scholle v. James Hare, Secretary of State of the State of Michigan and Frank D. Beadle, et al., intervening Defendants, Brief of Plaintiff*, 48-49, State of Michigan in the Supreme Court, No. 48,580 (1960).

urban areas.⁶¹

With the competing proposals on the November ballot, proponents of each began their campaign to convince voters of their respective merits. The effort pursued by the Michigan CIO reflected a sense of urgency similar to that which characterized the petition drive. To this end, the CIO engaged in a full-scale publicity drive “through the medium of billboards, bumper strips, buttons, etc.” Indeed, the CIO distributed “[b]etter than 50,000 bumper strips on Proposal #2.”⁶²

Indeed, taking into account the extensive legal research, publicity in the media via advertisements, editorials, radio spots, films, television commercials, fees provided petition circulators, as well as the billboards, bumper strips and buttons, the Greater Detroit and Wayne County CIO “spent some \$65,000 to get this [reapportionment amendment proposal] on the ballot.”⁶³ Expressing the urgency of the matter just two weeks before the November 4, 1952, election, President Mike Novak stated that “we simply have to have more representation, considering the amount of money we have invested, we have got to win with Proposal #2, and we ask each and everyone one of you to do everything you can.”⁶⁴ The sense of urgency aside, the leadership of the Detroit-area CIO was confident of success. ““If material is going to win an election, we will smother the Republicans under, because we have enough slates for the plants and the neighborhoods.””⁶⁵

As with the petition drive, the CIO pursued a strategy for an optimal outcome at

⁶¹ Ibid.

⁶² Regular Delegate Body Meeting Minutes of the Greater Detroit and Wayne County CIO Industrial Union Council – PAC, 21 October 1952, ALUA.

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ Ibid.

the ballot box once it had achieved success with the petition drive. They secured the assistance of workers from plants to spread the word about the proposal. They requested their names, addresses, and telephone numbers so that they could make follow up calls to ensure worker participation. They also took gender into consideration. "...in the neighborhood," CIO officers discussed at one meeting in October 1952, "if a woman rings the doorbell the lady of the house is more apt to speak to a woman than to a man." They understood the importance of concentrating their efforts on Wayne County, since the electorate of that county stood to benefit most from a reapportioned legislature.⁶⁶

The Michigan CIO sought the support of Governor G. Mennen Williams, who was sympathetic toward reapportionment. The month before the November 4 election, CIO Assistant Regional Director H. T. McCreedy asked the Governor to request material on reapportionment from the Council of State Governments, of which Michigan was a member. McCreedy even drafted the letter of request. Governor Williams sent the information he received to McCreedy, who used it to help the CIO build its case for a reapportioned Michigan legislature.⁶⁷

Speaking to civic groups about the benefits of Proposal #2, comprised part of the strategy. One instance of this tactic involved Tom Downs, an assistant to Gus Scholle and an attorney in his own right. One observer considered Downs an expert on

⁶⁶Ibid.

⁶⁷H. T. McCreedy to Governor G. Mennen Williams, letter, 8 October 1952 and Frank Bane to Governor G. Mennen Williams, letter, 17 October 1952, box 73, folder titled, "Legislative Reapportionment," G. Mennen Williams Collection, Bentley Historical Collections, University of Michigan. For evidence about the level of Williams' support of proposal #2 see Executive Office aid Marvin Tableman to Joyce Smith, letter, 24 November 24 1952, box 73, folder titled, "Legislative Reapportionment," G. Mennen Williams Collection, Bentley Historical Collections, University of Michigan.

reapportionment, making him an ideal spokesman on such occasions.⁶⁸ In the week before the November 4, 1952, election, he spoke to the Kiwanis Club of East Lansing for this very purpose. An opponent of reapportionment had already spoken to the club at a previous meeting; in the interest of hearing both views on the subject, the club elected to hear Downs' views on the subject.

Another component of the strategy involved placing advertisements for proposal 2 in newspapers. One such full-page advertisement appeared in Lansing's *State Journal* two days preceding the election. "WHO Says Ingham County Residents Aren't As Good As Other People???" blared one advertisement. "Proposal No. 3 Motto"? the advertisement continues: "You Write the Checks; We'll Keep the Balances," the ad persisted, alluding to the "balanced legislature" proposal supported by Proposal #3 proponents. In smaller print, the advertisement identified various corporations as the sponsors of Proposal #3. "Michigan is \$70 million in debt. Under Proposal 3...you, the property owner, would be forced to pay that debt...because corporations...by keeping control of the legislature...would block every effort to increase *their* taxes." After then listing, "What Proposal 2 Does...", the advertisement encouraged its readers to "vote Yes on State Proposal 2" because "Only Proposal 2 Means a Full Vote For You."⁶⁹ That the Michigan Committee for Representative Government decided to place an ad in this newspaper suggests that its strategy entailed an attempt to influence an electorate outside of the more traditional base of metropolitan Detroit.

In a particularly biting statement, clearly used to evoke patriotism and anti-

⁶⁸Berthelot, *Win Some, Lose Some*, 59.

⁶⁹"Who Says Ingham County Residents Aren't As Good As Other People???" *State Journal* (Lansing Michigan), 2 November 1952, 55.

communist feeling in an environment where labor organizations were often labeled as “communistic,” a flyer produced by the Committee for Representative Government and distributed during the campaign to educate the electorate about Proposal #2 said,

In Soviet Russia, Joe Stalin and his Communist Regime have 7% of the people rule the other 93%. The ‘Balanced Legislature’ would have 35% rule the other 65%. The only difference between the minority rule – proposal of the ‘Balanced Legislature’ and Joe Stalin’s minority dictatorship is one of degree!!⁷⁰

With pictures and quotes from Presidents Franklin Delano Roosevelt and Abraham Lincoln calling for representative government, the flyer brought home the idea that Proposal 2 was consistent with the democratic and American values of Michigan voters and not those of the Soviet Union. Unfortunately, the battle over whether organized labor or business groups were more in line with “communistic” tendencies was usually won by business, as labor could not often rid itself of the association.

Michigan's business community largely opposed Proposal 2. This opposition largely coalesced in the form of the Michigan Manufacturers Association (MMA). John Lovett, who had served as general manager of the MMA for more than thirty-two years, had always placed emphasis on politics. Thought of as a mercenary by some, Lovett enjoyed the support of Michigan’s business community.⁷¹ Shortly after he became MMA’s general manager in 1919, he addressed the membership during its annual banquet with words that guided his work with the organization subsequently:

⁷⁰“Why Should You Vote ‘Yes’ on Proposal No. 2?” ca. Summer 1952, Folder titled, “FT.3 Michigan Committee for Representative Government,” Bentley Historical Collections, University of Michigan.

⁷¹T. George Harris, *Romney’s Way: A Man and An Idea* (New Jersey: Prentice Hall, 1967), 113.

I want to impress every man here with the importance of remembering that the state legislature is nominated in August every two years and the largest job you have or will have in the next twenty years is to find out who the right man is to represent you, and see that he is elected. You do not need to fear radicalism if you have the right kind of public officials to enforce the laws.⁷²

With these words in mind, Lovett spent much of the next 30 years leading this industry group whose purpose it was to control the legislature to the benefit of its constituents.

On the occasion of Lovett's death, Russell Barnes of the *Detroit News* commented that, "his main job was to stop legislation he considered inimical to Michigan industry. His tactics were simple," Barnes continued. "He rarely worked the House of Representatives. He always endeavored to line up a negative majority in the Senate."⁷³ This tactic reflected the problem that CIO advocates of reapportionment sought to change, namely the malapportionment of Senate districts, which benefited rural and conservative areas of the state. A "Draft of Statement on Reapportionment," outlined a major source of the problem for advocates of reapportionment and reflected the sentiment posited by *Detroit News* writer Barnes. "The Michigan Manufacturer's mouthpiece, John Lovett," the statement said, "has found it easier to control Republican legislators from over-represented areas than to control legislators from under-represented areas."⁷⁴ The statement included the following: "The power-control to help unfair voting and to, in effect, steal votes from urban areas is based upon the John Lovett-Michigan

⁷²"Mixing the Ounce of Prevention: What the Michigan Manufacturers Association is Doing for the State's Industry, Particularly in Legislation," *Michigan Manufacturer and Financial Record*, 27, no. 23, 8, 32-33.

⁷³Russell Barnes, *Detroit News*, 13 March 1952.

⁷⁴"Draft of Statement on Reapportionment," box 129, folder 13, Michigan AFL-CIO Collection, ALUA; see also "Draft Q & A regarding Reapportionment," box 129, folder 13, Michigan AFL-CIO Collection, ALUA; "Suggestions for Reapportionment Talk," box 129, folder 13, Michigan AFL-CIO Collection, ALUA; "Draft Resolution, 1952," box 129, folder 13, Michigan AFL-CIO Collection, ALUA.

Manufacturers Association-Republican Party control.”⁷⁵ Why did the MMA have an interest in ensuring Proposal #2’s defeat and Proposal #3’s success? Money. According to state house representative and house minority leader Ed Carey, ““These big business-banker groups have been more concerned with stopping corporation taxes than they have in good government.””⁷⁶ With reapportionment came the prospect that a more liberal and union-friendly legislature would raise taxes for social programs in cities and to protect the interests of organized labor generally.

The Michigan Manufacturers Association exhibited concern about what it saw as the ill-effects of a reapportioned state senate. In one of its bulletins issued less than two weeks before the election, it argued:

If Proposal No 2 wins on November 4, the constitution of Michigan will be re-written by organized labor and its sympathizers. That this is so is pointed up by the fact that when the present labor-backed governor of Michigan vetoed a bill passed by the 1952 legislature to place before the voters the question of calling a constitutional convention, he said that such a convention should not be called until the legislature was reapportioned. He did not want delegates elected from the present State senatorial districts. He wanted the districts rearranged so as to put organized labor in the driver’s seat.⁷⁷

The MMA did not suffer from misplaced logic. After all, delegates to any constitutional convention were to be elected from Senate districts where Republicans benefited from malapportionment. More to the point, a constitution framed by one party

⁷⁵Ibid.

⁷⁶“Michigan Fat Cats Are Proposal 2’s Opponents,” *Detroit Labor News*, 9 October 1952, 3.

⁷⁷“Farm-Business Fight Against Control of Michigan Legislature By Organized Labor Needs Your Help,” *Michigan Manufacturers’ Association Bulletin No. 2001*, 24 October 1952, Michigan Manufacturers Association Bulletins, 1901-1997, Michigan Manufacturers Association Records, Bentley Historical Library, University of Michigan.

invariably favored the social, economic and political tendencies of that party as well as the legislation flowing from this process, as had been true in Michigan with Republican ascendancy after the Civil War. Given this focus and strategy, few doubted how Lovett would have responded to the efforts by organized labor in Michigan to reapportion the political body that Lovett had worked so hard to influence. His death on March 16, 1952, coming just as the CIO began pursuing its petition drive for a reapportionment initiative, did not stop the organization from continuing what became a successful fight to more firmly solidify a malapportioned state senate.

The MMA constituted a formidable political force and exercised that force on behalf of Proposal #3. This came in the form of support from eighty-seven affiliated Chambers of Commerce and thirty other organizations, including the Michigan Retailers Association, the Michigan Farm Bureau, the Michigan Bankers Association, the Detroit Board of Commerce and the Detroit Retail Merchants Association. With this support, the Michigan Committee for a Balanced Legislature, the organization that formally headed up the effort for a Proposal #3, filed petitions bearing 270,000 signatures, nearly 100,000 of which the Michigan Farm Bureau secured. Expressing a sense of urgency comparable to the CIO, the MMA argued that, “the time for action has not only arrived, but there’s little of it left. This is not a matter to be laid aside for future reference. The only way the challenge can be met is by the circulation of petitions for the signatures of your friends and associates.”⁷⁸

⁷⁸“Do You Want a ‘Fair Deal-Labor’ Michigan Legislature,” *Michigan Manufacturers’ Association Bulletin*, No. 1978, 11 June 1952; “Labor Combines Forces to Put ‘Fair Deal-Labor’ Legislative Plan Over: Will the Farm-Business Plan Make Ballot? Act Now,” *Michigan Manufacturers’ Association Bulletin* No. 1982, 24 June 1952; “‘Balanced Legislature’ (Farm-Business Re-Appportionment) Plan Wins Place on

Like the Michigan Committee for Representative Government, the Michigan Committee for a Balanced Legislature, organized a campaign to secure signatures for its own petition. In one flyer entitled, “Preserve the American Way for Michigan – Reapportionment – Provide Fair Representation,” the group provided instructions and a fact sheet outlining how to convince citizens to sign their petition. “Let’s get one thing clear,” the flyer cautioned, “either Michigan will have a balanced legislature with fair representation or Michigan will have an unbalanced legislature with labor control.”⁷⁹ By invoking the idea of fairness, the authors of this flyer argued against a fully population-based form of representation and argued, instead, that geography should count for something in the same way that it did in the country’s federal system of government, which gave each state two U.S. Senators regardless of population. The author of the flyer rightly argued that the CIO sought to increase its legislative power with an amendment to the constitution mandating a population-based system of representation. “If you wish this to happen,” the petition warned, “sign the CIO or AFL petition – or DON’T sign any, DON’T vote, DON’T speak, just sit still. The CIO and AFL will be glad to run your affairs.”⁸⁰ In a letter from Otis Cook, the Chairman of the Michigan Committee for a Balanced Legislature, he invoked a similar tone of fear. “This is your fight,” the statement said in part. “You can help stop the power grab by labor if you will move into

Ballot; Next Goal is at November Election,” *Michigan Manufacturers’ Association Bulletin No. 1984*, 3 July 1952; “Reapportionment – Vote “Yes” on Proposal No. 3 and At the Same Time Vote ‘No’ on Proposal No. 2,” *Michigan Manufacturers’ Association Bulletin No. 1988*, 18 July 1952, all from Michigan Manufacturers Association Bulletins, 1901-1997, Michigan Manufacturers Association Records, Bentley Historical Library, University of Michigan.

⁷⁹“Preserve the American Way for Michigan – Reapportionment – Provide Fair Representation – A Balanced Legislature,” box 129, folder 15, Michigan AFL-CIO Collection, ALUA.

⁸⁰Ibid.

action at once and get the petitions signed.”⁸¹ The sense of urgency that the statements evoked had their intended effect, as the Committee for a Balanced Legislature secured the signatures necessary for its apportionment proposal placed on the ballot.

Why Proposal #2 Advocates Lost

For all of the hard work, creative tactics, and exorbitant resources the CIO expended to convince the electorate to vote for Proposal #2 in November of 1952, its leaders must have been disappointed by the outcome of the vote on Proposal #2. In total, 1,415,355 people voted against the measure and 924,242 voted for it. As for Proposal #3, 1,269,807 voted for it while 975,518 voted against it, ensuring continued inequities between districts, until the courts ruled otherwise or the people voted to support another initiative. While Wayne County voted 531,989 for the measure and counted 371,713 people who voted against it, one may speculate that the difference should have been greater. Equally surprising was the vote tally for and against the proposal in Kent County, the state’s third largest county. As in Wayne County, the state CIO expended a great many resources to ensure its success. However, Proposal #2 received more than 30% fewer votes than those who voted against it. More than any other county, Oakland County’s tally suggested that the electorate remained confused about the meaning of the issues involved, as its electorate voted against both proposals. A few pundits advised this strategy, arguing that a yes vote on either would only incite the losing side to pursue a counter amendment during a subsequent election.⁸² Whether the electorate exhibited

⁸¹Cook, Chairman of the Michigan Committee for a Balanced Legislature to Dear Friend, letter, ca. Spring 1952, box 129, folder 15, Michigan AFL-CIO Collection, ALUA; see also “Instructions to Petition Circulators,” box 129, folder 15, Michigan AFL-CIO Collection, ALUA.

⁸²“Let’s Enforce the Constitution,” editorial, *Detroit News*, 31 October 1952, 50.

confusion or clarity on the issues, one fact held true: The CIO lost and lost big in this, its first effort to reapportion the state legislature.

August Scholle, attorney Theodore Sachs, and others in organized labor must have paused to consider why their efforts failed to convince the electorate to vote “yes” on Proposal #2 and “no” on Proposal #3. There were reasons for the outcome, the essence of which reapportionment advocates did not fully consider or appreciate. The strategy they adopted may have played some role in the outcome, but the more likely explanation lies in the power of the forces opposed to their efforts.

That power came in the form of corporate America. The immediate post World War II era found organized labor and corporate America battling for power, with neither fully eclipsing the other. Labor sought to build on advances it had made during the New Deal and in a war where workers enjoyed gains based on labor shortages and a government that protected some of its interests. Labor's power coalesced in the 1945-1946 strike wave that gained labor concessions. Labor's power also evidenced itself in UAW's “Walter Reuther's demand that GM open its books to union negotiators in order to link wages, prices, and profits,”⁸³ demands that threatened the hegemony sought by corporate America.⁸⁴

As the country moved into the 1950s, however, business reclaimed much of its lost power, even as organized labor's ranks grew. This political shift found expression a few years before with the Taft-Hartley Act, which provided for unfair labor practices against employees, outlawed secondary boycotts, and required union officers to sign a

⁸³Elizabeth Fones-Wolf, *Selling Free Enterprise: The Business Assault on Labor and Liberalism, 1945-1960* (Urbana: University of Illinois Press, 1994), 3.

⁸⁴*Ibid.*, 138.

pledge verifying that they were not communists. The specific provisions of the Taft-Hartley Act aside, historian Lawrence Richards reminds us “that the Taft-Hartley Act was detrimental to organized labor not because of any specific provision in the act itself, but because of the message it conveyed about the place of unions in American society.”⁸⁵ The Taft-Hartley Act had long-range consequences. Indeed, in the period from 1945 to 1952, historian Elizabeth Fones-Wolf argues, corporate America went to great lengths to sway public opinion to a set of beliefs reflecting its interests, while denigrating those of organized labor and others with opposing views.⁸⁶ The Taft-Hartley Act reflected a belief that labor had achieved more power than was deserved. The Wagner Act of 1935 had created the imbalance, or so the argument went. Henceforth, such terms as “labor trust,” “labor monopoly,” “union boss,” “big labor,” “feudal lords,” “dictators,” “tyrants,” “racketeering,” and “autocrats,” entered the American lexicon with increasing frequency and refocused favorable attention away from organized labor and toward business interests.⁸⁷ In light of the above, it is little wonder that opponents of reapportionment frequently referred to those pursuing it as working within the framework of the “CIO plan.” In this context, it also makes equally as much sense that the CIO operated through the Michigan Committee for Representative Government, thereby masking a sponsor that many questioned.

Part of the problem for those supporting reapportionment, concerned how labor occasionally referred to Michigan’s outstate residents. On one occasion, an editorial in the *Detroit Labor News* made reference to “the out-over stump lands in the jack pine

⁸⁵Lawrence Richards, *Union-Free America: Workers and Antiunion Culture* (Urbana: University of Illinois Press, 2008), 5.

⁸⁶Fones-Wolf, *Selling Free Enterprise*, 138 and 158-180.

⁸⁷Richards, *Union-Free America*, 50 and 59-60.

country; the fallow acres of our state.”⁸⁸ While seeking to galvanize support for its own legitimate cause, the *Detroit Labor News* and others using similar language, unwittingly fostered antagonism from otherwise sympathetic people by referring to them with condescension and contempt.

The defeat of Proposal 2 may also have been due to the confusion over how to vote. Wayne County Sheriff Andrew C. Baird, a proponent of Proposal #2, commented on this confusion in his letter to MCRG chairwoman, Bernice F. Howell. In that letter, written less than a month before the election he noted that,

I find a general indifference among a great number of voters and those who are interested are very much confused as to how to vote. Now that the gorgeous billboards have been put up by the opponents of the measure, which plainly say, ‘vote NO on Proposal No. 2’ and ‘Vote YES on Proposal No. 3,’ which is in direct conflict to our instruction, ‘Vote YES on Proposal Number 2’ and ‘Vote NO on Proposal Number 3’ the confusion is that much more complicated.⁸⁹

Baird’s suggestion to modify the plan entailed that the MCRG create a small card to bring to the polls with them to refer to before voting, and for different organizations to distribute the ballot to their respective members.

This distribution, of course, means work, labor and money and the preparation of envelopes should be started in ample time to have them ready for mailing say not later than October 28 or October 29, which will insure delivery at the home Friday, Saturday or Monday just before the election.⁹⁰

⁸⁸“Reapportionment on the Way,” Editorial, *Detroit Labor News*, 3 July 1952, 8.

⁸⁹Andrew C. Baird to Mrs. Joseph F. Howell, letter, 7 October 1952, box 73, folder titled, “Legislative Reapportionment,” G. Mennen Williams Collection, Bentley Historical Library, University of Michigan.

⁹⁰*Ibid.*

Baird's suggestions had merit. However, no evidence exists that the MCRG followed through on his advice.

Confusion may also have arisen given the names used to refer to the opposing measures. The terms, "a balanced legislature" and "representative government," both conjured up positive connotations. Because each side used these terms as part of their names, the electorate may have been confused as to which proposal they should vote for. After all, who would not want a "balanced legislature," or "representative government?" The reality, however, is that anyone expressing anything approaching a strong view about one of the proposals would be opposed to the other. Confusion aside, Sheriff Andrew Baird brought up another problem of equal significance, which he perceived to be indifference.

The *Detroit News* also added to the confusion. Other newspapers and magazines had taken a clear side in the debates. The *News*, however, advised its readers to reject both proposals. It argued that the legislature should obey the constitutional mandate to reapportion legislative districts three years after each federal census, instead of seeking an amendment that would only inspire the losing side to renew its efforts in a subsequent initiative. Objectively speaking, this advice was ill-conceived, because it was not in the interest for a Republican-dominated legislature to reapportion itself. Moreover, the Supreme Court and many lower courts also were unwilling to intervene in reapportionment cases, let alone rule in favor of those seeking redress. Whatever the case, many of its readers may have followed the advice of the *Detroit News*, thereby contributing to an outcome that had some ambiguous elements.⁹¹

⁹¹"Let's Enforce the Constitution," editorial, *Detroit News*, 31 October 1952, 50;

August “Gus” Scholle and Theodore Sachs

August Scholle, attorney Ted Sachs, and other labor advocates of reapportionment must have been disappointed and discouraged following the defeat of Proposal 2. Whatever sentiments they harbored, however, did not stop them from biding their time, considering other options, and renewing their efforts in subsequent years. Those efforts came seven years later, when Scholle launched a suit against Michigan Secretary of State James Hare, Frank D. Beadle, et al., to invalidate the amendment on which the electorate voted in the form of Proposal #3 in 1952 on the grounds that it violated the equal protection clause embodied in the Fourteenth Amendment.⁹²

Scholle and Sachs were no less prominent in the discussion leading up to and including the ballot proposal than were Michigan CIO Secretary-Treasurer Barney Hopkins, Michigan Committee for Representative Government Chair Bernice Howell, and UAW President Walter Reuther. However, these two men committed tremendous time to reapportion Michigan legislative districts. The important role they played in the 1952 ballot initiative notwithstanding, their role escalated in 1959, when Scholle initiated a suit before the Michigan State Supreme Court to have the 1952 amendment invalidated. It is not surprising that the malapportionment of Michigan’s legislative districts inspired them into action requiring patience and perseverance.

The Detroit News’ editorial policy on the subject had clearly changed. Five years previously, an editorial from this paper read, “The cities have almost three-fourths of the population but are lucky to muster a fourth of the votes in the Legislature, as such issues as the gas tax division repeatedly show. There are compensations. *Every such instance of gross discrimination in favor of rural residents brings nearer the day when the cities by initiative and referendum, will force an honest reapportionment.*” (emphasis in the original). See “Resentment Piles Up,” editorial, *Detroit News*, 18 May 1947, 18.

⁹²*August Scholle v. James M. Hare, Secretary of the State of Michigan, Brief of Plaintiff.*

August “Gus” Scholle stood as the key figure in the long battle to reapportion the state legislature. By the time he began pursuing reapportionment, he already had one successful Supreme Court case under his belt, the “portal to portal” pay case of 1946. The end result of that case mandated that employers pay their employees for the time they needed to prepare for their jobs while on the premises of the employer and time involved in getting from place to place while on job.⁹³

Scholle spent most of his career in the Midwest. Most of that time he worked on behalf of organized labor. He began his career as a glass worker in 1920 after dropping out of high school at 16. Early in his life, Scholle became the president of a glass workers local in Toledo. He helped lead the glass workers, a union originally affiliated with the AFL, into the then newly founded Congress of Industrial Organizations (CIO). In fact, the glass workers became one of the original eight unions that formed the CIO. He served as president of the Michigan CIO Council, beginning in 1931 and he was elected president of the Michigan AFL-CIO when those two organizations merged in 1958.⁹⁴

If Walter Reuther looked beyond the immediate concerns of the UAW and sought significant societal changes in his form of social unionism, Gus Scholle had similar inclinations. His world focused most specifically on the citizens of Michigan. Like Reuther, Scholle pursued a wide range of social and political reforms and envisioned a world where common people could live with dignity. Like Reuther, Scholle also was an avid anti-communist. He bristled over what he considered a manipulative organization bent on compromising much-needed reforms with a system of government he believed

⁹³“Labor Giant Gus Scholle is Dead at 67,” *Detroit Free Press*, 16 February 1972, 1A and 4A.

⁹⁴*Ibid.*, 1A and 4A.

unworthy of the name.⁹⁵

With a gravel voice that elevated to a roar when conveying his opinions, Scholle was a target for Republican detractors, who often referred to him as a “dictator” and “tycoon.” They clearly saw him as their nemesis. Coleman Young once referred to Scholle as a “right-wing Reutherite from the glassblowers’ union,” obviously a pejorative reference.⁹⁶ From another perspective, the Democratic-labor alliance Scholle helped to form in the late 1940s allowed G. Mennen Williams to win six successive terms as Governor. It also helped a number of other Democrats to win elections to state offices. For his efforts, Scholle received the nickname, “Kingmaker.” The achievements mattered little to Scholle. The governor’s seat had limited significance, he believed, when important legislation could not make it out of committee. Republican legislators, whose majority derived from malapportioned legislative districts, quashed even popularly supported reforms with their votes.⁹⁷ Once Scholle realized the connection between malapportioned legislative districts and the difficulty that progressive governors like Williams had in moving legislation, Scholle knew that he had to do everything in his power to reapportion the legislature. It took many years, and there were moments when it seemed that a truly reapportioned state legislature was a distant and unlikely prospect. However, Scholle never relented. It was this Gus Scholle, with this background and these qualities, who launched an effort that, some have argued, solidified his stature more than

⁹⁵Tom Downs, Interviewed by Bob LaBrant, 13, ALUA.

⁹⁶Coleman Young, *Hard Stuff: The Autobiography of Mayor Coleman Young* (Penguin Group, 1994), 92.

⁹⁷“The Record of the Legislature, 1951-1952,” box 173, folder titled, “Lansing Office,” Michigan AFL-CIO Collection, ALUA; “Labor Giant Gus Scholle is Dead at 67,” *Detroit Free Press*, 16 February 1972, 1A and 4A.

any other achievement.⁹⁸

Scholle's commitment to seeing Michigan citizens receive equity in representation notwithstanding, he relied heavily on a trained lawyer to research the matter, litigate the successive string of civil suits in Michigan, and –most importantly—believe in its merits. For these skills and background Scholle turned to Theodore “Ted” Sachs. The youngest child of Russian Jewish immigrants, Theodore Sachs was born and raised in Detroit. Though they were not well educated themselves, his parents Abraham and Esther Sachs emphasized the importance of education to their five children. Indeed, their son, Ted graduated salutatorian from Detroit's Central High School before attending Wayne State University. The youngest Sachs eventually pursued a law degree from the University of Michigan, but his initial interest was in the field of physics, his major at Wayne. Determined to pursue an education that would allow him to help others, he dropped his major in physics and began a major in political science.⁹⁹

In his youth and as a college student, two separate events forced Sachs to look upon the world differently and charged him to make a difference in that world. The first concerned his father. The poor treatment Abraham Sachs received and observed while working as an employee at a Detroit cleaners, inspired the employees there to join a union. Better pay and working conditions followed. Ted Sachs never forgot this event, and it provided invaluable lessons about the rights of workers and their ability to effect change through concerted action. He probably reflected on this experience when he applied for a scholarship to law school. The scholarship, offered by left-leaning and

⁹⁸Ibid., 1A and 4A,

⁹⁹Joan Sachs (widow of Theodore Sachs), Interviewed by Louis Jones New York City, 23 October 2007.

prominent members of the organized labor, was on behalf of members of that community who had lost their lives in World War II. Sachs took his studies at law school seriously. “He ended up editor of the law review,” his wife recalls. Even as a student at Wayne, Ted Sachs exhibited an interest in both the Democratic Party and the labor movement, interests that remained with him throughout of his life.¹⁰⁰ Fellow University of Michigan law student Avern Cohn corroborates this account, exclaiming that Sachs was “brilliant.”¹⁰¹

While he had spent his summers delivering milk and selling Good Humor Ice Cream, Sachs spent his last summer while in law school as an intern in the law firm where George Edwards worked, which prepared him for his later work. As his widow Joan Sachs explained,

When my husband graduated he went to work for the firm where George Edwards was a partner ... and shortly thereafter [Edwards] was named to the bench and he gave all the important cases to my husband and we never lost the relationship...There was a relationship with all the union people and the Democratic Party. And so he became the attorney for the Democratic Party in Michigan and the attorney for most of the public sector unions.¹⁰²

During his career, Sachs became active in a number of other progressive organizations, including the Michigan American Civil Liberties Union, which he served as a board member; Lawyers Coordinating Committee of the AFL-CIO; the Detroit chapter of the Industrial Relations Research Association, for which he served as president; the NAACP, and Americans for Democratic Action, which submitted an amicus curiae brief in support

¹⁰⁰Joan Sachs (widow of Theodore Sachs), Interviewed by Louis Jones New York City, 23 October 2007.

¹⁰¹Avern Cohn, Interviewed by Louis Jones, February 2009.

¹⁰²Joan Sachs (widow of Theodore Sachs), Interviewed by Louis Jones New York City, 23 October 2007.

of Scholle's 1960 suit to reapportion the Michigan Senate.¹⁰³

These activities increased shortly after Sachs left school. As a supporter of Governor Williams, he volunteered his services during Williams' 1952 re-election bid when the incumbent needed someone to represent his candidacy when his adversaries challenged the election results. In addition to the reapportionment case, for which he would be well-known, Sachs was best known as a labor lawyer who actively represented his clients, mostly teachers and firemen, during times of negotiations, strikes, grievances, and when they needed him to draft legislation supporting their interests.¹⁰⁴

Given his experience with unions, his association with members of organized labor and progressive causes, and his enduring desire to make a difference in the world, Ted Sachs sought out progressive causes and labor organizations that loomed large in his perspective. His experience, training, and background combined to prompt Scholle to contract Sachs to represent him in a case that had an impact on the landmark case of *Baker v. Carr* (1962). Sachs brought the same tenacity he used in pursuit of his education to *Scholle v. Hare*.¹⁰⁵

Let the Litigation Begin

In late 1959, August Scholle directed his attorney Theodore Sachs to pursue litigation in what became *Scholle v. Hare*, a case litigated in the Michigan Supreme Court. It was positioned to invalidate Proposal #3, which had been approved in 1952. What the Michigan CIO hoped would be the successful culmination of prior attempts to

¹⁰³“Theodore Sachs, U. of M. Regents Board Candidate, *Jewish News*, 31 March 1961.

¹⁰⁴Ibid.

¹⁰⁵Joan Sachs (widow of Theodore Sachs), Interviewed by Louis Jones New York City, 23 October 2007.

achieve reapportionment, ended as they had planned but with unexpected detours along the way. Like a chess game, where Sachs and Scholle carefully positioned their pieces with a particular road map in mind, they ultimately used many of the same pieces in a modified case. Surprisingly, Scholle and Sachs played an indirect role in the U.S. Supreme Court case of *Baker v. Carr* (1962). This role helped lay the groundwork for *Reynolds v. Sims* (1964), and, together, forced the reapportionment of legislatures throughout the country, including Michigan. What began as a defeat in the case of *Scholle v. Hare* became a battle in a war that they ultimately won.¹⁰⁶

In *Scholle v. Hare*, Sachs relied heavily on arguments initially researched and debated when pursuing the 1952 initiative with Proposal 2. To this end, he broached the issue of precedent-setting cases, he noted the clauses in the 1787 Northwest Ordinance calling for representative government and, argued that population shifts required that responsible parties reapportion legislative districts.¹⁰⁷ Sachs did not merely rehash demographics from the 1952 initiative. He illustrated how these statistics reflected a more glaring example of malapportionment in subsequent years. As Sachs stated in his brief,

...on the basis of projected 1960 figures, plaintiffs district has 724,000 persons, while the smallest, the 32nd, has only 49,000, a variance of 15 to 1 – with such variations existing despite a hypothetical ‘average’ district size of 242,000 persons.¹⁰⁸

As argued elsewhere, the under-represented areas were in urban areas.

Sachs raised other issues previously broached during the 1952 effort. He criticized

¹⁰⁶ Sachs, “Scholle v. Hare – The Beginnings of ‘One Person-One Vote,’” 1605-1624.

¹⁰⁷ *August Scholle v. James Hare, Secretary of State*, Michigan Supreme Court, Brief of Plaintiff, 3, 8, 10.

¹⁰⁸ *Ibid.*, 3.

the legislature for not previously reapportioning the legislature decennially, as mandated by the 1908 constitution. He also noted that involvement of the courts in this matter was appropriate. The argument that malapportionment amounted to taxation without representation was raised as it had been seven years before. The defendants argued that there was nothing wrong with receiving a disproportionate number of legislators, as was often the case with states that received two U.S. Senators regardless of their size. To counter this argument, Sachs made sure to point out that states were admitted into the union with the understanding that they were sovereign entities and, in a compromise, would not enter the union unless they received two senators. This idea was never intended to extend to counties, Sachs continued. Most importantly, he referenced the violation of the 14th amendment embodied in Proposal #3, an argument put forward in 1952. If Sachs did not use the exact words he and others used in the 1952 initiative battle, the same arguments were made as part of his brief seven years later.¹⁰⁹

Needless to say, Sachs refined the arguments from 1952 that he presented in his brief in 1959 and updated them to include facts not at issue in 1952. After all, these arguments had to convince courts who would not have been as moved by the more simplistic arguments found in cartoons, billboards, flyers, buttons, bumper stickers, newspaper articles, advertisement, and radio and television commercials designed for popular consumption. For the legal suit, Sachs crafted a cogent argument. Sustained over the course of seventy-one pages, the brief addressed complex legal issues complete with eight exhibits. It reflected a strategy aimed at convincing the particular justices hearing the case. To his benefit, Sachs used the seven years to reflect on this strategy and how

¹⁰⁹Ibid., 1-71.

best to present it in this new venue.¹¹⁰

With the past and current judicial audience in mind, Sachs went beyond the arguments used in 1952. In addition to illustrating how malapportionment violated the basic precepts of the Fourteenth Amendment, Sachs also argued that the litigation in *Scholle v. Hare* was subject to judicial review and should grant relief to the aggrieved parties by allowing the legislature to reapportion itself, lest it suffer the consequences of an at-large election until the problem was otherwise resolved.¹¹¹ From these basic arguments, Sachs maintained that, “[e]quality in all respects is at the heart of the democratic process,”¹¹² an idea that Proposal #3 blatantly violated. He further argued that the rationale for the disparity was arbitrary and did not even conform to issues of land mass, as some geographically large counties did not receive a state senator because their populations were too small for even Republicans to justify.

Interestingly enough, Sachs relied on a states rights argument, often the province of conservatives, to argue a portion of his case. He relied on Michigan State Supreme Court cases as setting precedents and not decisions of the U.S. Supreme Court. He relied on the Fourteenth Amendment since “[i]t is as much the duty of the Michigan Supreme Court to uphold the ‘law of the land’ as it is that of the United States Supreme Court. In this way he endeavored to avoid any possible counter-arguments or court’s possible subsequent unfavorable ruling that federal courts could only adjudicate in a federal case since the plaintiff was merely seeking a ruling in a state court, where similar matters had

¹¹⁰Ibid., 1-71.

¹¹¹Ibid., 6, 8-13 and 15-19.

¹¹²Ibid., 36.

been adjudicated in the past.¹¹³

As part of the strategy Sachs employed, he made few references to Scholle's constituents or of the interests of metropolitan Detroit.¹¹⁴ He probably felt compelled to mention that Scholle was "President of the Michigan State AFL-CIO, representing more than 800,000 trade union members in 83 counties and 34 senatorial districts of Michigan,"¹¹⁵ but said little more of the matter. The strategy was clear. Any such references may have suggested that the fight for reapportionment was primarily about the empowerment of labor and Detroit, as opposed to a more basic overarching right that had been continually violated. Since many clearly feared the power of organized labor, Sachs did all he could to minimize such references without appearing too obvious about Scholle's interests.

For all of his efforts, Sachs' arguments to invalidate Proposal #3, did not move the majority of the eight Michigan Supreme Court justices hearing the case. Stated plainly enough, Justice George Edwards, Jr., speaking for the majority, ruled that,

Equal protection and due process clauses of the Fourteenth Amendment, as presently construed by the supreme court of the United States do not prohibit, as a wholly arbitrary classification, a State constitutional amendment which establishes districts substantially unequal in voting power for election of State senators...and the State Supreme Court is powerless to hold invalid a duly-adopted amendment of the State Constitution in the absence of a higher authority for so doing than the State Constitution itself...¹¹⁶

With this, the Court dismissed the petition asking it to invalidate "a duly-adopted

¹¹³Ibid., 12-13.

¹¹⁴Ibid., 41.

¹¹⁵Ibid., 2.

¹¹⁶*Scholle v. Secretary of State* (ruling and decision), April Term, 1960, 1.

amendment of the state constitution”¹¹⁷ and deferred to the U.S. Supreme Court, which had not yet ruled on the matter. In so doing, the Court dismissed the issue of inequality between districts, however “substantial” that inequality proved to be.

The three justices dissenting in the ruling did so in strong and unambiguous terms. Justice Kavanagh, for example, referred to the efforts to maintain malapportionment as “tyrannical” and inconsistent with the idea of freedom and justice defended through Civil and world wars.¹¹⁸ Attacking efforts to preserve malapportioned legislative districts, Justice McGrath argued that, “The only designations that can be given the 1952 amendment are palpably arbitrary, discriminatory, and unreasonable, and as such it is class legislation which deprives the plaintiff and other citizens of Michigan of their rights in violation of the Fourteenth Amendment to the United States Constitution.”¹¹⁹ In his dissent, Justice Smith decried the dilution of voting strength, the lack of any formula determining state senatorial districts, and the disparity between taxation and representation.¹²⁰ Taking up a charge that brought Scholle into court, Smith stated that, “It is clear from the 1950 census...that many of the vast areas partially disenfranchised in the State of Michigan are precisely those areas wherein are concentrated the reservoirs of manpower necessary to our industrial might, the emigrants from the South, and from foreign soil.”¹²¹ The ill-effects were clear: “The racial problems, the social problems, and the suffrage problems are here brewed together in a vast cauldron.”¹²² Finally, he argued that, “The sorry catalog of abuses of minority rule, here shown in small part, amply

¹¹⁷ Ibid., 1.

¹¹⁸ Ibid., 12-13.

¹¹⁹ Ibid., 41.

¹²⁰ Ibid., 51, 56, and 62

¹²¹ Ibid., 61.

¹²² Ibid., 61.

demonstrates that government by only part of the people is both pernicious and destructive.”¹²³ The comments exhibited during these dissenting arguments while having no effect on the ultimate ruling may have resonated with justices ruling on subsequent reapportionment cases.

Notwithstanding the unfavorable ruling handed down by the court, a concurring opinion by Justice Black reflected an uneasiness with the way in which powerful forces within the state so easily dismissed the wishes of its majority. Justice Black contended that, “[s]ome day, inevitably, the supreme court will authorize justifiable employment of the equality clause in cases of present political nature. But that day has not yet arrived.” Further acknowledging the changing times and the response of the courts to those changes, Black concluded that, “Already, in this swiftly advancing second half of the Twentieth Century, it becomes more and more apparent that the law, while it ‘must be stable,’ cannot ‘stand still.’”¹²⁴ Referring to the 1952 Proposal #3, Black argued that, “...section 2 of said article 5 ruthlessly and progressively discriminates against great masses of citizens in favor of a minority of citizens.”¹²⁵ Even with these caveats, Justice Black “vote[d] to dismiss plaintiff’s petition.”¹²⁶

Even Justice George Edwards, who stood firm on the legal basis of his ruling in this case, suggested that there existed inherent problems with Proposal #3. In his ruling, for example, he argued that “[t]his Court does not determine the wisdom of the decisions made by the people of Michigan in adopting their Constitution.”¹²⁷ From this vantage

¹²³Ibid., 82-83.

¹²⁴Ibid., 113.

¹²⁵Ibid., 122.

¹²⁶Ibid., 124.

¹²⁷Ibid., 104-105.

point, he argued that, “[h]owever distasteful to some of us the rationale of the majority of voters in 1952 may be as support for the classification of senatorial districts which resulted from the 1952 amendment, it clearly has been regarded to date as acceptable under the United States Constitution by the United States Supreme Court.”¹²⁸ Given the wide and growing population disparities between districts, some justices must have questioned whether they had trampled upon the spirit of the law, even as they adhered to its letter.

The Civil Rights movement represented a period of history where forces battled over control of socio-economic and political matters. Legislative reapportionment signified one of the arenas in which this battle transpired. Much like a tug of war between two formidable opponents, the outcome did not appear clear. Historians viewing the battle from hindsight could certainly see how the contest transpired in the way that it did. In this way, *Scholle v. Hare* set off, or at least contributed to a chain of events that fed into the proceedings of a constitutional convention in Michigan and court battles transpiring elsewhere in the country.

The next battleground over reapportionment came at the 1961-1962 Michigan Constitutional Convention. Emboldened by their success in *Scholle v. Hare*, the Republican-dominated convention sought to further solidify malapportionment in the Constitution by what came to be known as the 80-20 plan, which allotted 80% of value to population and the remaining 20% to area in determining the apportionment of legislative districts. It was a convoluted formula that maintained an imbalance that would only differ in degree from the then current arrangement. That the 144 delegates included such

¹²⁸Ibid., 105.

Michigan AFL-CIO labor leaders as William Marshall and Tom Downs (one of Con Con's three vice presidents), did not thwart the efforts of delegates to adopt a proposed constitution that retained legislative districts based on factors other than population. As far as these delegates and others were concerned, their battle in this forum was doomed to be a losing one. The distribution of delegates by political party within the convention reflected the distribution by party within senatorial districts, a method reflecting the pre-existing and, what many argued, was an imbalance in favor of Republicans in the first place.¹²⁹

Before the convention adjourned, however, the Supreme Court ruled in *Baker v. Carr*. The ruling did what Scholle and advocates of reapportionment among Con Con delegates could not: It forced the Republican-dominated body to reformulate its reapportionment plan with the knowledge that any such plan must now pass scrutiny by the Supreme Court. The attempt was a futile one. Before malapportionment advocates determined how best to respond, Scholle mounted another legal maneuver to seal the promise advanced by the ruling in *Baker v. Carr*. In *Scholle v. Hare II*, he sought to ensure that the Michigan Supreme Court determine that it would deem that the case was subject to judicial review and no longer infringed upon an alternate branch of government. This is what the ruling in *Baker v. Carr* promised.¹³⁰

Numerous other lawsuits followed. Michigan AFL-CIO Vice President William Marshall, for example, filed suit in Federal District Court, asking that the eighty-twenty plan adopted by 1962 Con Con be held unconstitutional. At about the same time, a defendant in the first Scholle case, Senator Beadle, appealed the ruling in the second

¹²⁹Lamb, et al., *Apportionment and Representative Institutions*, 161.

¹³⁰Lamb, et al., *Apportionment and Representative Institutions*, 155-156.

Scholle case on the basis of Justice Stewart’s stay order. In the first of these two cases, the plaintiffs lost, as two of the three justice assigned to the case hailed from decidedly Republican ranks.¹³¹

Following Justice Stewart’s stay, the Michigan Supreme Court waited to receive guidance from the U.S. Supreme Court. Their wait ended on June 15, 1964, when the high court ruled in *Reynolds v. Sims*, which mandated that legislative districts be apportioned solely based on population. That meant that the 80-20 plan of the Michigan Constitutional Convention was null and void. It also meant that time remained for the apportionment commission to adopt a constitutionally acceptable plan prior to the November 1964 election. That plan was strictly based on population and gave little regard to county boundaries. Just a week after the ruling in *Reynolds v. Sims*, “the U.S. Supreme Court refused to hear the appeal from the second Scholle suit, thus allowing the Michigan Supreme Court’s decision to stand.”¹³² Immediately, the Michigan Supreme Court ordered the use of a population-based apportionment plan in the upcoming elections. With this apportionment plan in place, Democrats won control of both houses of the legislature. While challenges to the reapportionment plans did not immediately end, even though little hope existed for these challenges, as far as the election of 1964 was concerned, strict population-based reapportionment was law.¹³³

Sachs employed a well-defined strategy to accomplish his goals in these reapportionment cases. Their logic notwithstanding, his judgments did not always hit the mark. In the end, however, enough of his arguments stuck. In her dissertation, “Interest

¹³¹Gething, “Interest Groups, The Courts, and Legislative Reapportionment in Michigan,” 155-165.

¹³²Ibid., 173.

¹³³Ibid., 175-188.

Groups, the Courts, and Legislative Reapportionment in Michigan,” Judith Gething outlined his strategy in detail. There, she showed that Sachs wrongly assumed that George Edwards, known for his progressive politics, would rule in favor of Scholle. Gething also illustrates how Sachs replaced Gus Scholle with Michigan AFL-CIO Vice President William Marshall in the case of *Marshall v. Hare* in Federal District Court. After all, Marshall, unlike Scholle, lived in Wayne County where residents suffered most from malapportionment. Besides, Scholle also was a polarizing figure. Bringing the suit in federal court allowed justices to rule on them without threat of having such rulings count against them when running for re-election or impeachment before those elections could take place, a scenario federal judges did not fear.¹³⁴

Understanding the position in which Sachs placed the justices in both Scholle cases, he consciously refrained from publicly criticizing those same justices. He advised his client to take a similar tack. In addition, the new constitution did not so easily allow for challenges to apportionment cases in state courts. Sachs’ strategy reflected sound reasoning, and yet he lost this particular case, which was evident even before the court’s ruling, given the court’s make-up.¹³⁵ Whatever Sachs’ misjudgments, he vigorously pursued all of these cases and finally met with success, once the U.S. Supreme Court ruled in both *Baker v. Carr* and *Reynolds v. Sims*. The latter ruling forced the Michigan Supreme Court to change previous rulings to conform with the high court.

Absent in Gething’s analysis, however, is a connection between the Michigan cases that Sachs litigated and the cases of *Baker v. Carr* and *Reynolds v. Sims*. After all,

¹³⁴Gething, “Interest Groups, the Courts, and Legislative Reapportionment in Michigan,” 157-162.

¹³⁵Ibid., 159.

the plaintiffs in *Reynolds v. Sims* benefited from Sachs' assistance in the case. It ultimately met with success at the federal level and, thus, determined the outcome of such cases in other states.

Concerning *Baker v. Carr*, Neal Peirce and T. George Harris commented on the role that Sachs played in that litigation. Peirce argues that, "The AFL-CIO counsel, Theodore Sachs of Detroit, did the basic research and then as a courtesy passed it on to the plaintiffs in the famed Tennessee suit of *Baker v. Carr*."¹³⁶ T. George Harris made a similar comment in his biography on George Romney. There, he states that "Scholle's original suit in Michigan provided the legal brief for the Tennessee case on reapportionment that, decided by the Supreme Court first, brought the one-man, one vote rule to the fifty states..."¹³⁷

Sachs played a role in *Reynolds v. Sims* as well. In writing about that period, he argues that,

[t]he two years...were not without activity. The network of attorneys and correspondence proliferated. We seized upon every judicial development for the making of further arguments. We made suggestions, stated positions, and developed, refined, and exchanged theories and strategies. Plaintiff-advocacy in the legislative apportionment area had become a seamless web. When the landmark decision finally came down, it bore the imprint of many and was in that regard extremely gratifying.¹³⁸

The litigation in both *Baker v. Carr* and *Reynolds v. Sims* was a team effort in which Sachs played an integral role. Because Sachs had been involved in reapportionment

¹³⁶Peirce, *The Megastates of America*, 427.

¹³⁷T. George Harris, *Romney's Way: A Man and an Idea* (Englewood Cliffs, N.J.: Prentice Hall, Inc., 1967), 217.

¹³⁸Sachs, "Scholle v. Hare – The Beginnings of 'One Person-One Vote,'" 1622-1623.

issues stretching back to 1951, and with substantive litigation beginning with *Scholle v. Hare* in 1960, we can assume that Sachs had a great deal of advice and guidance to provide.

Some have argued that this fight for legislative reapportionment was more of a fight involving August Scholle and attorney Theodore Sachs as opposed to one involving organized labor more generally. There is some merit in this argument, as the fight largely depended upon the determination of Scholle and Sachs to see the fight through to the end. With Sachs, Scholle initiated the effort and remained committed to its favorable outcome, regardless of the intense opposition to it. Natural allies counseled him to concede defeat during critical moments of the fight. Even Democratic Governor G. Mennen Williams thought ill of the effort, believing that it might embarrass him and the Democratic Party. We must remember, after all, that Democratic constituents in the Upper Peninsula, for example, actually benefited from malapportionment. They lived in rural districts that received a disproportionate number of legislators relative to their numbers.¹³⁹

Scholle's adversaries within and outside of organized labor notwithstanding, he could not have pursued the effort without organized labor. After all, it was not as if the monetary resources used for the fight came from his personal bank account or that he pursued the fight when not committing his time to his duties as Michigan CIO and then Michigan AFL-CIO chief. Whatever reservations his adversaries in organized labor or the Democratic Party had toward Scholle's effort to achieve the reapportionment, no one prevented him from using those resources for these purposes.¹⁴⁰

¹³⁹ Gething, "Interest Groups, the Courts, and Legislative Reapportionment in Michigan," 73-78 and 96.

¹⁴⁰ Sachs, "*Scholle v. Hare* – The Beginnings of 'One Person-One Vote,'" 1610;

Conclusion

In the same way that reapportionment gained little traction with voters in 1952 and failed to resonate with the justices of the Michigan Supreme Court in 1960, opponents of legislative reapportionment were similarly stymied once the Supreme Court ruled in *Baker v. Carr* in 1962. From that point forward, nothing could stop legislative reapportionment from becoming a reality in Michigan and other states. Not the Michigan Manufacturers Association that had railed against it in 1952, nor the Republican delegates to the Michigan Constitutional Convention whose own reapportionment plan retained gross disparities between districts representing rural versus urban districts, nor the litigants who opposed reapportionment, could reverse the tide. Not even threats to impeach Michigan Supreme Court justices who ruled in favor of *Scholle v. Hare* after the ruling in *Baker v. Carr* could stop the fight for reapportionment. However, the status quo suffered other defeats in the early 1960s. Anyone witnessing the Civil Rights movement with its bus boycotts, the Supreme Court decision in *Brown v. Board of Education*, lunch counter sit-ins, and mass demonstrations replete with high-powered fire hoses trained on African-American demonstrators, jailings of civil rights leaders, and freedom rides, may have realized that legislative reapportionment was, as attorney Ted Sachs argued, an idea whose time had come.¹⁴¹

With the acceptance of legislative reapportionment came a range of other possibilities, the possibilities of a voice for urban America, silenced just a few years before. Organized labor's efforts to reapportion the Michigan senate on a strict population

Gething, *Reapportionment in Michigan*, 73-78.

¹⁴¹Sachs, “*Scholle v. Hare* – The Beginnings of ‘One Person-One Vote,’” 1605.

basis in 1952 by way of an initiative and beginning in 1960 via litigation with Scholle and Marshall standing as plaintiffs, is representative of labor's role. The money for the effort, most of it coming from the coffers of the Michigan CIO and the Michigan AFL-CIO, is a testament to the role that organized labor played in the effort. Archival sources tell us that the failed attempt to inspire citizens to vote for reapportionment in 1952 came to \$65,000. The effort beginning in 1960 outpaced this amount by approximately \$135,000, a significant amount of money at the time. Others contributed to the effort during the 1952 referendum and with amicus curiae briefs supporting *Scholle v. Hare*, but organized labor, particularly as directed by its labor chief, August Scholle, dictated the pace, the intensity, and the particulars regarding the case.

Because labor's power was centered in Detroit and other urban Michigan areas, the possibility for legislation reflecting urban interests improved. No other indicator demonstrated the changes to come than the complexion of the Michigan legislature in 1963 versus what we find only two years later, following court decisions for population-based legislative reapportionment. During the 1963-1964 term, Republicans dominated the state senate with 23 members to the Democrats' 11. In the state house for that same term, 58 Republicans prevailed over 52 Democrats. During the 1965-1966 term, however, 28 Democrats now dominated the 18 Republicans in the state senate while 73 Democrats significantly beat out the 37 Republicans that the Michigan electorate voted in that term.¹⁴² With these changes in the partisan and ideological balance of the legislature, legislative changes were inevitable, even with a Republican Governor, George Romney,

¹⁴² Michigan, Michigan Official Directory and Legislative Manual (Lansing: State of Michigan, 1963-1964 Term, 165, 174-176; Michigan, *Michigan Manual*, 1965-1966 Term, 166, 177-178.

in office. An amendment to the Hutchinson Act ranked high amongst the efforts that legislators pursued with the reconfigured legislature for which legislative reapportionment paved the way. It is to this story that we now turn.

Part III

A New Era for Detroit-Area Public Sector Workers, 1965-1967

Before many states began adopted laws that encouraged collective bargaining by public employees beginning in the 1960s, Philadelphia, New York City, Wisconsin, and the federal government had taken action that allowed collective bargaining for various groups of public employees. These actions paved the way for similar measures in other states with Michigan being among them. With the advent of reapportioned legislative districts, the Democrats gained a legislative majority in 1965. This chain of events led to the enactment of PERA, as well as a Detroit City ordinance that mirrored the state law. Intense and competitive organizing drives ensued, strengthening public sector unions as they sought collective bargaining agreements. In some cases Michigan public school teachers, even pursued strikes to achieve their goals. While few strikes took place, they dominated the headlines and prompted legislators to seek measures to stop strikes.

In 1966, the Democrats lost control of the legislature just as quickly as they came to dominate it in the previous session. Republicans never did reverse the Public Employee Relations Act in the session following its enactment, but they made a credible effort and revealed the precarious position of public sector workers whose fortunes appeared to hold little security. A fragile economy, exacerbated by a decreased tax base, internal dissension within Detroit's AFSCME Council 77, and civil disorder meant that AFSCME Council 77 could not expect its first contract in October 1967 to be as favorable as it would have liked.

Chapter Four

An Act Poised to “Free Us From Slavery”:

The 1965 Public Employees Relations Act

Public Employees are hard working and skilled workers who are entitled to treatment equal to the best workers in private industry. This they expect and this treatment they want – nothing else will satisfy them.¹

[T]hese amendments [to the Hutchinson Act], which were made possible by Democratic control of the Legislature in 1965, corrected grave injustices imposed upon hundreds of thousands of public employees, a large percentage of whom are black.²

Many of us didn't realize it at the time, but Public Act No. 379 of 1965 [a.k.a. the Public Employee Relations Act] was the most significant enactment of the 73rd Michigan Legislature.³

On July 23, 1965, Michigan's Governor George Romney signed into law Public Act 379. Better known as the Public Employees Relations Act (PERA), the law gave thousands of Michigan's public employees collective bargaining rights. By his own admission, Romney had given the bill more consideration than the nearly 400 bills passed by the Michigan state legislature during that year's session.⁴ Public employees and their

¹Public Employees Council 77, “Mayor Not Snubbed,” *Detroit Labor News*, 5 March 1964, 6.

²“Friends of State Representative James Bradley Birthday Party” program, 9 January 1970, biography file of James Bradley, ALUA.

³George Montgomery, *Backbencher: A Legislative Memoir* (Waterford, Michigan: Sunshine Publications, 2002), 260.

⁴Robert A. Popa, “Romney Gives OK to Union for Public Employes (sic),” *The Detroit News*, 24 July 1965, 1-2; “Teamsters’ New Target: 250,000 Public Workers,” *Detroit News*, 1 August 1965, 1; “300,000 Michigan Public Employees Get Right to Collective Bargaining,” *Public Employee*, August 1965, 1; Robert G. Howlett, “Michigan’s New Public Employment Relations Act,” *Michigan State Bar Journal* 45

representatives had previously engaged in collective bargaining, but some referred to the practice as “collective begging,” as they were forced to take what was given to them.⁵ There was no requirement for local agencies to engage in the process. In the summer of 1965, however, the Public Employee Relations Act elevated collective bargaining to a right and changed the nature of the relationship between the public sector and those who employed them.

Public employees and labor unions had been fighting for the enactment of such a law ever since the legislature enacted the Hutchinson Act 18 years before. Opposition prevented the effort from bearing fruit. The failed strike of streetcar workers in 1951 and the existence of malapportioned legislative districts revealed this reality. By 1965, times had changed. The state and the nation were moving toward accepting public employee unionism and its consequences. The Civil Rights movement, with its protest marches, boycotts, and legal challenges compelled lawmakers, the judiciary, and citizens to enact, fight for, reinterpret and accept laws that provided for a more equitable distribution of power. Governor Romney gave voice to this trend when he declared that, “a government which imposes upon private employers certain obligations in dealing with their employes [sic], may not in good faith refuse to deal with its own public servants on a reasonably similar basis, modified, of course, to meet the exigencies of public service.”⁶ If a Republican Governor could accept this view, it was reasonable to expect others would do

(1966): 12-16; see also George Romney to Donald A. D’Amato, letter, 29 September 1965, box 127, folder titled, “Legislature Regular Session, Miscellaneous D-F, 1965,” George Romney Collection, Bentley Historical Library, University of Michigan.

⁵“For reference to “collective begging,” see Local 214, “An End to Collective Begging,” *Detroit Labor News*, 19 August 1965, 10; Slater, *Public Workers*, 203.

⁶Popa, Romney Gives OK to Union for Public Employes [sic],” *Detroit News*, 24, July 1965; Law student Richard Fleming makes a similar argument. See Fleming, “Municipal Collective Bargaining,” 3.

the same.

Romney's Relevance

Michigan voters elected George Romney Governor for the first of three successive terms in 1962. He took office with a more varied background than that of other high-level elected officials. Romney had worked as a lobbyist for the Aluminum Company of America. He also served as chair of the Citizens Advisory Committee, established to reform the Detroit Public Schools, and as the chair of the Citizens for Michigan designed to reform the state of Michigan. From there, he served as a vice president of the Michigan Constitutional Convention of 1961-1962. Most importantly, he served as the Detroit manager of the Automobile Manufacturers Association and in increasingly responsible positions with American Motors Corporation. As AMC's CEO, Romney popularized the compact automobile. These experiences familiarized him with state constitutional reform and the state's most vital manufacturing industry. However, his previous record was far different than what he would find in his six-year tenure as Michigan Governor.⁷ His unique experiences are what attracted many of his supporters. Romney went to some lengths to distance himself from partisan politics, so much so that his conservative detractors within the Republican Party complained that he did not identify himself as a Republican frequently enough.⁸ However, as Republicans often did, Romney railed against what he considered the ill-effects of labor in Michigan and its role in politics. At the same time, he spoke out against the auto industry's influence in the

⁷Clark R. Mollenhoff, *George Romney: Mormon in Politics* (New York: Meredith Press, 1968), 5, 162-164, 168, 171; D. Duane Angel, *Romney: A Political Biography* (New York: Exposition Press, 1967), 50-59; T. George Harris, *Romney's Way: A Man and an Idea* (Englewood Cliffs, New Jersey: Prentice-Hall, 1967), 218.

⁸Mollenhoff, *George Romney*, 189

Republican Party. Unlike many other Republicans, he criticized monopolies, which by their very nature, he believed, inhibited the competition necessary for a healthy economy. For Romney, then, the people, acting in conjunction with business, labor and government, but with greater power, should dictate the course of the nation. This was the George Romney that successfully ran for Michigan governor and signed the Public Employee Relations Act into law four years later.⁹

If staunch Republicans expressed reservations about Romney's ideological stance, organized labor was even less enthusiastic. To be sure, Walter Reuther once referred to a collective bargaining agreement signed by Romney as "the most significant and historic collective-bargaining agreement ever signed in the United States."¹⁰ Michigan AFL-CIO President August Scholle, however, saw Romney differently. On one occasion, Scholle called him a "clown." Romney's candidacy raised other issues for organized labor. His belief that organized labor had too much influence in the Democratic Party aside, Romney angered organized labor during his candidacy when he showed up uninvited to the September 1961 Labor Day celebration in Detroit. As far as organized labor was concerned, he might as well have crashed a party and sought the attention of the host's girlfriend or boyfriend.¹¹

Reservations by organized labor notwithstanding, Romney did not bear the same antagonism toward it as many in the Republican Party did. Romney's views on the Wagner Act provide a window into his views on the Public Employee Relations Bill. Twenty years before the Michigan Legislature passed the Public Employee Relations Act,

⁹Ibid., 13, 123-131, 168, 183-184, 189.

¹⁰Ibid., 161.

¹¹Ibid., 174, 179-180, 183-185.

Congress enacted the Wagner Act. Among other things, the act required private employers to engage in collective bargaining when called upon to do so by their employees. Romney spoke well of the Wagner Act, believing that the working man needed a voice. “The idea of the Wagner Act was sound,” a biographer quoted him as saying. “[I]t gave the laboring man the power to organize his own force to bargain with the rising power of management. We settled at the bargaining table many matters that would in other countries have been left to government.”¹² For Romney, the government had a role to play in affairs otherwise limited to labor and management. At the end of the day, however, the two sides had to resolve matters themselves, to the extent that this was possible. Both the National Labor Relations Act and, later, the Public Employee Relations Act served this purpose.¹³

Romney received pressure from organized labor to sign the Public Employees Relations Act once it arrived on his desk in July 1965. Pressure came from other areas as well. Michigan’s Republican Lt. Governor, William G. Milliken, thought the Hutchinson Act, providing for harsh penalties for public employees who engaged in strikes, required amending. “The law [Hutchinson Act] is so punitive that not once in its 18 year history has it been fully enforced,” Milliken wrote in a special report. “Besides that,” he continued, “it is outmoded in light of progress made through employer-employee

¹²Harris, *Romney’s Way*, 85.

¹³While Romney signed the Public Employee Relations Act, he had not arrived at the decision without some thought. When questioned on the matter during the course of his 1964 campaign for governor, for example, he was quoted as saying, “I am not opposed to further legislation in the area of public employee organization, but I have not concluded precisely how we can accomplish the objectives desired and at the same time protect the public interest to the extent necessary,” he said. “I am open-mindedly seeking any procedure that will benefit the public interest.” see “Michigan Technical Council Implements Program of Service to Local Unions,” *Public Employee*, October 1964, 2.

relations in business and industry,” an idea that Romney voiced as well.¹⁴

Romney was what many would refer to as a liberal Republican. He had, in fact, supported many civil rights initiatives. His brand of civil rights, of course, did not reflect the thinking of many in the Civil Rights movement. Romney opposed bussing as a means of integrating schools, thought ill of affirmative action, or what he referred to as “reverse discrimination,” and refused to disavow his affiliation with the Mormon faith, which forbade both interracial marriage and African Americans becoming priests.¹⁵ He also argued publically for the role and responsibilities he believed both African Americans and whites were required to play in the fight against discrimination.¹⁶

Citing his policy to refrain from working on Sundays, Romney did not attend the June 1963 “Walk Toward Freedom” in Detroit where Martin Luther King, Jr. gave his “I Have a Dream” speech. It was a later version of the speech that he would give in August to a national audience in Washington, D.C. Romney did, however, participate in “a civil rights demonstration against discrimination in housing in fashionable Grosse Pointe, an all-white suburb of Detroit” just a few days later.¹⁷ This show of support for open housing was not the first time he had done so. Indeed, he supported it as far back as World War Two.¹⁸ Romney also spoke out in support of the civil rights march to Salem,

¹⁴“A Special Report from the office of the Lt. Governor,” June 11, 1965 as quoted in Robert G. Howlett, “Michigan’s New Public Employment Relations Act,” *Michigan State Bar*, 45, no. 4, (April 1966): 12-16.

¹⁵George Romney, “I’m a Believer,” address before the Wolverine State Missionary Baptist Convention, Detroit, Michigan, 31 July 1964 in *George Romney: The Concerns of a Citizen* (New York: G.P. Putnam’s Son’s, 1968), 58.

¹⁶George Romney, “Local Action is the Fiber,” address before Mayor’s Conference on Human Rights, East Lansing, Michigan, 26 July 1963 in *George Romney*, 64.

¹⁷Mollenhoff, *George Romney Mormon in Politics*, 203.

¹⁸Harris, *Romney’s Way: A Man and an idea*, 204-205

Alabama, supported the family of Viola Liuzzo (who was murdered there), and took heat for this support from many Michigan citizens.¹⁹ At a 1964 tribute given in his honor, Romney spoke in support of broad civil rights connected with voting, employment, educational opportunities, equal access to public facilities and businesses open to the public; and he reiterated his support for open housing.²⁰ In a word, the Civil Rights movement, which Romney noted as “sweeping over the nation,” clearly moved him.²¹ His support of the Public Employees Relations Act reflected the rights consciousness widely evident elsewhere in society. As Romney argued, public sector employees deserved the same “right” to engage in collective bargaining as private sector employees had had for the previous thirty years.

Public Sector Unions Embrace the Civil Rights Movement

Organized labor’s support of the Civil Rights movement outpaced the support Romney provided it. The Detroit Federation of Teachers, Council 77 of the American Federation of State, County and Municipal Employees, and the Service Employees International Union, all organized public sector employees in metropolitan Detroit. They also embraced the Civil Rights movement. The inspiration that other public sector workers received from that movement empowered them to push for what would become the 1965 Public Employees Relations Act.²² Others, including the Michigan AFL-CIO,

¹⁹Ibid., 205.

²⁰George Romney, “Rights as an American,” address at Romney Tribute Dinner, Salt Lake City, Utah, 17 January 1964 in *George Romney: The Concerns of a Citizen*, 60.

²¹Address at Mayor’s Conference on Human Rights, East Lansing, Michigan, 26 July 1963 as found in Ibid., 62.

²²For an excellent overview of the impact of the Civil Rights movement on the rights and development of public sector unionism, see Robert Shaffer, “Where Are the Organized Public Employees? The Absence of Public Employee Unionism from U.S. History Textbooks, and Why It Matters,” *Labor History*, 43, no. 3, 2002, 315-334,

played an important role as well.

The Detroit Federation of Teachers in particular exhibited an increasing concern for civil rights in the 1950s and 1960s. The Detroit Federation of Teachers had a significant proportion of African-American members for some time. It did not experience the explosion and tension-laden problems of New York City where that city's African-American population had little input into the teaching and pedagogy of its children.²³ In contrast, the DFT issued a resolution enthusiastically supporting the "concern to develop books and materials that will give fair and adequate treatment to all groups in the American culture."²⁴ The local federation joined in the celebration of the Emancipation Proclamation centennial and advised those realtors who sought advertisements in its paper, *The Detroit Teacher*, that it no longer accepted advertisements from those who violated open occupancy standards.

Acknowledging the local's efforts in civil rights, President John F. Kennedy invited DFT President Mary Ellen Riordan to a meeting to discuss the intersection between education and civil rights. In the same month, Riordan wrote the Detroit Board of Education recommending that teacher vacancies in schools with a predominant white faculty be filled by African Americans, even recognizing that African-American teachers might not have wanted to "pioneer alone" in potentially hostile environments.²⁵

specifically 321.

²³"Population of Detroit Reference to Negroes," ca. 1958, box 6, folder "21: Civil Rights/FEPC," AFT Local 231 Collection, ALUA; Joshua Freeman, *Working Class New York: Life and Labor Since World War II* (New York: The New Press, 2000), 217-227.

²⁴Riordan to Brownell, letter, 4 March 1963, box 6, folder "21: Civil Rights/FEPC," AFT Local 231 Collection, ALUA.

²⁵President John F. Kennedy to DFT President Mary Ellen Riordan, telegram, 16 June 1963, box 19, folder: "Civil Rights, 1963-1966," AFT Local 231 Collection, ALUA; Riordan to Brownell and Detroit Board members, letter, 25 June 1963, box 6, folder "21:

Most importantly, the DFT fought for a state Fair Employment Practices law and its enforcement. The DFT then initiated an effort to encourage Detroit-area organizations to sign a joint letter requesting the city's Board of Education to adopt a policy for the placement of teachers on a non-discriminatory basis. The DFT also wrote letters to state senators expressing its frustration over their refusal to support an FEP law. The federation complained about the unwritten policy of school counselors, who often encouraged students to take classes that qualified them only for menial jobs or considered race when pointing students in the direction of employment in defiance of the mandates of this law.²⁶

Nationally, the American Federation of Teachers passed resolutions barring segregated locals, even before the ruling in *Brown v. Board* outlawed such practices.²⁷ In 1965 the AFT's Civil Rights Committee prepared a detailed report outlining its position on civil rights and its ideas of how locals could implement the plan. Authored by six people, one a Detroit teacher on leave, the report reiterated the union's support of integration, focusing its attention on the North. In some of its concluding remarks, the authors of the report argue that,

Unions such as the American Federation of Teachers that are involved in a 'rights' struggle of their own, as well as the many unions that clearly remember their days of

Civil Rights/FEPC," AFT Local 231, ALUA.

²⁶DFT President Antonio Kolar to Friend, letter, 15 November 1955; DFT Vice Presidents Helen Bowers and William Loving to Detroit Board of Education President Betty Becker, letter, 28 July 1955; DFT and 18 other organizations to Detroit Board of Education President Betty Becker, letter, 13 December 1955; Don Vander Werp to DFT President Antonia B. Kolar, letter, 6 June 1955; DFT President Antonia Kolar to 12 Michigan State Senators, telegram, 25 May 1955; undated report from the Michigan FEPC; all from box 6, folder "21: Civil Rights/FEPC," AFT Local 231, ALUA.

²⁷August 1953 "Resolution on Segregated Locals of the AFT," box 6, folder "21: Civil Rights/FEPC," AFT Local 231 Collection, ALUA.

leanness, have a common bond with the civil rights movement.²⁸

In these and other ways, the DFT, supported by its parent body, both contributed to and rode the wave of a rights consciousness activism, elements of which contributed to the activism of others in Michigan, including the advocates of an amendment to the Hutchinson Act. Detroit Federation of Teachers President Mary Ellen Riordan gave voice to the local's overarching concern with and support of civil rights when she stated that, "[t]he Detroit Federation of Teachers was among the first in insisting that equal opportunity be given to all, without regard for race, creed, color or national origin." "This belief," she continued, "was and is a major article in our basic philosophy as well as in our written contract."²⁹

AFSCME was also greatly influenced by the growing Civil Rights movement. For AFSCME, 1963 was a busy year. In February, the organization established a four-man committee "to deal with AFSCME's external and internal civil rights and liberties." Its purpose was to determine the existence of laws on which AFSCME members could rely, identify what other unions had done in civil rights, and widely publicize opportunities for redress of complaints. Beyond these areas, the purpose of AFSCME's committee was to support a similar committee of the executive board.³⁰ In June 1963, AFSCME held the first of a series of conferences designed to address "internal union problems, employment and promotions, civil service, public laws and contracts, as well as housing and public

²⁸The Civil Rights Committee of the American Federation of Teachers Executive Council, "Toward Equal Opportunity: New Directions for AFT Civil Rights Committees," box 19, folder titled, "civil rights, 1963-1966," AFT Local 231 Collection, ALUA.

²⁹Riordan to Brownell and Detroit Board of Education members, letter, 25 June 1963, box 6, folder "21: Civil Rights/FEPC," AFT Local 231 Collection, ALUA.

³⁰"Staff Civil Rights, Liberties Group Named; Ethical Practices Requested," *Public Employee*, February 1963, 1.

accommodations [sic].”³¹ A month later, AFSCME President Arnold Zander clarified the mission of the conferences. As he explained, they represented the union's “full-scale entry into the fight against all forms of discrimination, with particular emphasis on ending job discrimination at the state, county and municipal level.”³² Later that summer, AFSCME sent many of its members to the 1963 March on Washington, as part of a total of a reported 50,000 unionists, exhibiting commitment to the cause of civil rights.³³ Additionally, AFSCME used its chief organ to press Congress for a civil rights act, one of the chief aims of the march.³⁴ In addition to the conferences, committees and marches that AFSCME members and officers attended, the organization also issued resolutions at its conventions. In these resolutions, the organization formally went on record as opposing school segregation, restrictions to voting and “discrimination in housing and public accommodations,” and the immediate passage of the civil rights bill before Congress.³⁵

The Service Employees International Union (SEIU) also made civil rights part of its program in the 1960s. During the union's 1964 international convention, for example, SEIU advocates of civil rights identified 10 out of 167 resolutions that reflected a concern and interest in civil rights. The convention noted the union's Committee on Civil Rights, first established in 1961, “and urged each local union be called upon to establish an

³¹“First Regional Civil Rights Meeting Held at Newport,” *Public Employee*, July 1963, 1.

³²“AFSCME Launches Drive for Civil Right Conferences,” *Public Employee*, August 1963, 1.

³³“Union Members Help Swell Freedom Marchers' Ranks,” *Public Employee*, September 1963, 5.

³⁴“Civil Rights in Springtime?” editorial, *Public Employee*, February 1965, 4.

³⁵American Federation of State, County and Municipal Employees, *Proceedings of the 14th International Convention* in Denver, Colorado, April 27-May 1, 1964, 102-104, 106-107, 338, and 348-349, ALUA.

effective and meaningful civil rights program.” The convention proceedings identified Thomas Flowers, recording secretary of Detroit’s public sector union, Council M, as one of the seven SEIU officers who assisted in preparing one of the more forceful resolutions on the matter. In one resolution, it noted the “painfully slow progress made” in the area of civil rights, the litany of violent crimes waged against African Americans, the continuing denial of employment and promotional opportunities, educational opportunities, and the lack of rights at the ballot box. This particular resolution also took note of overt and covert acts of segregation, and the poverty that grew out of racial discrimination, and it challenged union members to refrain from discriminating against one another. The resolution commended SEIU President David Sullivan for establishing the civil rights committee and similarly noted “courageous leaders” who fought on behalf of the Civil Rights movement. The resolution supported the work of the AFL-CIO in its work to combat discrimination, pushed for each local to “appoint a Civil Rights committee,” and directed SEIU President David Sullivan “to telegraph ... each member of the United States Senate the unanimous demand of this convention that the indecent and iniquitous filibuster be ended immediately and the pending Civil Rights bill be put to a vote without weakening or amendment.”³⁶

Unlike the Detroit Federation of Teachers, Detroit’s Council M of the Service Employees International Union did not have a history of civil rights activism. In fact, it did not have much of a history in Detroit at all. Given that it had been established only in 1958, the Council had not yet developed a civil rights track record. During its ten-year history in the Detroit area, the SEIU council spent all of its time trying to build what was

³⁶Building Service Employees’ International Union, *Official Proceedings, 13th General Convention, 1964, 194-196, ALUA.*

a struggling organization before events forced it out of existence.

There was, in fact, no consistent pattern of public sector union civil rights engagement. The nature, extent, and duration of involvement does not provide a barometer for fully appreciating how this sector was influenced by the Civil Rights movement. There were few places in the country where one could avoid the influence of the Civil Rights movement, much less in a city that had as large a number and percentage of African Americans as Detroit. By 1960, Detroit's African-American population stood at 482,229 or 28.9 percent of the population, up from 16.1 percent the previous decade. The strength of the Civil Rights movement was dramatically illustrated in any number of Detroit-area marches, lawsuits and boycotts before and leading up to the enactment of the 1965 Public Employees Relations Act. The 1963 March Toward Freedom in Detroit was one such moment. Led by Martin Luther King and organized by the then prominent Reverend C.L. Franklin, with the support of Reverend Albert Cleage, Detroit Mayor Jerome Cavanagh, and UAW President Walter Reuther, it was attended by as many as 125,000 people, the largest civil rights march up to that time. The march reflected a moment in history where African Americans and other marginalized people in Detroit worked to make their concerns known. In its own way, the enactment of the 1965 Public Employees Relations Act was a byproduct of this moment in history, for it sought to address the concerns of the public sector, which believed it suffered from marginalization as well.³⁷

The Civil Rights Movement Meets the Public Sector

When Jerome Cavanagh became Detroit's new mayor in 1962, one of his first acts

³⁷See, for example, http://www.daahp.wayne.edu/1950_1999.html accessed on March 5, 2010.

was to issue an executive order mandating that the city's personnel policy specifically ban discrimination in the hiring, promotion and training of its current and prospective employees. Given the support that African Americans provided Cavanagh during the race for mayor and his campaign promises, Cavanagh's course of action was understandable.³⁸

Besides, the executive order reflected the exigencies of the times.

Beyond this tangible expression of support for civil rights, public sector employees and their union officers lived in a world where marginalized groups actively sought redress for their grievances. In this world, the status quo forced could not withstand the forces of change. As historian Nelson Lichtenstein explains, "In public employment, American trade unions did ride a wave of rights consciousness to build collective organizations of considerable size and power."³⁹ AFSCME, SEIU, the AFT and other unions representing public sector workers all grew substantially during this period and that growth provided them strength to seek rights inspired by the Civil Rights movement.

Public sector workers routinely borrowed language from the Civil Rights movement when demanding improvements in wages, working conditions and benefits. The *Detroit Labor News* and its columnists engaged its readers with discussions of public sector rights in order to motivate them to fight for the right of collective bargaining. In the immediate months preceding the enactment of PERA, references to second class citizenship and struggle to gain first class rights are frequently found within the pages of

³⁸"Executive Order No. 1," Jerome P. Cavanagh to All Department Heads, Boards and Commissions, 22 February 1962, box 4, folder 7, Jerome P. Cavanagh Collection, ALUA.

³⁹Nelson Lichtenstein, *State of the Union: A Century of American Labor* (Princeton: Princeton University Press, 2002), 181.

the *Detroit Labor News*.⁴⁰ The use of this language demonstrates one significant way in which Detroit-area public sector workers received inspiration from the Civil Rights movement.⁴¹ An editorial appearing in the *Detroit Labor News* made the point clear:

We think it high time that workers in government be given equivalent citizenship status to everyone else in the community. We believe there ought to be a defined and printed grievance structure through which government workers can engage in collective bargaining on grievances arising from working conditions. We further believe the overwhelming majority of the citizens of Wayne County and Detroit support that viewpoint.”⁴²

Appropriating the language of the Civil Rights movement, a columnist from AFSCME Local 23, representing employees of the Detroit Housing Commission, argued that,

...public employees are related to second class citizens with substandard wages an [sic] dother [sic] iniquities [sic] that make it difficult for Public Employees to live. We are also saddled with an Act that makes it unlawful to strike or arbitrate with the ‘City Fathers’ to improve our conditions.⁴³

⁴⁰See, for example, “Bills Provide State Labor Act, Give Public Employes [sic] Rights,” *Detroit Labor News*, 13 May 1965, 6; “New Legislation Gives Public Employes [sic] Right to Organize,” *Detroit Labor News Division 26*, 23 June 1965, 1; “Public Employes [sic] Bill Needs Only Governor’s Signature: Ok’d by Legislature, Measure Guarantees Right to Organize,” *Public Employees Council 77 Mirror*, 24 June 1965, 1; “Local 875,” *Detroit Labor News*, 23 January 1965, 7; “Good Hard Look at Situation,” *Detroit Labor News*, 18 February 1965, 14; “Local 542,” *Detroit Labor News*, 29 April 1965, 11; “Anti-Union Hutchinson Act Amended by Legislature,” *Detroit Labor News*, 10 June 1965, 11; “Organizing the Unorganized is Road to Collective Bargaining,” *Detroit Labor News*, 24 June 1965, 14.

⁴¹Richard H. Klemczak, Executive Vice President, Local 236, P.L.C., AFSC&ME, “City Employes [sic] Are Resentful of ‘Pay Grabber’ Impression,” (letter to the Editor), *Detroit Labor News*, 28 January 1965, 7.

⁴²AB, “Why Exclude Government Workers? Collective Bargaining,” *Detroit Labor News*, 11 February 1965, 5.

⁴³“Local 23, Detroit Housing Commission,” *Detroit Labor News*, 27 May 1965, 7; see also 1967 Executive Committee, National Governor’s Conference, *Report of Task Force on State and Local Government Labor Relations* (Chicago: Public Personnel

References to “second class citizens” and “iniquities” reflect the concerns of public sector workers. They also reflect the influence of the Civil Rights movement.

When public sector union leaders fought against what became the Hutchinson Act, they argued that the public sector should not be prohibited from striking. AFSCME leaders made a similarly bold statement in 1965 when the union moved forcefully to amend the Hutchinson Act. “Sometimes you must break the law in order to get justice,” AFSCME President Jerry Wurf said of the law banning public sector strikes. “Our success is not dependent upon the law, but rather on winning the election through union solidarity,” he later said, echoing the same tone.⁴⁴ This statement was similar to those concerning discriminatory laws throughout the South and elsewhere. In his famous letter from a Birmingham Jail, for example, Martin Luther King, Jr., famously argued the point well: “One has not only a legal but a moral responsibility to obey just laws. “Conversely,” he continued, “one has a moral responsibility to disobey unjust laws.”⁴⁵ For Wurf, it was unjust to prohibit public sector workers from striking when necessary. They had a moral responsibility to disobey any such law. It mattered little that the courts had routinely denied public sector workers the right to strike in the past.⁴⁶ Many public employees began to entertain and, on occasion, use strikes to force their employers to seriously consider their concerns.

Association, 1967); Doris B. McLaughlin, *Michigan Labor: A Brief History from 1818 to the Present* (Ann Arbor: Institute of Labor and Industrial Relations, The University of Michigan—Wayne State University, 1970), 150.

⁴⁴“Sometimes You Have to Break the Law,” *Detroit Labor News*, 18 March 1965, 6.

⁴⁵Martin Luther King, Jr., “Letter from a Birmingham City Jail,” in Jonathan Birnbaum and Clarence Taylor, eds., *Civil Rights Since 1787: A Reader on the Black Struggle* (New York: New York University Press, 2000), 481.

⁴⁶Shaw, “The Development of State and Federal Laws,” 22 and 32-33.

Advocates of public sector empowerment often used the word, “rights,” in the context of comparisons with the private sector. The public sector, then had a ‘right’ to wages secured by those in the private sector for comparable work, a ‘right’ to engage in collective bargaining, and a ‘right’ to working conditions comparable to what private sector workers enjoyed.⁴⁷ The more radical of the group argued that public sector employees had a right to strike as well, although most did not voice this desire publicly. Times had certainly changed.

At the same time that the Civil Rights movement began gaining momentum, the AFL and CIO merged and “gave impetus to intensified efforts to organized municipal employees and furthered the control by these municipal unions of entry and promotion opportunities in the public service.”⁴⁸

The Public Sector Expresses Right To Equal Treatment

Many within the public sector believed that the state and local governments that employed them treated them unfairly in terms of the wages, benefits, and working conditions, relative to workers in private industry. Similarly, public sector employees spoke out against a system where benefits in the private sector eclipsed their own. As the *Detroit Labor News* reported,

Employees in private industry are now negotiating for pensions amounting to half of final pay for 25 years of service or 2/3 of final pay for 30 years of service while Wayne County employees must work at least 33 or 34 years – in some cases over 35 years – for half of average

⁴⁷See for example “Legislation Pending for our Benefit,” *Division 26*, April 1965, 1.

⁴⁸Ewart Guinier, “Impact of Unionization on Blacks,” *Proceedings of the Academy of Political Science*, 30, no. 2, (1970): 176.

compensation – AND THEY HAVE HELPED TO PAY FOR SOME OF THAT.⁴⁹

Organized labor often expressed their dismay over the disparity in pay in the language commonly used during this era of rights consciousness. In anticipation of the passage of House Bill 2953, the *Detroit Labor News* reported that, “[t]hese Bills if finally made State Law will permit Public Employees some of the rights which other workers already enjoy.”⁵⁰ With expanded collective bargaining rights, public sector employees would have an avenue to fight more effectively for improvements in wages, working conditions, and benefits.

The outspoken president of one public sector union made a complementary argument about the disparity in pay between public sector workers and in the private sector:

Some of the news media in this area suggested that we should compare some of our wages with those in other cities. And we should not use industrial rates. We do not agree with this formula because we do not educate our children, feed or cloth[e] them nor shelter them in other cities. Therefore, the bread and milk that rise because of the cost of a rising economy or a new contract must be paid by the city or county employee the same as the industrial employee.⁵¹

The issue of wages, while often the most important part of a compensation package, played only one part. Benefits also factored significantly into the equation. Public sector workers seeking improved benefits, often framed these discussions in the language of

⁴⁹“County Employees Ask More Liberal Pensions,” *Detroit Labor News*, 1 October 1964, 2; see also, “County Employees Get 15 cent Pay Hike,” *Detroit Labor News*, 5 November 1964, 12.

⁵⁰“Public Employes [sic] Win Collective Bargaining,” *Detroit Labor News*, 3 June 1965, 2.

⁵¹Alton Cobb, “Mayor’s Refusal to Hear City Employees Blasted,” *Detroit Labor News*, 25 March 1965, 4.

unfulfilled *rights*, to which they believed they were entitled. The right to medical insurance was one such benefit. “The full paid hospitalization we have requested the city to pay is not a new program,” local public sector president Alton Cobb argued. “It is paid in full by cities in this area. And [it] is a standard part of industrial contracts in this area. Here again the employees are victimized.”⁵²

Articles in the *Detroit Labor News* reported how some public sector workers recuperating from illnesses, suffered from a lack of insurance. In fact, some locals had established “sick committees” that not only organized efforts to ensure that sick and infirmed members were not forgotten with cards and hospital visits, but, most importantly, they assisted in collecting donations to offset lost wages and the cost for medical treatments. As revealed in a *Detroit Labor News* column written by and for Local 1497 members employed by Wayne State University, “After getting a report from Bro. Fisher, the Chair stated, that there will be letters sent out, asking for donations for Bros. Horace Cox and Charles Dawson. Their sick and vacation banks have been exhausted.”⁵³ Improvements to their employer-paid health insurance would have benefited those forced to rely on the kindness of others.

Even as late as 1965, many Detroit-based AFSCME members did not receive an income equal to what the Division of Living Conditions Studies, compiled by the Bureau of Labor Statistics, said was necessary for an average household. While the article never argued that an increase was a *right*, public sector workers did not hesitate to make demands consistent with the demands of other groups seeking equity in the era of civil rights. As an example of the inadequate pay, the *Detroit Labor News* reported that bus

⁵²Ibid., 4.

⁵³“Local 1497, Wayne State University,” *Detroit Labor News*, 27 May 1965, 8.

drivers later that same year sought the equivalent of a \$602 raise, which would have brought their income up to no more than \$6,114 less than what the Bureau of Labor Statistics prescribed for an average family household five years before. The paltry pay placed Detroit behind “cities comparable to Detroit – Chicago, Washington, D.C., Philadelphia, Los Angeles, San Francisco, Boston, [and] Pittsburgh.”⁵⁴

The working conditions under which some public sector workers toiled would not have been tolerated by many private sector workers. Conditions where Detroit Street Railway drivers received only eight hours of pay for shifts of 13.5 hours further angered public sector workers. The Detroit Street Railway Commission also required that bus drivers pay for clothes and pay other expenses without compensation.⁵⁵ These conditions prompted them to seek redress for this treatment that private sector workers may not have tolerated.

Michigan's Organized Labor Supports Public Sector Collective Bargaining Law

The coverage of public sector issues in the pages of the *Detroit Labor News* assisted those seeking legislation for a public sector collective bargaining law in Michigan. Union conventions and meetings constituted another important way that advocates of public sector unionism sought to advance their cause. Sponsored by the Michigan AFL-CIO as well as AFSCME Councils 23, 68 and 77, conferences publicized the importance of public sector collective bargaining legislation.

A particularly important source of political pressure in support of PERA was the bold action taken on the part of teachers to amend the Hutchinson Act. To be sure, teachers received some of their motivation to act from gatherings they attended and

⁵⁴Ibid.

⁵⁵“DSR Bus Drivers Ask .30 Pay Hike,” *Detroit Labor News*, 11 March 1965, 6.

information in the pages of labor periodicals. Whatever the source of their motivation, Detroit-area teachers kicked into higher gear the discussion of legislation providing for expanded public sector collective bargaining.

As an educational mechanism, the *Detroit Labor News* called upon subscribers to work on behalf of labor's cause. In one article, a writer sought to inspire readers into action. "Has your Local Union carried its fair share of the fight?" asked this writer. "Ask your officers and yourself whether your Local and you have done anything to make this proposed legislation a reality," he continued. "If you are not fully supporting the Michigan Public Employees' Legislative Committee through your Council," this columnist stated, "you probably don't recognize the great need for this legislation."⁵⁶

Many regarded member education as the key to the success of organized labor to achieve its goals. The *Detroit Labor News* stood as one of the key tools in educating members of organized labor as to what they needed to do beyond educating themselves on the issues at hand.⁵⁷ The Wayne County AFL-CIO commended the *Detroit Labor News* as a vehicle for the type of education needed for union members. In a resolution adopted during its Spring 1965 convention, the delegates resolved that "[t]he Editor of the *Detroit Labor News*, Brother Hal DeLong, be commended for his enthusiastic cooperation in publicizing Education Committee activities, and that local unions be urged, likewise, to use the *Detroit Labor News* as their media of communication."⁵⁸ The commendation applied to educational work that DeLong and the labor organ pursued on

⁵⁶Alvin H. Ruthenberg, "Public Employes [sic] Win Collective Bargaining," *Detroit Labor News*, 3 June 1965, 2.

⁵⁷"Detroit Labor News is Oldest Educational 'Tool'," *Detroit Labor News*, 15 April 1965, 8.

⁵⁸"Education Committee Reports on Activities," *Detroit Labor News*, 10 June 1965, 9.

behalf of public sector empowerment.

In 1964, the Michigan AFL-CIO redoubled its efforts to promote public sector unionism and collective bargaining rights. Of the many resolutions it passed during its September 1964 convention, one in particular spoke to this goal. With this resolution, the state AFL-CIO sought to “give all-out support to the Public Employees Legislative Committee in its concerted drive to secure immediate legislation which will assure to all public employees in Michigan their full rights as employees and citizens.” It also encouraged its affiliates to develop educational programs supporting public sector unions and to press the Democratic and Republican parties to push for the legislation.⁵⁹ Interestingly enough, the resolution made reference to the *rights* of public sector workers five times, thereby invoking the language of the Civil Rights movement.

Months before the voters elected a new legislature from reapportioned legislative districts, Detroit-area AFSCME affiliates hosted a collective bargaining conference. In addition to prominent members of leaders of Detroit-based public sector unions, Victor Gotbaum of AFSCME’s national office was on hand at the conference, thereby signifying its importance to the larger mission of the union. Even given the conference’s purpose “to develop a new interest in the education and training of leaders in Public Employee Unions,” its organizers included sessions on the law and prospects for its application to states like Michigan. To this end, Michigan State University professor Russell Allen discussed the importance of President Kennedy’s Executive Order 10988 granting federal employees collective bargaining rights. More to the point, Hy Parker “gave the students

⁵⁹Michigan AFL-CIO, Resolutions Adopted by the Fourth Convention [of the] Michigan AFL-CIO, 14-17 September 1964, box 11, Unprocessed Collection, Michigan AFL-CIO: August Scholle Collection, ALUA.

of the conference a new insight on the Hutchinson Act.”⁶⁰

To complement the Michigan Public Employee Legislative Committee, AFSCME appointed Nancy Pratt Vanderbeek as Director of “the newly created Michigan Public Employees Technical Council 68.” In making the announcement, newly-elected AFSCME President Jerry Wurf said that the purpose of the council was “to provide union members and local officers education in trade union principles and techniques and coordinate the legislative activities of the local unions.”⁶¹ The AFSCME Board established Technical Council 68 along with other councils at the AFSCME International Board Meeting in June 1964. At that time, newly elected AFSCME President Jerry Wurf said that “[t]he very important and necessary job of setting up sound education and research programs, being active in a meaningful way in political action, and participating in coordinated legislative programs has been neglected too long.”⁶²

In terms of legislative action, AFSCME planned for the technical councils to “adopt unified legislative programs for their area.” The councils were to prepare bills and resolutions and designate a spokesman who will serve as the council’s legislative representative.⁶³ For Council 68, that person was Theodore Sachs, who had served as the Michigan AFL-CIO legal counsel for many years. With Sachs’ guidance, Technical Council 68 sought to assist in the effort to press for the amendment of the 1947

⁶⁰“Collective Bargaining Know-How: AFSCME Conference Hears Experts on the Subject,” *Public Employees Council Mirror*, 23 July 1964, 1 and 4.

⁶¹“Civic Leader Heads AFSCME’s Educational-Political Council,” *Public Employee Council 77 Mirror*, 20 August 1964, 1; see also “Pick Aid for State Union Council,” *Michigan AFL-CIO News*, 12 August 1964.

⁶²“Our Most Urgent Need: Education, Legislation, Research, Political Action,” *Public Employee*, June 1964, 1 and 2.

⁶³“Technical Councils Will Provide Education, Legislative Assistance,” *Public Employee*, July 1964, 5.

Hutchinson Act. Union officials argued that lack of coordinated support stifled their attempts to amend the Hutchinson Act. During the course of Council 68's effort to amend the Hutchinson Act, Nancy Vanderbeek said that, "many different bills have been filed by many different senators and representatives. While each bill contained some important improvements, no one bill has developed which had the support of the entire labor movement."⁶⁴ One of aims of Council 68 was to organize labor's support and coordinate efforts.

Nancy Pratt Vanderbeek's background as ASFCME's director for Technical Council 68 equipped her for the job at hand. She had served in different capacities with the League of Women Voters in Michigan and the United Fund Agency's Area Service Association. In terms of her activities for organized labor, she wrote columns for the AFL and then the AFL-CIO concerning consumer economics. Once the two federations merged, she represented the labor federation concerning women workers.⁶⁵ When Council 68 held a conference on October 31, just two days before the November elections, Vanderbeek pressed for the election of legislators sympathetic to the concerns of the public sector workers.⁶⁶

In March 1965, after having reviewed the state of the public sector in Michigan, Council 68, with the assistance of Detroit's Council's 23 and 77, sponsored a legislative conference. Major AFSCME figures of local and national prominence made an

⁶⁴"Michigan Locals Unite legislatively Behind 'State Wagner Act' Proposal," *Public Employee*, December 1964, 1.

⁶⁵"Nancy Vanderbeek Named Director of New Southern Michigan Council," *Public Employee*, August 1964, 8.

⁶⁶"Local 23: Detroit Housing Commission," *Detroit Labor News*, 1 October 1964, 7; "Michigan Technical Council Implements its New Program," *Public Employee*, October 1964, 1; "Education Conference is Success," *Detroit Labor News*, 12 November 1964, 4.

appearance. Jack Kaufmann and Alton Cobb, who served as president and secretary of Public Employee Council 77, were both on hand as was Council 68 Director Nancy Vanderbeek. Of particular importance, AFSCME President Jerry Wurf attended the gathering, as did State Senator Sander Levin. Levin's presence was particularly important, given that he now served as the chair of the Labor Committee for the Senate. He was in a position to push for a law to change the 18-year old Hutchinson Act and push for public sector collective bargaining. Admittedly, Levin believed that there existed a "terrific logjam of bills introduced in the State Legislature"⁶⁷ in 1965 and that public sector unions would have to "document and substantiate its claims for better laws."⁶⁸

In February 1965, the Michigan AFL-CIO sponsored the Education Conference on State Legislation. While the War on Poverty was a focal point for the gathering, it is likely that the discussion group on labor legislation, addressed the matter of state labor laws, including the Hutchinson Act.⁶⁹ The Michigan AFL-CIO sponsored a similar gathering in Lansing two months later.⁷⁰ As reported in the issue of the *Detroit Labor News*, AFSCME Public Employees Council 77 "was well represented in Lansing at the Legislative meeting of Public Employees. The final action was taken as to the bills covering Recognition, Collective Bargaining Elections and Binding Arbitration."⁷¹

Representatives of public sector workers encouraged their members to write their

⁶⁷ "Collective Bargaining Bills Introduced in Legislature," *Public Employees Council 77 Mirror*, 25 March 1965, 1.

⁶⁸"Logjam Delays Action on Bills," *Detroit Labor News*, 25 March 1965, 8.

⁶⁹"Legislative Conference," Feb. 12-13, *Public Employees Council 77 Mirror*, 20 January 1965, 1; Tommy Thomas, "AFL-CIO Conference Points up Need for Legislation," *Detroit Labor News*, 11 March 1965, 8.

⁷⁰"Top Speakers at Legislative Conference," *Detroit Labor News*, 11 February 1965, 1.

⁷¹"Public Employees Council 77," *Detroit Labor News*, 11 February 1965, 7.

state legislators, expressing to them their thoughts on matters of interest. “You can help by writing your representative in Lansing and let them know of your concern,”⁷² a column written for AFSCME Local 23 members suggested in the context of the bills brought before the legislature which gave public sector workers avenues for advancement. A number of public sector workers answered the call and urged Romney to support the legislation amending the Hutchinson Act.⁷³

In addition to individual letters, at least one local submitted a petition to State Labor Committee Chair Sander Levin. Bearing ninety-four signatures of the Detroit-based Local 413 of the Utility Workers of America, the petition asked that Michigan Senate pass four bills, including the bill amending the Hutchinson Act. Levin received at least one other petition as well.⁷⁴

The change in the times revealed itself in a *Detroit Free Press* editorial. “If the Law is Useless,” the title said, alluding to the Hutchinson Act, “It Ought to be Changed.” The editorial endorsed the measure introduced by Leonard Walton, a Democratic state representative who sought a middle ground “between those who want to keep the act unchanged and those who want to legalize public strikes.” As teachers in nearby Hamtramck had gone out on strike the previous month, thereby violating the Hutchinson Act’s ban on striking among public sector workers, “the obvious conclusion is that the act

⁷²“Local 23, Detroit Housing Commission,” *Detroit Labor News*, 27 May 1965, 7.

⁷³See, for example, Richard Mohr to George Romney, 30 May 1965, and Harold J. Lozen, Sr., to George Romney, box 103, folder entitled, “Labor Mediation Bd – Legislation Labor, Department of – 1965,” George Romney Collection, Bentley Historical Collection, University of Michigan.

⁷⁴Petition from Local 413, Utility Workers of America to Sander Levin, 8 June 1965, box 6, folder 6, Sander Levin Collection, ALUA; Sander Levin to William Northrup, 25 June 1965 and Northrup to Levin, 16 June 1965 enclosing petition (n.d.) seeking Levin's support of House Bills 2953, 2954, 2869 and 2591.

doesn't work. It's not difficult to see why," the editorial said, using words such as "punitive," "inflexible," "harsh," "too automatic," and "vicious," to describe the law. The assessment was not as startling as was the source. When street railway workers engaged in a strike in 1951, the paper was less than supportive. The *Detroit Free Press* had then argued that, "[t]he public could not have been more effectively robbed if the strikers had staged corner holdups."⁷⁵ By May of 1965, too many segments of Detroit's public sector were challenging the law and demanding concessions from the city. As the editorial suggested, the tenor of the times convinced otherwise hostile forces that the law could not remain unchanged.

The legislation amending the Hutchinson Act received significant support from organized labor, which then placed pressure on the now Democratic-controlled legislature. The Michigan Democratic Party also supported the effort. As reported in the Public Employees Council *77 Mirror*, "[t]he Democratic Party has made comprehensive labor relations legislation for public employes [sic] a priority item in its agenda..."⁷⁶ Although critics argued that labor had undue influence on Michigan's Democratic Party, there were moments when this influence was lacking.⁷⁷ This was not the case with the bills supporting an amendment to the Hutchinson Act.

Obstacles to Public Sector Collective Bargaining Law

The bill amending the Hutchinson Act received support from many areas. The Michigan AFL-CIO, AFSCME Councils 23, 68 and 77 individually and through the

⁷⁵"DSR Losses Pile Up," *Detroit Free Press* editorial, 25 May 1951, 6.

⁷⁶"Priority Given Our Legislation," *Public Employees Council 77 Mirror*, 25 March 1965, 1.

⁷⁷Judith Rosemary Dean Gething, "Interest Groups, the Courts, and Legislative Reapportionment in Michigan," (Ph.D. diss., University of Michigan, 1967), 73-78.

Michigan Public Employee Legislative Committee, and the Democratic Party all weighed in with their support, as did the Michigan AFL-CIO's publication *Detroit Labor News* and AFSCME's publication, the *Public Employee*. However, forces detrimental to amending the act and supporting legislation existed, often within the same labor organizations. These forces included internal discord, fragmentation, factionalism and uncertainty as to which course of action to take. Additionally, there were other forces that actively worked against the efforts to amend the Hutchinson Act. The Michigan Municipal League and Michigan Education Association stood as two of the more vocal opponents to HB2953, the bill amending the Hutchinson Act. These forces were to prove formidable, as this history reveals.

The establishment of Technical Council 68 did not receive endorsements from all circles and contributed to discord. Some took umbrage with the per capita taxes levied on Detroit-area locals to support its operation. Others took to referring to the council and its director as the “‘dragon lady’ and her crew,” an obviously sexist reference to the council’s director Nancy Vanderbeek.⁷⁸ Additionally, there were some who believed that the Council should have been supported with per capita taxes from locals throughout Michigan, instead of just Detroit-area councils 23 and 77. However, not even the resistance that certain segments of the union’s membership or leadership possessed stood in the way of the voters electing the people they felt would enact legislation supporting their concerns. Ultimately, Council 68 could not sustain the support that the international union provided it during its early years and it dissolved. During its short existence,

⁷⁸“Local 312: Ferndale City Employes [sic], *Detroit Labor News*, 28 January 1965, 10; “Local 236, Public Lighting Commission,” *Detroit Labor News*, 18 March 1965, 6; Hal DeLong, “Public Employes [sic] Scolded for not Doing Homework,” *Detroit Labor News*, 18 March 1965, 6.

however, it did play a role in raising awareness about issues affecting public employees, including the restrictions of the Hutchinson Act.⁷⁹

Union fragmentation plagued public sector unions. Often, they competed with one another for members employed in the same units of government, instead of pursuing a unified and strengthened position. For this reason, AFSCME and other unions did their best to organize Detroit-area public sector unions under the Council 77 umbrella, contending that fragmentation does organized labor little good. Arguing the point, an article in the *Detroit Labor News* asked, "...why is [it] that Public Employees fragment themselves into forty or fifty meaningless associations without national or international affiliations?"⁸⁰

Issues of class and status put public sector workers in conflict with one another from time to time as well. This happened in Ecorse, a Detroit suburb in the case of its teachers and non-professional school employees. Ecorse Teachers complained that non-professional employees received more pay than they should have given teachers' current compensation and the training required of teachers. To demonstrate their frustrations, the Ecorse Federation of Teachers demonstrated outside of the offices of the Board of Education. "Lydia Rizzo, president of the Ecorse Federation of Teachers, said it takes an Ecorse teacher 22 years of earning power to equal that of a custodian, even including the increments teachers get."⁸¹ Representatives of some city employees in Ferndale took

⁷⁹"Local 312, Ferndale City Employees [sic]," *Detroit Labor News*, 17 June 1965, 8.

⁸⁰"Step Up Council 77's Organizing Efforts," *Detroit Labor News*, 25 March 1965, 4.

⁸¹"Local 1496, Ecorse School Employees [sic]," *Detroit Labor News*, 4 March 1965, 4; "Ecorse Teachers Call Pay Proposal Unfair," *Detroit Labor News*, 15 April 1965, 10; see also "Local 1496, Ecorse School Employees [sic]," *Detroit Labor News*, 22

exception with the disparity in wage increases between them and police and fire fighters. “As I take up my pen this eve, I’ll admit, I’m in a foul mood,” a representative of a Ferndale local admitted...The police and firemen,” he continued, “get 7.5 per cent. Us second class citizens 5 per cent.”⁸²

Some public sector locals experienced dissension within the ranks, which did not contribute to the cohesion desired to support the public employee relations bill. One article in the *Detroit Labor News*, for example, took exception with the opinion of a former member of the local they both represented. “Mr. Dun was a mediocre member as long as he had an expense account with the local,” he began. “[A]fter he was dropped from the grievance committee he became irritated and did as I forestated. He has been indoctrinating every new man with his lies about the union, for which he has proven to be a poor loser.”⁸³ We do not know how much dissension this local endured as a result of this 'poor loser,' or if, the writer brought his own biases to this assessment of Dun. Whatever the case, such conflicts did not have a meaningful impact on the pressure that the public sector was able to place on the powers that be to enact legislation empowering them.

The negative impact of internal dissension aside, opposition to legislation amending the Hutchinson Act received direct attacks. The Michigan State Employees Association, for example, “consistently opposed collective bargaining.” While the Michigan Civil Service Commission did “release a proposal to the [AFSCME] on June 5[, 1964] which spells out forms of recognition, 'management' and 'employee rights, and

April 1965, 12.

⁸²“Local 312, Ferndale City Employees [sic],” *Detroit Labor News*, 13 May 1965, 13.

⁸³“Local 1497, Wayne State University,” *Detroit Labor News*, 3 June 1965, 5.

certain procedural steps which can be taken,” it never warmed to the idea of collective bargaining rights in the way that AFSCME had thought of them.⁸⁴ The vice president and general manager of the Sheraton-Cadillac Hotel probably spoke for others when he wrote Cavanagh in March 1965 complaining of “outlandish demands of the city workers.”⁸⁵ The sentiment and convictions found in this opposition aside, it was not significant enough to withstand the forces supporting the bill that became the Public Employees Relations Act.

The most vocal opponent to HB 2953, however, came from the Michigan Municipal League. A non-partisan organization founded in 1899, “the league had brought together city and village officials to exchange information to learn from one another, developed unified policies on matters of municipal concern and spoke as a collective voice on those matters...”⁸⁶ In an effort to stop HB2953 from going forward, the organization lobbied Sander Levin and James Bradley, chairs of the senate and house labor committees respectively. In a policy statement issued in 1961, and a letter forwarding it four years later, the MML shared its concerns with the bill as it was introduced in April 1965.⁸⁷

Making several references to “representative government,” the League argued that elected and appointed officials in the state legislature, boards and commissions provided

⁸⁴“Michigan Council 7 Views Bargaining at Education Conference,” *Public Employee*, July 1964, 4; “Education Helps AFSCME Grow Up,” *Public Employee*, May 1965, 3.

⁸⁵Mark Schmidt to Jerome Cavanagh, 31 March 1965, box 227, folder 16, Cavanagh Collection, ALUA.

⁸⁶<http://www.mml.org/about/background.htm>. Accessed on 28 December 2008

⁸⁷Michigan Municipal League, “Public Employer-Employee Relations (statement of policy),” 14 October 1961, box 6, folder 6, Sander Levin Collection, ALUA; Robert E. Fryer to Sander M. Levin and James Bradley, members of the senate and house labor committees, 13 May 1965, box 6, folder 6, Sander Levin Collection, ALUA.

for “sound and adequate” provisions for employer-employee relations. The statement did not use the word, 'sovereignty'; but it clearly believed that “if a procedure were developed in which public officials could abdicate their responsibilities because of commitments made by some outside authority, there would be no effective means of holding ... officials accountable.” The League made the point even clearer in its comments on 'compulsory arbitration': “Compulsory arbitration in the public service is completely incompatible with a system of representative government. A primary and basic concept of representative government is that elected officials are essentially arbitrators in the public interest. Any attempt to introduce an outside arbitrator is a clear negation of this concept.”⁸⁸

The League’s statement also stressed the differences between private and public employment, noting that 'profit motive,' the 'significant personal financial stake’ and the exclusivity found in bargaining parties make the private sector much different than the public sector. In making decisions, representative government is, the statement argued, concerned with “all groups, organizations and individuals among the general public,” which significantly differentiates it from the private sector. “If legislation were developed which provided that representation could only be accomplished through alliance with a group [i.e., a union], there would be a destruction of the democratic concept that each individual is entitled to be represented as he chooses.” Embodied in the idea of public service, the statement continued, is the idea of a public trust that extends to all people,

⁸⁸Michigan Municipal League, “Public Employer-Employee Relations (statement of policy),” 14 October 1961, box 6, folder 6, Sander Levin Collection, ALUA. This document is missing page two of the four pages it comprises, but still includes meaningful information and insights about the League and its thoughts on public sector unions and empowerment.

many of them operating outside of the bounds of the parties found in a collective bargaining scenario.⁸⁹

When the Director of the Michigan Municipal League, Robert Fryer, wrote legislators about the Hutchinson Act four years later, he also stressed the differences between public and private employment in the context of labor. He also “found objectionable the concept of 'exclusive' bargaining representative of public employees.” The four years between the letter and an earlier policy statement did, however, change the way the League thought about employer-employee relations in the public sector. Since 1961, the legislature had been reapportioned, and this led to a Democratic legislature more inclined to grant public sector rights similar to those found in the private sector. The Civil Rights movement was at its height at this moment as well. After all, 125,000 Detroiters had participated in March Toward Freedom demonstration in Detroit two years before, Congress had passed the Civil Rights Act of 1964 and Voting Rights Act in 1965. These events and others must have moved the officers of the Michigan Municipal League to tone down their disappointment with HB2953.⁹⁰

One other important thing had occurred since 1961. In January 1962, President John F. Kennedy issued Executive Order 10988, which established a system of collective bargaining for certain employees of the federal government. Kennedy’s executive order was important for two reasons. First, it signaled a change in mood in the relations between employer and employee in government, of which local and state governments in general must have taken notice. In his letter to Levin and Bradley MML Director Robert Fryer said that, “[w]e believe that if employee rights are to be recognized,” indicating that

⁸⁹Ibid.

⁹⁰Ibid.

the bill might be passed into law, “that certain public employer rights should be set forth in this legislation.” To that end, he suggested the inclusion of language from Kennedy’s Executive Order. The language reflected the desire to maintain control over public sector workers that the original bill did not include. For example, the language from Executive Order 10988 said that “Public officials of the various governmental agencies retain the right in accordance with applicable laws and regulations...to hire, promote, transfer, assign and retain employees with the agency, and to suspend, demote, discharge or take other disciplinary action against employees...”⁹¹

In order to maintain the provision banning strikes, the League suggested that the bill include a measure requiring that public sector unions “must be free of corrupt influence and must not assert the right to strike or advocate the overthrow of government by force, violence, or other means.” For the MML, while the rights consciousness of the Civil Rights era demanded that the organization change its approach to public sector unions, the ‘red menace’ still retained enough of a threat to require language banning unions from “the overthrow of government by force, violence, or other means.”⁹²

Opposition to House Bill 2953 also came from the Michigan Education Association, not because its leaders thought well of the Hutchinson Act, but because they believed that the changes reflected in HB 2953 failed to meet the needs of teachers. The MEA argued, instead, for legislation that created a Professional Negotiations Commission, which would include a service panel comprised of educators “with

⁹¹President, Executive Office, *Executive Order 10988, “Employee-Management Cooperation in the Federal Service”* 27, no. 1 (17 January 1962); “Government Employees [sic] Win Union Recognition,” *Detroit Labor News*, 25 January 1962, 1 and 4.

⁹²Robert E. Fryer to Sander M. Levin and James Bradley, letter 13 May 1965, box 6, folder 6, Sander Levin Collection, ALUA; Shaw, “The Development of State and Federal Laws,” in Zangoria, ed., *Public Workers and Public Unions*, 24.

demonstrated competence in dealing with problems of education” and be authorized to pursue fact-finding when necessary. The panel would provide recommendations made available to the public, but they would only be advisory. The MEA supported collective bargaining between duly represented parties but argued for the use of a commission on those occasions where the parties could not resolve issues. The MEA also feared mediation by non-educators, believing that such individuals would not fully appreciate the educational issues at hand and, therefore, would not be able to competently resolve educational disputes. In addition to bread and butter issues, “curriculum and pupil placement,...working materials, facilities and conditions,...teacher involvement in decision-making,...teacher participation in staff selection and evaluation, and...administrator backing of teachers” were issues that required educational expertise.⁹³ Joining the Michigan Education Association, the Association of School Boards also opposed HB 2953 for many of the same reasons.⁹⁴

Having an indirect, but potentially damaging affect on the bill was the situation in New York, where Governor Rockefeller vetoed a measure that lessened the penalties for striking public sector workers. The veto, Senator Levin believed, would embolden opponents to voice their concerns about HB 2953. “Because we have learned that the Governor's office is receiving some mail in opposition to this vital legislation, let me suggest that you encourage some communiques urging his support,” he wrote to supporters in a letter. Understanding the need to publicize the advocacy for the bill, Levin

⁹³Robert E. Pickup, “Michigan Public-Employee Relations,” *Proceedings of the Academy of Political Science*, 30, no. 2, (1970), 101.

⁹⁴“Background for Legislation: Professional Negotiations,” *Michigan Education Association Legislation Bulletin*, 2 February 1965, box 6, folder 6, Sander Levin Collection, ALUA; Legislative Service Bureau, “Research Report: Analysis of House Bill No. 2953,” 10 May 1965, box 6, folder 6, Sander Levin Collection, ALUA.

made reference to an enclosed press release, which he hoped would “be useable in local newspapers, on bulletin boards or for personal distribution to members of organizations...”⁹⁵ As the end result revealed, opposition to the public employees relations bill did not have the desired affect.

A Reapportioned Legislature with a Democratic Majority Bodes Well for PERA

Even with the apathy of some public sector workers, internal discord, factionalism and fragmentation within and among public sector organizations and the efforts to derail any meaningful changes to the Hutchinson Act, the state legislature and governor did pass and sign into law HB 2953. Democratic Party control of both houses, which was due in large part to the reapportionment of that lawmaking body, largely accounted for the success of what would become the Public Employees Relations Act. “Never before in the history of the Michigan State AFL-CIO has the Democratic Party been a majority in both Houses of the Michigan Legislature,” one writer for the *Detroit Labor News* commented. “Imagine what this means translated into legislation for the people. This historic fact heralds the possibility of tremendous success towards a legislative program. At no time in the history of this state,” the article continued, “have we had a better opportunity to accomplish the legislative goals for which we have struggled for years.”⁹⁶ Quoted in another *Detroit Labor News* article, a Democratic party official explained it this way: “What has gone unnoticed is the uncontrovertible [sic] fact that a fully reapportioned,

⁹⁵Sander M. Levin to Friend, letter, 2 July 1965, box 6, folder 6, Sander Levin Collection, ALUA; see also Theodore Sachs to Sander Levin, 23 June 1965 enclosing “Ronald Sullivan, “Governor Vetoes Condon Revision,” *New York Times*, 23 June 1965, box 6, folder 6, Sander Levin Collection, ALUA.

⁹⁶“Labor Plans Education Conference,” *Detroit Labor News*, 14 January 1965, 11; “300,000 Michigan Public Employees Get Right to Collective Bargaining,” *Public Employee*, August 1965, 7.

‘one – man one – vote’ legislature can be both responsible and responsive to the total needs of all the people.’”⁹⁷ Writing in his memoirs, Michigan State Representative George F. Montgomery echoed these same sentiments.⁹⁸ Reapportionment, as we have argued, flowed from even larger forces in Detroit and throughout the United States, namely the Civil Rights movement. Its impact was only beginning to be felt.

There are those who argue that legislative reapportionment did not matter. In fact, the Republicans recaptured the Michigan legislature shortly thereafter, as part of a national backlash to President Lyndon Johnson’s agenda and that of the 1965-1966 Great Society’s where Democrats controlled Congress. This reaction had consequences affecting electoral politics in Michigan, as many cast their votes for Republican legislators. During a brief window of opportunity in 1965, however, dominant Democratic forces stood on the side of the Public Employees Relations Act. One article in the *Detroit Labor News* said it best:

Those of us who have been journeying to Lansing for years and been continually rebuffed by a malapportioned Legislature on basic issues affecting the people of Michigan, have cause for rejoicing. It is obvious that the first equitably apportioned Legislature in a century in this state has done a good job for the people.⁹⁹

One such basic issue concerned those public sector workers interested in obtaining collective bargaining rights and a repeal of the anti union Hutchinson Act of 1947.

To illustrate the importance of legislative reapportionment in the 1964 election, and its impact on the Public Employees Relations Act, we observe that the Michigan Senate in 1963-1964 session had twenty-three Republicans and 11 Democrats, while in

⁹⁷“Legislature’s Greatest Gain is Revealed,” *Detroit Labor News*, 8 July 1965, 4.

⁹⁸Montgomery, *Backbencher*, 15.

⁹⁹“Welcome Aboard, Governor!” *Detroit Labor News*, 1 July 1965, 12.

the Michigan House Republicans held a fifty-eight to fifty-two majority. Given this, it is little wonder that pro-labor legislation faced difficult hurdles. Similar disparities existed in both the Senate and House labor committees, where the Republican majority had not allowed similar bills to make it to the floor for a vote in previous sessions.¹⁰⁰ In this climate, it made little difference that the governor was a sympathetic supporter of labor legislation, which had been the case since early in G. Mennen Williams tenure in that office.¹⁰¹

With reapportionment, the voting majorities became reversed. During the 1965-1966 legislative session, Democrats outnumbered Republicans twenty-three to fifteen in the Senate and seventy-three to thirty-seven in the House. Democrats also outnumbered Republicans by four to two in the Senate Labor Committee and nine to five on the House Labor Committee.¹⁰² From a Democratic point of view, however, there was the problem posed by the election of the first Republican in sixteen years, George Romney. Ironically, this meant that the divided partisan control of state government continued, except that now the Democrats controlled the state legislature and the Republicans the Governorship. This situation was less damaging than it might have been, however, as Governor Romney was a liberal Republican who was at least somewhat sympathetic to collective bargaining in general, and public sector collective bargaining in particular.

The reapportionment of the state legislature constituted one reason why Democrats came to outnumber Republicans in that legislative body. Another reason

¹⁰⁰State of Michigan, *Michigan Manual, 1963-1964* (Lansing: State of Michigan, 1964), 165-166 and 174-177.

¹⁰¹"Labor Day Address," G. Mennen Williams Papers, Box 423, June-December 1950 Speeches, Bentley Historical Library, University of Michigan.

¹⁰²Michigan, *Michigan Manual, 1965-1966* (Lansing: State of Michigan, 1966), 166-167 and 177-179.

involved the coat tails associated with President Johnson's landslide win over Barry Goldwater. Because high voter turnout generally benefits Democratic candidates, advocates of a public employees relations act benefited from this element as well. In the same way that a lack of voter turnout during the 1946 ushered in a conservative U.S. Legislature that ultimately passed Taft-Hartley into law, the voter turnout of moderates and liberals that dominated the Democratic Party, turned out to elect Johnson.¹⁰³

Despite the import of the 1964 presidential election, reapportionment was the more important reason that advocates of the Public Employees Relations Act met with success in 1965. Of the eighteen Michigan House members who introduced the Public Employee Relations Act, eight had not previously served in the legislature. All were Democrats; all but two were from the Detroit metropolitan area, and thirteen represented Detroit proper. Of those legislators who listed occupations for publication in the *Michigan Manual*, four indicated a current or past profession as a teacher, two listed affiliations with the UAW, one listed himself as a machinist and another as a housewife, an occupation found nowhere amongst the Michigan house members of the previous term. While three listed themselves in real estate and one as an editor, most of those who introduced this legislation represented occupations that suggested a union and/or working class affiliation. In introducing the bill, they supported a major constituent base of the city: public sector workers and the people they served.¹⁰⁴

¹⁰³Gregory M. Saltzman and Shlomo Sperka, "Public Sector Collective Bargaining in Michigan: Law and Recent Developments," in Joyce M. Najita and James L. Stern, eds., *Collective Bargaining in the Public Sector: The Experience of Eight States* (New York: M.E. Sharpe, 2001), 107; Montgomery, *Backbencher*, 7.

¹⁰⁴Michigan, *Michigan Manual* (Lansing: State of Michigan, 1966), 177-178; James M. Hare, Secretary of State, *Michigan Manual* (Lansing: State of Michigan, 1964), 165, 175-176; Michigan, *Journal of the House of Representatives of the State of*

Representative Leonard Walton introduced the bill in the Michigan House.¹⁰⁵ He entered the legislature in 1962 without the benefit of a reapportioned legislature. Like the others who co-sponsored HB 2953, Walton was a Democrat representing the 18th district in Detroit. A Catholic who had memberships in the Irish American Club, Knights of Columbus, and American Legion, Ford Motor Company Post 173, little in his background would have marked this life-long Detroiter as pro labor.¹⁰⁶ However, Walton lent his name and office to HB 2953.

Walton's sponsorship of the bill may have been based on the district he represented. As the legislator representing Detroit's 18th district, he almost certainly represented a significant number of public sector workers. Given that public sector workers and their unions paid particular attention to how their representatives voted on important legislation, Walton's support of HB 2953 certainly would benefit him when he sought re-election.

Sources regarding Senator Roger Craig, who introduced the bill in the Senate, are more extensive than those for Walton. Craig subsequently ran for governor in the early 1970s. At 31, Craig was one of the younger legislators. His election was made possible only by a Dearborn law that disqualified candidates who were simultaneously running for other elected offices. Craig's opponent in the primaries, George Hart, had violated the rule; as a result, Craig entered the legislature after having lost the primary a few months previously. His youth was not the only quality that distinguished him. As a member of the American Civil Liberties Union and the Americans for Democratic Action, and

Michigan, 1965, Regular Session.

¹⁰⁵Michigan, *Journal of the House of Representatives* (Lansing: State of Michigan, 1965), 979.

¹⁰⁶Michigan, *Michigan Manual*, (Lansing: State of Michigan, 1966), 203.

serving as a vice president of the Detroit chapter of the National Lawyers Guild, Craig was a bonafide liberal. The label meant that he would have had his share of run-ins with Dearborn's controversial and long-time mayor, Orville Hubbard, whose biographer described him as "The Dictator of Dearborn."¹⁰⁷ Craig had come into conflict with Hubbard over matters concerning the school board. Then Craig challenged Hubbard for his position as mayor. These conflicts with Hubbard meant that Craig did not mind a fight. Although no significant fight existed over the legislative process leading to the enactment of the Public Employee Relations Act, Craig's supporters in the Senate could not have been concerned about any fortitude he might require to lead the senate on this matter.

James Bradley, who served as chair of the House Labor Committee during the 1965 session, and played a significant role in shepherding the 1965 Public Employees Relations Act into law, previously had been active in the Civil Rights movement. During Bradley's unsuccessful campaign for Congress in 1961, Reverend George Hutchinson commented that, "he ha[d] been a fighter for equal rights, equal housing, equal education and equal employment opportunities..."¹⁰⁸ He received numerous commendations for his work in the area of civil rights throughout his career. He received satisfaction for his work on behalf of "minority groups and the economic underdog."¹⁰⁹ These accolades

¹⁰⁷David L. Good, *Orvie: The Dictator of Dearborn: The Rise and Reign of Orville Hubbard* (Detroit: Wayne State University Press, 1989), 276-286; Michigan, *Michigan Manual*, (Lansing: State of Michigan, 1965), 169; Press release, July 30, 1964, Orlando Falvo, Chairman of the Craig for State Senate Committee, biographical file, Burton Historical Collection, Detroit Public Library.

¹⁰⁸George H. Hutchinson, "James H. Bradley Seeks Support of Minority Groups," *Michigan Chronicle*, 14 October 1961, bio file, ALUA; "Bradley Testimonial Planned for Nov. 4th," *Michigan AFL-CIO News – Detroit Labor News*, 18 October 1967, 3.

¹⁰⁹Birthday Party Program from the Friends of State Representative James

suggest a rights consciousness that had implications for his career as a legislator. Bradley took great pride in his work to amend the Hutchinson Act, which, he maintained, “corrected grave injustices imposed upon hundreds of thousands of public employees, a large percentage of whom are black.”¹¹⁰

Senator Sander Levin had a keen interest in the bill, as evidenced by his attendance at conferences and workshops organized to lay the groundwork for this and other pieces of labor legislation. Levin also collected and reviewed material from both proponents and adversaries of the bill, including alternative legislation, and a report assessing its merits. The information from these sources provided him with the background he needed to clarify his position on the measure.¹¹¹ It is clear, however, that Levin was leaning toward for support for this legislation even as he considered the counterarguments of the Michigan Municipal League and other stakeholders.¹¹² Despite the reservations that the Legislative Service Bureau had about an amendment to the Hutchinson Act, Levin supported the measure through the legislative process. These reservations could not withstand the arguments that Ted Sachs and Al Barbour of the Public Employee Legislative Committee provided Levin.

Bradley,” 9 January 1970, biography file, ALUA. See also, [James Bradley] Biography, n.d., bio file, ALUA.

¹¹⁰Ibid.

¹¹¹Robert E. Fryer to Sander Levin, letter, 13 May 1965; “Background for Legislation: Professional Negotiations,” Michigan Education Association Legislative Bulletin, 2 February 1965; Michigan Municipal League, “Employer-Employee Relations,” (Statement of Policy Public), 14 October 1961; Theodore Sachs to Sander Levin, 23 June 1965, enclosing Ronald Sullivan, “Governor Vetoes Condon Revision,” *New York Times*, 23 June 1965; “Further Memo with Reference to HB 2953,” 8 June 1965; “Analysis of House Bill No. 2953 (Research Report),” Legislative Service Bureau, 10 May 1965.

¹¹²See, for example, Sander Levin to Mr. and Mrs. Sheldon A. Wagner, 18 May 1965 and Levin to Mr. and Mrs. Edward J. Zawaski, 20 May 1965, box 4, folder 8, Sander Levin Collection, ALUA.

Michigan Poised to Consider Public Sector Collective Bargaining Rights

The political climate to support public sector collective bargaining manifested itself in Philadelphia where, beginning in 1952, Mayor Joseph Clark, Jr. initiated an effort to formalize collective bargaining relationships with police, fire fighters, and other municipal employees. By 1958, AFSCME District Council 33 organized these latter workers. AFSCME's agreement with the city approximated private sector models but with the absence of a strike provision.¹¹³ However, these relationships transformed the city's public sector labor relations and influenced others to review their own labor relations.

With what would become a trend continued in 1958, when New York City Mayor Robert Wagner, Jr., issued Executive Order 49, which allowed the city to certify exclusive bargaining agents for particular groups of workers..." Given the size of the city's workforce, the executive order had a significant impact, evidenced by unions' sense of empowerment and successful efforts to unionize.¹¹⁴

At the time, Michigan-based stakeholders probably looked more toward Wisconsin than Philadelphia or New York City to determine how to pursue a state-wide law enabling public sector workers to bargain collectively. Wisconsin had passed a public sector collective bargaining law in 1959 that the legislature strengthened in 1962. Like Michigan, Wisconsin was a Midwestern state that had a history as a stronghold of progressive forces, even as it also witnessed the growth of conservative forces that often

¹¹³ Irving Bernstein, *Promises Kept: John F. Kennedy's New Frontier* (New York: Oxford University Press, 1991), 208-209.

¹¹⁴ Joshua Freeman, *Working Class New York: Life and Labor Since World War II* (New York: The New Press, 2000), 203-214; Mark Maier, *City Unions: Managing Discontent in New York City* (Rutgers University Press, 1987), 48-50; Bernstein, *Promises Kept*, 209-211.

neutralized the former's influence. While organized labor forcefully sought a public sector law, the conservative League of Municipalities, County Board Associations, and the Chamber of Commerce in Wisconsin successfully opposed bills permitting public employees to bargain. When Wisconsin voters elected a Democratic governor sympathetic to a public sector law, the path was paved for such a law. It opened the door to similar laws in other states, among them Michigan.¹¹⁵

The influence of events in Wisconsin extended to at least one conference attended by officers of metropolitan Detroit-based AFSCME Councils 68 and 77. This conference, sponsored by the University of Chicago and held in February 1965, focused on public employment and collective bargaining. There, Arnold Anderson, who served as a commissioner on the Wisconsin Employment Relation Board, gave a presentation titled, "The Developing State of Collective Bargaining for Public Employees."¹¹⁶ His presentation almost certainly provided insight into the possibilities for pursuing collective bargaining legislation for the public sector in Michigan.

In addition, advocates of public sector unions received support from another important place: the American Bar Association (ABA). In 1955, the labor relations section of the ABA issued a report outlining the parameters for public sector labor relations. While the authors of the ABA report did not advocate public sector strikes and sided with administrators who opposed public safety personnel joining unions, where a "conflict of interest and loyalties" might exist, they advanced a set of balanced ideas and

¹¹⁵Joseph Slater, *Public Workers: Government Employee Unions, the Law, and the State, 1900-1962* (Ithaca: Cornell University Press, 2004), 158-192; Lee C. Shaw, "The Development of State and Federal Laws," in Sam Zangoria, ed., *Public Workers and Public Unions* (Englewood Cliffs, New Jersey: Prentice-Hall, 1972), 26.

¹¹⁶"DPW Local 26 Officers Covering Wide Territory," *Detroit Labor News*, 25 February 1965, 10.

practices that supported public sector collective bargaining without conceding managerial prerogatives of public sector managers.¹¹⁷ The authors advised that public sector unions should be consulted before drafting revisions to pre-existing legislation. They believed that such unions “should not be expected to make any non-essential sacrifices”¹¹⁸ and should not “subject public employees to arbitrary treatment by administrators hiding behind the protection the law affords.”¹¹⁹ The report also argued that department heads should be willing to hear grievances if necessary, but only after they went through proper channels.¹²⁰

While acknowledging the sovereignty of legislative and executive bodies to set wages and working conditions, the authors argued that, “no sound reason exist[ed] why such policies would not be the subject of reasonable negotiations with the duly constituted and democratically chosen representative of organized employees.”¹²¹ As for strikes, the authors argued that,

[i]t is the responsibility of government administrators to avoid conditions becoming so unfavorable as to justify public employees resorting to such extreme measures. It is no answer to the problem of preventing strikes of government employees to outlaw the 'strike' by legislation. These have proved unworkable and mostly futile.¹²²

The authors may well have reflected on the application of the Hutchinson Act during the 1951 DSR strike when making this statement.

¹¹⁷American Bar Association, H. Eliot Kaplan, et al, “Report of the Committee on Labor Relations of Governmental Employees,” (Chicago: American Bar Center, 1955), 90-91.

¹¹⁸Ibid., 92.

¹¹⁹Ibid., 93.

¹²⁰Ibid., 95.

¹²¹Ibid., 92.

¹²²Ibid., 93.

The importance of the ABA's report was evidenced by Michigan Governor George Romney's reference to it. When he signed legislation allowing for public sector bargaining in Michigan, Romney quoted some of the language found in the ABA's report.¹²³ Given the credibility of the ABA, his reliance on the report justified his position.

With this background, we turn now to event in the Detroit Metropolitan area. In particular, we review a spate of conflicts that the Detroit-area teachers had with school boards and how these conflicts motivated others to more seriously consider the plight of public sector workers in general. Teachers played a central role in the history herein examined. Their actions prompted the state legislature to enact the Hutchinson Act and, through a number of strikes and threatened strikes in Detroit, Hamtramck, Lincoln Park and Taylor Township, motivated that same body to enact the Public Employee Relations Act 18 years later.¹²⁴ Romney gave voice to the influence of teachers in 1965 when, in responding to the President of the Warwick Teachers Union about his support of PERA, he conceded that, "I am hopeful that this [i.e., PERA] will relieve some of the teacher-school board strained relations that exist in some areas."¹²⁵

The most prominent of these conflicts took place amongst Hamtramck teachers. In a chapter of his *Working Detroit*, Steve Babson provides a history of salient moments

¹²³Ibid., 90; Robert A. Popa, "Romney Gives OK to Union for Public Employes [sic]," *The Detroit News*, 24 July 1965, 1-2; Slater, *Public Workers*, 161.

¹²⁴Labor Mediation Board, "Memorandum on House Bills Nos. 2954 to Amend Labor Mediation Act and 2953 to Amend the Hutchinson Act, box 103, folder titled, "Labor Mediation Board – Legislation Labor Dept. of – 1965," George Romney Collection, Bentley Historical Library, University of Michigan.

¹²⁵George Romney to Donald A. D'Amato, letter, 29 September 1965, box 127, folder titled, "Legislature Regular Session, Miscellaneous D-F, 1965," George Romney Collection, Bentley Historical Library, University of Michigan.

leading up to and including the amendment of the 1947 Hutchinson Act in 1965. Focusing attention on the plight of Hamtramck teachers to gain some basic rights, he recounts the treatment that they had received at the hands of Hamtramck's school board, which paid its teachers less than most other teachers in the state, and indeed less than janitors who worked in the district. That these teachers took to the picket lines surprised few, not only because of the history of low wages and poor working conditions they received but because Hamtramck enjoyed a large union population that suggested that these teachers would take only so much from what Babson describes as a "corrupt" school board.¹²⁶

Meetings with the school board went nowhere, Babson says, and, in fact, the superintendent avoided scheduled meetings, further angering the teachers. Finally, Hamtramck teachers met secretly in late April 1965 and voted 133 to 23 to strike if they continued to receive resistance, which they did. However, the teachers called the job action a "prolonged teachers' meeting'...hoping to circumvent the anti-strike provisions of the Hutchinson Act."¹²⁷ For their efforts, the Hamtramck teachers "signed the first genuine legal, binding contract with a school board," the *Detroit Labor News* reported. "No other teacher's union has ever accomplished that feat,"¹²⁸ it continued. These teachers won the victory while fellow members and officers of the Michigan Federation of Teachers attended the 31st annual convention of their union.

¹²⁶Steve Babson, *Working Detroit* (Detroit: College of Urban, Labor, and Metropolitan Affairs and Wayne State University Press, 1986), 192-199; Joe E. Davis, "A Case History of the Hamtramck 'Sit-In,' April, 1965" (Master's Thesis, Eastern Michigan University, 1966).

¹²⁷*Ibid.*, 194.

¹²⁸"107-Hour 'Union Meeting' Wins Gains for Hamtramck Teachers," *Detroit Labor News*, 6 May 1965, 1.

...delegates to the convention literally held up ... on their shoulders Robert A. Kulczycki, president, and Cornelius Quinn, vice president, of Hamtramck Local 1052, as though they were the heroes who brought in the winning score of the big game.¹²⁹

Other teachers in the Detroit metropolitan area shared the concerns of those in Hamtramck, although the latter appeared to have suffered more than most.

To be sure, the conflicts between Detroit-area school boards certainly weighed heavily on those who pursued the Public Employees Relations Act. Events outside of Detroit and Michigan played a role in prompting these events. It is worth noting that events in New York shared the history under study. In 1947, teachers in Buffalo, NY struck, which inspired the Condon-Wadlin Act, which, in turn inspired the Hutchinson Act after Detroit area teachers took to the picket lines or threatened to do so. Fourteen years later, teachers affiliated with New York's United Federation of Teachers successfully pressed for collective bargaining rights, which, in turn, inspired Detroit-area teachers to successfully press for bargaining rights of their own.¹³⁰

HB2953 Moves Through Legislative Process

The House and Senate introduced their versions of the public employees relations bill on the same day, April 14, 1965; on June 22, the legislature passed the bill. Governor Romney signed PA 379 into law the next month. The new law amended the Hutchinson Act in a number of significant ways. Like the Hutchinson Act, it prohibited strikes by public employees. The new act, however, did not assign punitive consequences to those who did strike. Most importantly, the new law more narrowly defined what constituted a

¹²⁹Ibid.

¹³⁰Jeffrey Mirel, *The Rise and Fall of an Urban School System, Detroit, 1907-1981* (Ann Arbor: The University of Michigan Press), 271; Freeman, *Working-Class New York*, 204; Maier, *City Unions*, 117-118.

strike. In the Hutchinson Act, if a single person did not come to work as scheduled, he or she could be deemed to be on strike and, as a result, be fired, lose his or her pension, or other benefits. The Hutchinson Act also prohibited the employee who violated its measures from receiving increases in pay for a year if allowed to return to work. The employees would be on probation for two years, during which time he or she would serve “at the pleasure of the appointing officer or body.” Non-public sector employees encouraging or coercing public employees to go out on strike would be subject to a fine for as much as \$1,000.00 and/or one year in prison.¹³¹ This measure, directed toward union staff members and officers, was particularly onerous. Some even argued that it violated the constitutional guarantee to free speech.

In contrast, the new law provided for unions and required collective bargaining should employees of a governmental unit request this option. Most importantly,

Representatives designated or selected for purposes of collective bargaining by the majority of the public employees in a unit appropriate for such purposes, shall be the exclusive representatives of all the public employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment or other conditions of employment, and shall be so recognized by the public employer.¹³²

This clause meant that unions representing a minority of workers in any governmental unit would lose their members to unions representing a majority of the employees in that unit. This assured less fragmentation among public sector unions, as fragmentation that had weakened organized labor in the public sector. The clause also served to simplify

¹³¹Michigan, “Hutchinson Act,” *Public and Local Acts of the Legislature of the State of Michigan* (1947), 633-634.

¹³²Michigan, “Public Employees Relations Act,” *Public and Local Acts of the Legislature of the State of Michigan* (1965), 745-750; see also, Saltzman and Sperka, “Public Sector Collective Bargaining in Michigan, 108.

negotiations, as public employers now only had to negotiate with one representative in a unit as opposed to additional ones.

The new bill was passed by a 90 to 4 margin in the House, with ten Democrats and four Republicans abstaining. Because the margin exceeded a two-third majority the law had immediate effect. Otherwise, 90 days would have to have elapsed before the bill became effective.

As the Public Employees Relations Act was state law, it did not apply to federal workers. However, it did not apply to classified state workers. The state constitution mandated that their labor relations operate under the civil service system. Initially, employees of state universities were exempt from coverage under PERA. As for PERA, it covered local and county workers as well as teachers and others who worked within the public school system.¹³³

In the months following the passage of HB2953, organized labor applauded the support provided by the legislature and governor. “300,000 Michigan Public Employees Get Right to Collective Bargaining,” the headline of one paper said.¹³⁴ “I think this is a real victory for Council 77 and I hope the city employees [sic] realize it was this union that paved the way for the rights they now enjoy,”¹³⁵ the *Public Employees Council 77 Mirror* quoted Council 77 staff representative Alvin H. Rutherford. Chair of the Senate Labor Committee Sander Levin, as did Detroit City Councilmen James Brickley, referred

¹³³ Michigan, “Public Employees Relations Act,” *Public and Local Acts of the Legislature of the State of Michigan* (1965), 745-750.

¹³⁴ “300,000 Michigan Public Employees Get Right to Collective Bargaining,” *Public Employee*, August 1965, ALUA.

¹³⁵ “See Benefits in New Law,” *Public Employees Council 77 Mirror*, 19 August 1965, 1, ALUA.

to the law as “the magna carta for public employees.”¹³⁶ Public Employees Council 77 President Jack Kauffman proudly declared that, “[n]ow, by law, we can sit down at a bargaining table and pound out reasonable conditions of work and wages.”¹³⁷ An article titled, “Public Employe [sic] Act Hailed as Historic,” remarked that Sander Levin, chair of the Senate Labor Committee, “said that the law, passed by this year's Democratic controlled Legislature, marks a revolutionary development between public employer and employee.”¹³⁸

With whatever success a law might meet as it winds its way through the legislative process, there are often challenges that it confronts in route to that success. For the two months between its introduction in April 1965 and passage in June, members of both the house and the senate introduced amendments to the public employee relations bill. In the process, wrangling took place between supporters and opponents before a resolution was found. It is little wonder, then, that the adage, “laws and sausage are the two things no one wants to see made,” resonates for many.

Following its initial submission, Michigan House Labor Committee Chair James Bradley (D) and Representative Bobby Crim (D), offered amendments to House Bill

¹³⁶Sander Levin, “Big Gains Chalked Up in State,” *Local 155 Common Sense*, September 1965, ALUA; Hal DeLong, “Convention Points Up Importance of Politics,” *Public Employees Council 77 Mirror*, December 1965, 1; Sander Levin, Press Release, “House Bill No. 2953 – Organizational and Bargaining Rights for Public Employees,” box 4, folder 8, Sander Levin Collection, ALUA; for another reference to PERA as the Magna Carta see, Richard P. Fleming, “Municipal Collective Bargaining: A Review of Some of the Aspects of Industrial Relations Between Employees and the Government of the City of Detroit, Michigan,” Essay, (Master of Laws, Wayne State University, 1966), 17.

¹³⁷Jack Kauffman, “Members Can see What AFSCME Has Achieved: A Look at the Record Reflects Tremendous Gains for Workers,” *Public Employees Council 77 Mirror*, 14 October 1965, 1, ALUA.

¹³⁸“Public Employe [sic] Act Hailed as Historic,” *Public Employees Council 77 Mirror*, 18 November 1965, ALUA.

2953. Many of those offered by Bradley aimed to clarify language in the bill as originally submitted. The Senate successfully demanded that the final version more clearly define who could and could not qualify as a supervisor in the Fire Department for purposes of collective bargaining. The final version also comprised reasonable language outlining the restricted conditions under which a party could demand a representational election.

Representative Bobby Crim's objections reflected a combination of his training, background, and affiliations. A former teacher, Crim held affiliations with the Flint Education Association and Michigan Education Association. A Democrat representing the 79th Representative District in Genesee County, he had previously served as mayor and councilman, in Davison, Michigan. Crim had a closer ideological allegiance with the more conservative Michigan Education Association than the American Federation of Teachers.¹³⁹ After all, the language he introduced as an amendment to HB2953 reflected that organization's interests and concerns. In particular, Crim called for a Professional Negotiation Commission to be used during collective bargaining in the Michigan Department of Education.¹⁴⁰ Both the Michigan Education Association and Crim believed that educators should play a central role in negotiations. While discussing bargainable issues in teacher-school board labor relations, Robert Pickup voiced a similar concern. As the executive director of the Citizens Council of Michigan, an organization charged with providing information about important matters concerning state and local government, Pickup had studied this issue.¹⁴¹ "The Michigan law," he argued, "does not

¹³⁹Michigan, *Michigan Manual* (State of Michigan: Lansing, 1966), 184.

¹⁴⁰Michigan, *Journal of the House of Representatives of the State of Michigan* (State of Michigan: Lansing, 1965), 1863-1865.

¹⁴¹See <http://www.crcmich.org/PUBLICAT/1990s/1998/pickup.html> accessed on 25 May 2005 and <http://crcmich.org/INFORMAT/info.html> accessed 7 August 2005.

specifically define the subjects, which are open for negotiation.”¹⁴² Crim's colleagues in the House did not agree. The MEA's lobbying and Crim's proposed amendment notwithstanding, efforts to modify the bill to reflect these concerns were rejected. On June 21, the day before the legislature passed the bill, Democratic Representative Traxler moved for a reconsideration of the measure, hoping that the move might result in further changes or simply to record his opposition to the bill.¹⁴³

The limitation of the law was inherent in the nature of laws themselves. Laws regulate behavior and, often, restrict parties from pursuing redress for unresolved matters outside of the parameters of the law.¹⁴⁴ Since the new bill did not provide for strikes, which were and are rarely accepted for public sector workers, and since the bill did not allow for binding arbitration, the right to collective bargaining could mean little more than an opportunity to engage in non-binding discussions. So long as the employer could demonstrate that he or she had pursued the negotiations in good faith, little could stop the employer from maintaining unacceptable wages, work conditions, and benefits. This was the fear of public sector workers and the unions who represented them.¹⁴⁵

During the course of the process whereby the bill became Public Act 379, Representative Crim exhibited concern that the bill was unable to accommodate the needs of the educational community. In a similar vein, there were others who worried that the

¹⁴²Robert E. Pickup, “Michigan Public-Employee Relations,” *Proceedings of the Academy of Political Science*, 30, no. 2, (1970): 99.

¹⁴³Michigan, *Journal of the House of Representatives of the State of Michigan* (State of Michigan: Lansing, 1965), 1866.

¹⁴⁴Joseph A. McCartin, “Bringing the State's Workers in: Time to Rectify an Imbalanced US Labor Historiography,” *Labor History*, 47, no. 1, (February 2006), 73-94. Reference on 80; see also 1967 Executive Committee, National Governor's Conference, *Report of Task Force on State and Local Government Labor Relations*, 1967, 6.

¹⁴⁵*Ibid.*, 23

state labor mediation board was unqualified to mediate disputes between public employees and employers when private sector labor relations was its specialty. After all, labor relations in the public sector came with unique issues that some believed did not mirror the private sector. Robert Pickup said it best. “It is argued that the entire orientation of the staff was toward the private sector and that the tendency has been to apply to the public-employee negotiations those standards that had already developed to meet problems of the private sector which are not the same as those in the public sector.”¹⁴⁶

Other concerns surfaced as well during the legislative debate. For example, the proposed law extended an unfair labor charge clause applicable to state and local public employers, but not to their employees or their representatives. In this regard, legislators modeled HB2953 after the Wagner Act and did not include its amendments under the Taft-Hartley Act. Advocates of the clause argued that employers held power to discipline employees under these circumstances. Some, however, questioned the fairness of a system that applied what they considered to be different standards of acceptable behavior to one party but not to the other.¹⁴⁷ The law, while it provided “for public employees to organize together or to form, join or assist in labor organization,” neither said nor implied that these same employees had a right to refrain from joining or assisting in the organization of a labor organization.¹⁴⁸ As with other elements of the bill, opponents may

¹⁴⁶Robert E. Pickup, “Michigan Public-Employee Relations,” *Proceedings of the Academy of Political Science*, 30, no. 2, (1970): 102.

¹⁴⁷Ibid., 102; Saltzman and Sperka, “Public Sector Collective Bargaining in Michigan,” 108; 1967 Executive Committee, National Governor's Conference, *Report of Task Force on State and Local Government Labor Relations*, 1967, 15.

¹⁴⁸Robert C. Grosvenor, “Labor Relations in the Public Sector Service in Michigan: A Comparison of Three Approaches,” 6, box 156, folder entitled, “Labor –

have refrained from arguing the point because of the perceived futility in the matter and the political capital expended in the process.

Public Sector Activism During Legislative Deliberations

While the legislature was considering changes to the Hutchinson Act, public sector workers in the Detroit metropolitan area expressed their frustration in the form of strikes over wages, working conditions, and benefits. In May 1965 employees of the Public Lighting Commission, the Detroit Public Works, and the Building and Safety engineering Department called in absent, on vacation, or not at all, in protest to the 1965-1966 city budget, adopted earlier in the spring. These plumbers, painters, electricians, and carpenters slowly ended their strike after three days, with each day finding increasing numbers returning to their jobs. The Cavanagh administration threatened the plumbers who participated in the strike with disciplinary action, ranging from “loss of pay, suspension, loss of longevity pay, consideration for promotion and possible termination of employment” in a letter. Newspaper reports indicated the same.¹⁴⁹

Mayor Cavanagh said that he was not prepared to invoke the Hutchinson Act, because work continued at sites. His executive secretary, however, did not get that memo. According to his executive secretary’s investigation, “work had stopped on the City Airport terminal, the new south wing at the Detroit Institute of Art, Receiving Hospital, the Kennedy Square underground parking garage, the swimming pool at McCabe Field, the zoo refectory and the Children’s Zoo on Belle Isle.”¹⁵⁰ In all likelihood, Cavanagh

General,” George Romney Collection, BHL.

¹⁴⁹Clyde Dougherty to Plumbers, 18 May 1965, box 212, folder 5, Cavanagh Collection, ALUA; “City Warns it May Fire ‘Stay-Home’ Building Workers,” *Detroit News*, 18 May 1965.

¹⁵⁰“City Warns it May Fire ‘Stay-Home’ Building Workers,” *Detroit News*, 18

refrained from invoking the law because of its implications. Once public sector employees engaged in a strike, regaining their jobs would be difficult; and any such employee could lose pension and retirement rights. A prison sentence was reserved for anyone encouraging or coercing a public employee to engage in a strike, a provision clearly directed at unions. These provisions elicited fear in public sector workers but did not provide viable alternatives to resolve outstanding problems. The fear was reflected in newspaper articles that referred to the job actions as a “stay-home,” or referred to the workers in question as being “absent” from their duties. Media outlets did not use the word, “strike.”¹⁵¹

In solidarity and sympathy with protesting city employees, a group of private sector employees honored the strike by withholding their work for at least one day of the job action. The combined actions of striking city employees and those privately contracted on city projects prompted the mayor to make a concession. As reported in the *Detroit News*, “[t]he stay-home protest ended Monday after Cavanagh approved a suggestion by union officials that a lump sum be set aside in the next budget to make wage adjustments in line with prevailing rates in private industry.”¹⁵²

Therein was the issue: public sector workers received less than their brethren in the private sector. “Even with recent raises granted by the city, ...tradesmen on city payrolls get 25 to 50 cents less an hour than those employed by private contractors,” one

May 1965.

¹⁵¹Ibid.; “If the Law is Useless, It Ought to Be Changed,” *Detroit Free Press*, 20 May 1965, 8-A; Michigan, “Hutchinson Act,” *Public and Local Acts of the Legislature of the State of Michigan* (1947), 633-634.

¹⁵²“Feud Forgotten as Mayor Praises City’s Employes [sic],” *Detroit News*, 27 May 1965.

union official complained during the May 1965 strike of skilled city workers.¹⁵³ The argument “that there should be a differential because of the assurance of year-round work in city employment did not resonate with city building tradesmen who bristled over a 15 cent differential between what they received compared to “their counterparts in private industry.”¹⁵⁴ Whether the differential equaled 15 or 50 cents did not matter to a number of city workers. For them, any differential raised questions of inequity.

As for Cavanagh's “assurance of year-round work in City employment,” public sector workers had a counter argument to which he did not have as ready an answer:

As for the so-called 'guarantee of tenure,' of former Government employes [sic] – dropped from the rolls because of consolidation, because of management decisions dictating reductions in force, or because of the introduction of new systems, new equipment, new ways of doing things – are grim testimony to the reality that looms far larger than the myth.¹⁵⁵

Making reference to the introduction of technical innovations while reflecting on the safeguards afforded workers in private industry, the author of the above notes the tenuous position of public sector employees.

Even the venerable American Bar Association concluded that public employment did not offer the security necessary to offset pay differentials. In the same report that Romney used to justify his decision to sign PERA into law, the ABA argued that, [e]ven alleged security in the public service has become not much different from that enjoyed in many areas of private employment.” The ABA issued the report ten years earlier, indicating that ideas concerning compensation and security for public sector employment

¹⁵³“Mayor Says ‘Stay-Home’ to End Soon,” *Detroit News*, 19 May 1965.

¹⁵⁴“Cavanagh to Restore Pay-Raise Fund,” *Detroit Free Press*, 21 May 1965.

¹⁵⁵“Local 207, Detroit Water Board Employes [sic],” *Detroit Labor News*, 18 November 1965, 16.

had begun to change long before.¹⁵⁶

Even as incidents of May 1965 unfolded, Cavanagh received three copies of a form letter signed by members of the International Brotherhood of Electrical Workers, Local #58, requesting parity in pay. The letter quotes a portion of the City Charter that, “no skilled mechanic shall receive compensation in a sum less than the highest prevailing wage in that particular grade of work.” Apparently, the practice began as early as 1948 and continued through the Miriani administration. The actual city Charter corroborates this claim.¹⁵⁷ According to the union’s letter, there had been a time when the city provided skilled workers retroactive pay after withholding that pay for periods. The letter then pointed out past, current, and projected differentials described as “glaring and is the cause of much resentment.” The projected differential for the 1965-1966 fiscal year, the letter argued, was \$11,050 for those in the private industry and only \$9,256 for those in the public service, amounting to a differential of nearly eighteen hundred dollars. The letter then noted Cavanagh’s income tax plan and a “promise” that if it passed, Cavanagh

would see to it that the skilled craftsmen employed by the City of Detroit received [sic] the prevailing rate of pay. Needless to say, the income tax plan passed, with our help, but so far, the Mayor has not kept faith with his promise. This is not good at any time but is especially so in an election year.¹⁵⁸

¹⁵⁶American Bar Association, H. Eliot Kaplan, et al, “Report of the Committee on Labor Relations of Governmental Employees,” 90.

¹⁵⁷ Detroit, *Charter of the City of Detroit*, (Detroit: City of Detroit, Revised to January 1, 1948), Title IX, Chapter II, Section 4, 221.

¹⁵⁸Richard B. Stone to Mayor Cavanagh, letter, 10 May 1965, box 212, folder 5, Cavanagh Collection, ALUA. The other letter are signed by John Parke and John Canales [sic?] (note: as standard archival practice generally dictates that duplicates are discarded, it is possible that there were many more of these form letters sent to Cavanagh than the

There is no known response to the allegations outlined in this letter. However, Cavanagh did respond to the differentials in response to the strike in May 1965. As reported in the *Detroit Free Press*, Cavanagh “said he believes workmen agree that there should be a differential because of the assurance of year-round work in City employment.”¹⁵⁹ What constituted a reasonable differential in pay? It was Cavanagh’s “intent to keep City of Detroit rates of pay within 25 cents of the construction industry rates.”¹⁶⁰ If the strike revealed nothing else, it illustrated that workmen did not placidly “agree” to a differential and, in fact, took exception to it. Historian Joseph Slater argues the same point.

“Throughout this period their experiences contradicted the notion that government employees were somehow privileged,” he says in his book *Public Workers*. “They were poorly paid,” he continued.¹⁶¹

The strike in the building trades was not the only time in 1965 that city workers engaged in an unauthorized strike to demand an improvement in their wages. Fourteen plumbers in the Department of Public Works, reported sick for two consecutive days in protest of inadequate pay raises for the 1965-1966 fiscal year. Their demands for a 60-cent raise were answered with an unacceptable 29-cent upward pay adjustment. This did not sit well with the fourteen workers. Instead of calling a formal strike, knowing that the Hutchinson Act might be used against them, many of them called in sick. Beginning April 14, the same day that the state legislature introduced House Bill 2953 and Senate Bill 621 amending the Hutchinson Act, the plumbers absented themselves from work. The tactic

three found in the Cavanagh Collection).

¹⁵⁹“Cavanagh to Restore Pay-Raise Fund,” *Detroit Free Press*, 21 May 1965.

¹⁶⁰Memo from Boaz Siegel, 21 May 1965, box 212, folder 5, Cavanagh Collection, ALUA.

¹⁶¹Slater, *Public Workers*, 202; see also Ross, “Those Newly Militant Government Workers,” *Fortune*, August 1968, 106.

did not work to the extent or in the way that the protesting plumbers desired. Indeed, Glenn Richards of the Department of Public Works “ordered sick pay withheld from 13 city plumbers in his department who reported sick for the second day.”¹⁶² The workers pursuing the “strike” did not appear to be coordinating it with legislators. That these two events took place on the same day does say something about the tenor of the times, when public sector workers and the legislators who responded to some of their concerns operated out of a rights consciousness. Indeed, these legislators were, in their own way, responding to the concerns of public sector workers about the Hutchinson Act. The Civil Rights movement, with its sense of rights consciousness, must have shaped how the plumbers went on strike and how legislators responded to the push for a change in laws that would empower city workers to pursue their rights.

Conclusion

Marvin Esch stood as one of the few legislators who vocally opposed HB2953. A former Wayne State University professor who represented the 53rd district in Ann Arbor, Esch was not only one of the four representatives who voted against the bill when it came up for a final vote before reaching the governor's office for signature, he also felt strongly enough about the bill to formally comment on it before it won success. “Mr. Speaker and members of the House,” he began,

I voted 'no' on House Bill No. 2953 not only because I object to the substance of the bill, but also because the bill passed through the Labor committee with but ten minutes discussion, and because debate was cut off on the floor before any member of the opposition had a chance to debate the bill, and before the motion to refer to the Ways

¹⁶²“City Refuses Sick Pay to Plumbers,” *Detroit Free Press*, 16 April 1965, p. 7B; see also, “City Warns it May Fire ‘Stay-Home’ Building Workers,” *Detroit News*, 18 May 1965; Fleming, “Municipal Collective Bargaining,” 14.

and Means committee could be discussed, in spite of the fact that the Secretary of State had indicated the bill would have real financial implication[s].”¹⁶³

As one of thirteen members and one of four Republicans of the House Labor Committee, Esch possessed particular insight into the workings of this committee and the legislative process that moved this bill from its introduction through to its passage.¹⁶⁴ The concerns about the bill’s “financial implications” and lack of “debate” said much about interests that House Bill 2953’s advocates had in the measure. Following strikes, most prominently the strike of Detroit Street Railway workers in 1951, a number of previous efforts to amend the Hutchinson Act through the legislative process during the 1950s, the opposition that G. Mennen Williams, a popular governor, had to the law, not to mention numerous calls for its amendment by an organized labor energized by the Civil Rights movement, the Hutchinson Act remained intact for eighteen years. When Democrats finally came to dominate both the Michigan House and Senate following legislative reapportionment, they were in no mood to further discuss the merits of the bill, let alone more than the ten minutes that Representative Esch argued was too little. As to the bill’s “financial implication[s],” its enactment did mean that the state had to now expend more resources for a bureaucracy established to administer its mandates. Most importantly, an energized public sector, emboldened by the Public Employees Relations Act, could more forcefully pressure elected and appointed officials to accommodate changes in wages, benefits as well as other terms and conditions of employment, which had financial

¹⁶³Michigan, *Journal of the House of Representatives of the State of Michigan* (Lansing: State of Michigan, 1965), 1866.

¹⁶⁴Michigan, *Michigan Manual, 1965-1966* (Lansing: State of Michigan, 1966), 179.

implications for the Detroit metropolitan community and beyond.¹⁶⁵

However legitimate the concerns of Representative Esch, the momentum generated by the rights consciousness sentiment would not allow anything to stop or slow the enactment of the Public Employee Relations Act. Moreover, despite the legitimacy of Esch's concerns, the success of the measure may have prevented larger problems. As public sector workers in Detroit and beyond witnessed their counterparts in the private sector receiving contracts with wages, working conditions, and benefits that far outpaced theirs, the threat of escalating in strikes was real. The strike of Hamtramck teachers in April and of Detroit building tradesmen in April and May probably influenced other public sector workers to seek redress for treatment they believed they did not deserve. The *Detroit News* article entitled, "Other City Unions Eye 'Stay-Home'", quoted one union official as saying that "If this tactic works, others may try it. After all, we can't strike and we can't even get across-the-table bargaining. If you feel hurt, you've got to do something."¹⁶⁶ The State of Michigan and its cities and counties may have been hard pressed to come up with the resources required to manage a state labor mediation board with increased responsibilities,¹⁶⁷ but the impact of widespread and continuous strikes amongst public sector workers may have proven more damaging. The argument herein

¹⁶⁵"300,000 Michigan Public Employees Get Right to Collective Bargaining," *Public Employee*, August 1965, ALUA

¹⁶⁶Jo Ann Hardee, "Other City Unions Eye 'Stay-Home,'" *Detroit News*, 19 May 1965, box 260, folder 29, Cavanagh Papers, ALUA.

¹⁶⁷A year and a half after Governor Romney signed PERA into law, the Advisory Committee on Public Employee Relations gave voice to the idea that the State Labor Mediation Board required additional funding given the increased workload. See Advisory Committee on Public Employee Relations, "Report to Governor George Romney," 8, 15 February 1967, 7 and 8; see also 1967 Executive Committee, National Governor's Conference, *Report of Task Force on State and Local Government Labor Relations*, 1967, 11.

posed is a counterfactual one, but one no less important to consider when reflecting on the pros and cons of the 1965 Public Employees Relations Act.

For the public sector and those who supporter their empowerment, the Public Employees Relations Act offered numerous benefits. With the law, public sector workers had an avenue to improve their wages, working conditions, and benefits. Their ace in the hole was to bring pressure upon the powers that be to sign favorable agreements. They had the capacity to accomplish this end by their use of the media and the collective bargaining provision within the law to force what they had difficulty proposing in previous years. We must remember, too, that PERA encouraged otherwise unorganized public sector workers to become organized. In theory, a more dense membership base had the capacity of strengthening unions during contract negotiations. While public sector membership grew substantially in Detroit with the passage of PERA, the contract AFSCME Council 77 negotiated in October 1967 was not nearly as strong as its officers and members would have liked. The following chapter examines why that was.

Chapter 5

The Prospects and Limitations of the Public Employees Relations Act, 1965-1967

It is a pleasure to see how knowledge of the new laws can be a shot in the arm to members of ... A.F.S.C. & M.E. [l]ocals.¹

We will be able to raise our heads and get off our begging knees and set down across the table with management and bargain COLLECTIVELY.²

'You have won the war here in Michigan, so to speak. Now you must perform the important task of securing the peace by establishing strong local unions and councils – financially strong with well-trained local union leadership that is able to use the power of this union, not only at the collective bargaining table, but in the halls of the legislature and in the communities where our people live.'³ -- AFSCME President Jerry Wurf

Laws may set into motion responses that create other sets of challenges that the polity is then compelled to manage. The Public Employees Relations Act had this affect. Because the workers that were regulated by it served the entire community, the law inspired significant changes in Detroit. How could it be otherwise? Detroit was a “union town” and because Michigan’s Public Employees Relations Act significantly changed the relationship between the city and its sizeable work force, it would have been surprising had changes not occurred.

The responses that PERA set into motion in the two years following its enactment

¹“Local 207, Detroit Water Board Employes [sic],” *Detroit Labor News*, 11 November 1965, 7.

²“DPW Locals 26, 229, 327 and 1220 to Meet Nov. 28,” *Detroit Labor News*, 11 November 1965, 10.

³AFSCME President Jerry Wurf quoted on the occasion of the Second Annual [Michigan] Leadership Council in November 1967 in “Michigan Leadership Moves to Create Strong Program,” *Public Employee*, December 1967, 12.

include a Detroit ordinance that mirrored the state law, intense organizing efforts by public sector unions and associations, and the adverse effects of a shrinking economy on public sector workers seeking improvements in pay, benefits and working conditions. In addition, the legislature changed from Democratic to Republican control, AFSCME international imposed trusteeships on two AFSCME affiliates, government officials resisted PERA, and the Civil Rights movement continued to influence the course of public sector labor relations. Each of these developments factored significantly into the modest agreement into which Detroit and AFSCME Council 77 finalized in October 1967.

Detroit Enacts its Own Labor Relations Law

In December 1965, following the enactment of the Public Employees Relations Act, Detroit's mayor and City Council passed and signed into law Ordinance 140-G. By enacting this ordinance, the city established the administrative machinery to manage Detroit's labor relations. In the process, city officials limited the state's role in labor relations with city employees, thereby taking control of those relations. In so doing, the city sought to prevent any negative consequences from the involvement of a state labor mediation board in particular: a scenario where a state labor mediation board, trained to mediate private sector labor relations, might intervene in Detroit's public sector labor relations. Moreover, with city labor relations in the hands of Detroit officials, the city could better define relations where PERA was ambiguous.⁴

The ordinance "established a labor relations bureau to consist of a director and

⁴Sterling Spero and John M. Capozzola, *The Urban Community and Its Unionized Bureaucracies: Pressure Politics in Local Government Labor Relations* (New York: Dunellen, 1973), 47-50.

such other assistants as may be required.” It provided the director with the power to negotiate on grievances, make rules for the administration of the ordinance, and carry out its mission under the direction of the mayor and Common Council. In short, the law created a division of the city government designed to mediate and direct relations between the city and its employees.⁵

On the surface, the passage of the city ordinance facilitated collective bargaining between the city and its employees. For many at the time, the civil service system did not work, and other agencies proved inadequate in managing the city's employees. An office specifically charged with labor relations might stabilize and systematize public sector labor relations. The ordinance, then, replaced what many referred to as “collective begging.” The city council promptly approved the ordinance with no dissenting votes.⁶

Previously, public sector unions, associations, groups, and clubs lobbied the mayor and city council members for wage hikes and improvements in benefits and working conditions. In the years leading up to 1965, public sector unions, and associations, representing repairmen, boiler inspectors, nurses, guards, traffic sign mechanics, typists, stenographers, construction inspectors, librarians, sanitation workers, recreation workers, bus drivers, window washers, and engineers, among many other workers, sent letters to the mayor and city council members requesting adjustments to the terms and conditions of employment for their members. On other occasions, the mayor

⁵Ibid., 45-46; Detroit, Michigan, “Labor Relations Bureau for City Employees’ Collective Bargaining Ordinance,” *Amendment to the Municipal Code* (1965), Ordinance No. 140-G, Chapter 2, Article, 7; McLaughlin, *Michigan Labor*, 149-150.

⁶Ibid.; Mel Ravitz, Interviewed by Louis Jones, 7 August 2008. In this interview Mel Ravitz who was on the Common Council when that body passed this resolution, indicated that the two people that were not present, may have objected to the ordinance but decided not to vote against it since they knew that their vote would not have mattered anyhow.

convened groups of public sector representatives, often in the auditorium of the City-County Building, to discuss compensation packages. The process did not allow for meaningful negotiations and reinforced the image of 'collective begging,' as it suggested that public sector workers had little say in the outcome.⁷

Dozens of organizations represented city employees in the years leading up to the enactment of the Public Employee Relations Act.⁸ In addition to AFSCME's Public Employees Council 77, which represented approximately 9,000 workers, a range of other organizations made their requests known to city officials.⁹ Their requests chiefly concerned wages, as when AFSCME Local 236 President complained in his letter to Detroit City Councilmen Mel Ravitz, that his members, employed at the Mistersky Power Station of the Public Lighting Commission, received wages and fringe benefits that were far less than comparable workers at Detroit Edison. To emphasize the disparity, this Local 236 president included a chart reflecting a wage study illustrating the differences. It called attention to the fact that, "MISTERSKY WAGES LISTED ABOVE AVERAGE ABOUT 60 [CENTS] PER HOUR OR ABOUT \$1200 PER YEAR LESS THAN

⁷Mae MacLeod to Al Leggat, 24 February 1966 and Mayor [Jerome Cavanagh] to 45 employee representative groups, 23 February 1966, box 270, folder 14, Jerome P. Cavanagh Collection, ALUA.

⁸Robert E. Pickup, executive director of the Citizens Research Council of Michigan sites 34 such organizations whereas Sterling Spero and John M Capozzola site 48. See "Michigan Public-Employee Relations," *Proceedings of the Academy of Political Science*, 30, no. 2, (1970): 94; Sterling Spero and John M. Capozzola, *The Urban Community and its Unionized Bureaucracies* (New York: Dunellen Publishing Company, Inc., 1973), 45; Web site of the Citizens Research Council of Michigan accessed at: <http://www.crcmich.org/PUBLICAT/1990s/1998/pickpu.html> on 25 May 2005; for a sampling of the range of organizations representing city employees from 1961-1964 see the Mel Ravitz Collection, ALUA, especially box 2, folder 20; box 6, folder 7; and box 8, folder 19.

⁹"Union Listings," February 1966, box 270, folder 14, Jerome P. Cavanagh Collection, ALUA.

EDISON WAGES.”¹⁰

The local was not alone in complaining about the terms and conditions of work for its members. “From our observations,” wrote a senior staff representative for AFSCME Local 1220, representing maintenance workers and window washers, “it appears as though length of service with the Department [of Public Works] have little weight as to transfer rights, choice of jobs or promotional opportunities.”¹¹ The Association of Governmental Senior Clerks, Typists, and Stenographers personalized the plight of its members in seeking an increase in wages. In writing to Councilmen Mel Ravitz, public sector representatives described a typical member of their local:

Generally, he is a husband and father – a responsible citizen – who is seeking to raise his standard of living. This pressure becomes most urgent when he feels that he is losing out, either in lower income, in higher living costs, or by comparison with what others are receiving.¹²

These concluding words, “by comparison with what others are receiving,” reveals the growing sentiment that public sector workers deserved what private sector workers received.

Robert J. Hugler of the Governmental Accountants and Analysts Association complained that, “the failure of your Honorable Body to approve the executive salary rates recommended by the Mayor is, in our opinion, a questionable economy.” He cited the difficulty in recruiting and retaining qualified individuals at lower rates than the

¹⁰Robert J. Jones to Mel Ravitz, 6 March 1962, and “Edison/Mistersky Wage Study,” 1962, box 2, folder 20, Mel Ravitz Collection, ALUA.

¹¹Lawrence C. Stranahan to William G. Rogell

¹²Robert Steill and Mary Keene to Mel Ravitz, 22 January 1963, box 6, folder 7, Mel Ravitz Collection, ALUA.

private sector.¹³ Again, this union representative alluded to the disparity in pay between his members and those employed elsewhere doing similar work.

The issues of wages aside, public sector employees also concerned themselves with health care, seniority, pensions, vacation rights, sick leave, life insurance, and death benefits, among other benefits.¹⁴ They often pressed for changes in benefits as forcefully as they did for wage increases. As with the wages, many of the complaints centered on the lack of equal treatment with private sector employers.

During the period preceding the new law, neither the council nor mayor were under any obligation to address the concerns of the public sector. With the establishment of a Bureau of Labor Relations, however, which had the power to conduct formal collective bargaining and the resolution of disputes, the relationship between the public sector and the city became formalized.

Responding to the enactment of the Public Employee Relations Act, city officials pressed to have a local ordinance. Less than a week after the legislature passed PERA, G. Remus, of the Board of Water Commissioners, advised Fred Romanoff, executive secretary to Mayor Cavanagh, that the city should establish practices concerning collective bargaining procedures for city employees under the new state law. Remus, however, did not conceive the idea on his own; he was prompted by Clem Lewis, regional director of Local 413, Utility Workers Union of America. Lewis had requested a meeting with Remus for the purpose of engaging in a collective bargaining relationship with the Board of Water Commissioners over which Remus served as general manager.

¹³Robert J. Hugler to [Detroit] Common Council, 18 May 1964, box 8, folder 19, Mel Ravitz Collection, ALUA.

¹⁴See, for example, Alvin H. Ruthenberg and Robert N. Pruitt to the Honorable Common Council, City of Detroit, letter, box 2, folder 21, Mel Ravitz Collection, ALUA.

Needless to say, Lewis' letter was inspired by the passage of the new state law. Anticipating the wide-ranging implications of the new law, Remus advised Romanoff "that a meeting be held with the proper people...to establish uniform practices as far as the City is concerned." In the months after the enactment of PERA, but prior to the enactment of Detroit Ordinance 140-G, other unions approached the city, or particular city departments that employed their members, for the purpose of engaging in appropriate collective bargaining relationships. In each case, the requests were made to the Chief Assistant Corporation Counsel with the recommendation that they submit petitions to this effect to the State Labor Mediation Board. Now there was more pressure for the city to establish uniform practices that Remus thought necessary.¹⁵

Inspired by the enactment of PERA, the relationship that the city had developed with AFSCME over the decades began to mature. Early in August 1965, a memorandum of understanding was created regulating the relationship between AFSCME Local 23 and the Detroit Housing Commission. The memorandum addressed employee representation, grievance procedures, promotional policy, personnel practices, employee training, union business, general working conditions and general provisions. The importance of the memo notwithstanding, its authors noted that its dictates were tentative, since Public Act 379 was not fully operational.¹⁶

¹⁵Clem Lewis to G. Remus, 29 July 1965 and G. Remus to Fred J. Romanoff, 30 July 1965, Jerome Cavanagh Collection; Robert Reese to Fred Romanoff, 10 August 1965; Thomas Gallagher to Frank Foucault, 18 August 1965; Gallagher to Leo P. Bartnik, 21 September 1965, all from box 212, folder 5, Jerome Cavanagh Collection; "Pending Labor Matters," Ca. early September 1965, box 212, folder 6, Cavanagh Collection.

¹⁶Proposed "Memorandum of Understanding – Detroit Housing Commission and Local 23 AFSCME, AFL-CIO, 14 July 1965; Anthony Ripley to Richard Strichartz and Robert Reese, 11 August 1965, box 212, folder 5, Cavanagh Collection, ALUA.

While memoranda of understandings are important mechanisms, they lacked the finality that the city's labor relations required. In the course of determining a plan of action for a more formal mechanism, significant players within city government convened committees and drafted proposals for dealing with the state law before, and perhaps in anticipation of adopting, a comparable local ordinance. Chief Assistant Corporation Counsel Thomas H. Gallagher, Controller Richard Strichartz, Charles Meyer of the Civil Service Commission, Budget Director Edward Nowak, Arthur Petrimoulx, Head Governmental Analyst for the Budget Bureau, and Fred Romanoff, executive secretary to the mayor, comprised members of the local government who acted on behalf of the city in connection with labor relations. However, it was not until mid-August that Gallagher received a formal request from Detroit's Common Council "to develop means of complying with the newly enacted law providing for recognition of collective bargaining units among public employees." To this end, Gallagher convened a provisional committee on labor comprised of Charles Meyer, Arthur Petrimoulx, Al Leggat as a consultant, and Gallagher as chairman, to act as agency for the city before the Labor Mediation Board and recommend procedures and means for dealing with labor matters.¹⁷

Later in August, budget director Nowak drafted a "Proposed Ordinance Governing Bargaining Procedures," wherein he provided alternatives for the formation of either a Labor Relations Counsel or Commission intended to manage grievances, complaints involving unfair labor practices, petitions requesting modifications in wages, hours and working conditions without impinging upon the jurisdiction of the Civil

¹⁷Thomas H. Gallagher, 16 August 1965, box 212, folder 5, Cavanagh Collection, ALUA.

Service Commission, Controller, other departments, or the Common Council. It was a tall order. After the Common Council reviewed the provisional committee's proposal, a subsequent and lengthier, albeit tentative, proposal was put forth in early November. This latter proposal argued for a labor relations director as part of a labor relations bureau that would be subordinate to the mayor in order "to avoid a possible threat to the strong Mayor concept in the present and all future administrations." Interestingly, this proposal was as much concerned with adhering to Kennedy's 1962 Executive Order 10988 allowing for collective bargaining among certain federal employees as it was with PERA, thereby acknowledging the importance of a tone established on the federal and state level. The Provisional Committee on Labor then set out to draft a Detroit-related Code of Fair Labor Practices for Common Council approval. It was to outline a proposed process for negotiations, providing for the powers and duties of the Director for the Labor Relations Bureau as well as for an advisory committee. It was also to designate the scope and order of negotiations, agreements with bargaining units, rights and duties of employees, labor organizations and departments.¹⁸

The Provisional Committee on Labor submitted similar proposals outlining issues to be considered for Common Council approval. Of particular interest was a memo regarding employee relations in city service. The unidentified author(s) maintained that "[t]he addition of a new and different agency merely added to the fragmentation of personnel administration and make its coordination more difficult." The author(s) argued that duplication of effort and interdepartmental conflicts resulted from the proposal to

¹⁸Nowak to Strichartz, 23 August 1965, box 212, folder 5, Cavanagh Collection; "Tentative Rules in Support of Bargaining Procedures Established by Ordinance as Provided by Act 282 and 379 of the Public Acts of the State of Michigan," 3 November 1965, box 212, folder 6, Cavanagh Collection, ALUA.

establish a labor relations bureau. While the proposal set forth in this memo did not come to fruition, it anticipated concerns voiced by others after the ordinance for a labor relations bureau had been approved by the Common Council and mayor.¹⁹

The enactment of laws requires that sponsors consider how they will impinge upon existing laws. In this case, those charged with formulating Ordinance 140-G needed to take a close look at Ordinance 336D, which the city had enacted 20 years before. According to Budget Director Edward J. Nowak and Head Governmental Analyst Arthur J. Petrimoulx, “Ordinance 336D, among other things, purports to authorize the Civil Service Commission to administer the pay plan, ordinances and resolutions affecting compensation and fringe benefits.” The ordinance was inoperative, it was generally believed, since there was neither a Personnel Director nor rules required by its provisions. Besides, the Controller performed those functions delegated elsewhere by Ordinance 336D. The new ordinance needed to define the role of the Controller as well. These developments demonstrate the force PERA, as it forced Detroit city government to adapt to the new public employee labor relations rules and, ultimately, nullify previously established ordinances.²⁰

Part of the force behind passing the ordinance for a city labor relations bureau came from the rights consciousness stirred by the Civil Rights movement. This burgeoning movement found expression in Detroit's Mayor Cavanagh. Detroit citizens elected Jerome P. Cavanagh its mayor with great hope and expectation. At the age of 33

¹⁹Nowak to Strichartz, 23 August 1965, box 212, folder 5, Cavanagh Collection; “Tentative Rules in Support of Bargaining Procedures Established by Ordinance as Provided by Act 282 and 379 of the Public Acts of the State of Michigan,” 3 November 1965, box 212, folder 6, Cavanagh Collection, ALUA.

²⁰Edward J. Nowak and Arthur J. Petrimoulx to Fred Romanoff, 12 November 1965, box 212, folder 5, Cavanagh Collection, ALUA.

and a Catholic, Cavanagh reminded many of John F. Kennedy, who assumed the presidency in the previous year. Cavanagh, a virtual unknown, embraced the Civil Rights movement and publicly announcing his commitment to reform the Detroit Police Department, which had long been seen as racist toward African Americans.²¹ Cavanagh's public stance motivated the Trade Union Leadership Conference, the NAACP, Cotillion Club, the Wolverine Bar Association and the Michigan Interdenomination Ministerial Alliance to support a voter registration drive designed to support Cavanagh's election.²² Cavanagh entered the Mayor's office, with a sense of hope and expectation, as well as a concern and interest in civil rights.

Programs initiated by Lyndon Johnson's Great Society and War on Poverty programs further solidified the relationship between Detroit's African-American community and Detroit's mayor, who embraced the new initiatives. Even though issues such as police brutality and shop floor oppression continued unabated during much of his tenure, many voters expected Cavanagh to make Detroit a better place to live and work than what his predecessor had left. When Cavanagh won, he made good on his commitment to bring equity in the executive order he issued shortly after assuming his new duties, one that tied his concern with civil rights with the public sector. On February 22, less than two months after his inauguration, Cavanagh issued Executive Order No. 1. It said, in part,

City employees shall be recruited, appointed, trained, assigned, and promoted without regard to race, color, religion, national origin or ancestry. Equal treatment of all

²¹Mary M. Stolberg, *Bridging the River of Hatred: The Pioneering Efforts of Detroit Police Commissioner George Edwards* (Detroit: Wayne State University Press, 1998), 12-14.

²²*Ibid.*, 31

persons without regard to race, color, religion, national origin, or ancestry shall be afforded to the public by all municipal departments and commissions in performing their services and in their operation of municipal facilities.²³

To ensure that the order would be taken seriously, Cavanagh required that, “[e]ach department and commission shall include in its annual report to the Mayor all activities undertaken in compliance with this executive order.”²⁴ With this executive order, the city officially made a break with past practices, took a stand against discrimination, and furthered the cause of civil rights.

Sources do not reveal the number of African Americans that Detroit employed in public sector work. We can assume that their representation and treatment improved during Cavanagh's tenure as mayor.²⁵ Their growing numbers are reflected in the concerns expressed by Michigan Representative James Bradley. He was partially motivated to work on behalf of the Public Employees Relations Act because of the number of African Americans who served as public sector workers.²⁶

In addition to formally advancing the idea and practice of non discrimination, Cavanagh's support of a labor relations bureau evidenced his willingness to embrace change. To head up the new bureau, Cavanagh appointed Al Leggat, who had served as a consultant on committees concerned with public sector labor relations. There were few people better equipped to lead the Detroit Bureau of Labor Relations than Leggat. Having started work at Ford when he was 13, Leggat remained with the company for years before

²³Jerome P. Cavanagh, Mayor, to all department heads, boards and commissions, 22 February 1962, box 4, folder 7, Jerome P. Cavanagh Collection, ALUA.

²⁴Ibid. Stolberg, *Bridging the River of Hatred*, 145.

²⁵Ibid., 145.

²⁶“Friends of State Representative, James Bradley, Birthday Party” program, 9 January 1970, biography file of James Bradley, ALUA.

assuming increasingly responsible positions within the UAW leadership. He eventually became Local 24 president. Much of his interest remained in the area of labor journalism and public relations. During the 1940s and 1950s, he served in editorial positions on the *Willow Run Bombadier*,²⁷ the *Michigan CIO*,²⁸ and the *Auto Worker*, and became publicity director for the UAW Political Action Committee. He also had experience as a business agent and editor for the AFL in the hotel restaurant field.²⁹ In the late 1940s and early 1950s, Leggat expanded his career by becoming Redford Township Supervisor, a position that he sought when he found corruption in the township government. His success in getting elected to that position was due, in part, to his activity in the Young Democratic Organization in Michigan, starting in 1932, an organization for which he became state chairman.³⁰

The importance of Leggat's political and union experience aside, his appointment by Cavanagh to the position of director of the Bureau of Labor Relations resulted from his role in persuading a Detroit company to remain in the city after a dispute with the Teamsters over wages. As reported in the *Detroit News* in June of 1962, "Legatt called in state mediators, reopened negotiations between the union and management. Just hours before the company was to complete final arrangements for leaving Detroit, the employees

²⁷ Al Leggat, Interviewed by Jack W. Skeels, 4 December 1959, 8, University of Michigan – Wayne State University Institute of Labor and Industrial Relations, ALUA.

²⁸ *Ibid.*, 9.

²⁹ *Ibid.*, 11.

³⁰ "Leggat Named New Ford Facts Editor," *Ford Facts*, 20 December 1947; "Former Local 600 Editor Leads Ouster Movement," *Ford Facts*, 26 March 1949; "Labor Rallies to Re-Elect Al Leggat," *Ford Facts*, 31 March 1951; Al Leggat, Interviewed by Jack W. Skeels, 4 December 1959, University of Michigan – Wayne State University Institute of Labor and Industrial Relations, ALUA.

[sic] voted to accept a three-year agreement and the plant stayed”³¹ in Detroit. Word of Leggat’s work got back to Cavanagh through Allan Chisolm, chairman of the State Labor Mediation Board. From this reference, Cavanagh appointed Leggat to the position of Bureau of Labor Relations in Detroit. Leggat’s tenure as executive secretary of the Michigan State Labor Mediation Board and as a civil service mediator further acquainted him with some of the nuts and bolts of what the new position involved.³² His work in management positions at Cobo Hall and the Bridgeport Brass Company, complemented his work in organized labor. It contributed to Leggat’s ability to see labor-management relations from the different perspectives required of the director of the Bureau of Labor Relations for Detroit.

Once in the position, Legatt attracted positive attention from a number of sources that took an interest in the role Cavanagh appointed him to direct. Soon after Legatt assumed his new position, Robert Perry of the Industrial Relations Association of Chicago asked Legatt to address that body concerning the proposal for legislation in Illinois granting collective bargaining rights to its public employees. Several months later, the Labor Relations Council of one Chamber of Commerce asked Cavanagh to allow Leggat to address its annual meeting in Indianapolis in June. In addition to acknowledging Leggat’s success in this new position, these requests also say something of the growing importance of providing public employees with collective bargaining rights. It would have been unimaginable for any Chamber of Commerce to have considered inviting someone like Leggat to one of its functions ten years before. The year

³¹“Anthony Ripley, “Legatt’s Labor Role Praised by Mayor; New Job Sighted,” *Detroit News*, 7 June 1962.

³²Jack W. Skeels Oral History Interview with Al Leggat, 4 December 1959, p. 11 Relations, ALUA.

1965, however, represented a moment in history where the idea had attained increasing acceptance.³³

Under Leggat's leadership, the Bureau's first order of business was to establish a representation policy that would determine which organization would represent which body of employees. According to the December 21, 1965, document,

the Labor Relations Bureau and the Office of the Corporation Counsel favored the recognition of the largest possible unit that will represent the greatest community of interest while giving proper consideration to the jurisdictional claims of recognized skilled trades and crafts, professional and technical association and recognized supervisory personnel.

The policy was sound enough, but recognizing labor organizations proved difficult. Recognition of these organizations also had far reaching implications. When it came to such employees as the police and fire fighters, there would not be many, if any, challenges, since the Detroit Police Officers Association and Fire Fighters had represented those employees for many years. The representation of other city units or classes of workers, however, had been divided among different unions. Since PERA mandated that, with some exceptions, each unit and/or class of employee was to be represented by one organization, often several unions sought to become that exclusive bargaining agent. AFSCME Council 77, the Teamsters, and to a lesser extent, SEIU's Council M entered the fray in an attempt to win over city employees to their side.³⁴ As there were some 25,000 people employed by the city, the stakes were high. The end result

³³Robert M. Perry to Cavanagh, 29 December 1965, box 270, folder 14, Cavanagh Collection.; Richard W. Averill to Cavanagh, 25 May 1966, box 270, folder 15, Cavanagh Collection.

³⁴“Bargaining Units Currently Officially Recognized by Teamsters Local 299,” 15 December 1965, box 270, folder 16, Cavanagh Collection, ALUA.

of efforts to represent segments of this work force ended in the near complete elimination of particular labor organizations from representing Detroit city employees. Indeed, this became SEIU's fate, as AFSCME all but decimated that international's Detroit-based Council M in this winner-take-all contest.³⁵

Jurisdictional disputes between AFSCME and SEIU were not the only ones that the Labor Relations Bureau had to address. Other examples of jurisdictional disputes involved those between the Detroit City Hospital Employees Union and AFSCME Council 77 over practical nurses, medical attendants, institutional attendants, and other non-professional employees.³⁶ In his January 18, 1966, letter to Cavanagh and the Common Council, Leggat refers to jurisdictional struggles between other employee representatives. Leggat maintained that the Labor Relations Bureau would seek to support an outcome that would be fair and reflect the interests of the city in its ongoing relationship with its employees. However, it must have caused Leggat some anxiety as to which outcome would be most fair to the interests of the employees and the city alike.

One of the reasons that unions scrambled to obtain recognition from the Labor Relations Bureau and the State Labor Mediation Board was because negotiations for the 1966-1967 budget were to occur soon after the Labor Relations Bureau was established. The ability of labor organizations to secure wages, benefits, and working conditions

³⁵“Representation Policy,” 21 December 1965, box 270, folder 13, Cavanagh Collection, ALUA; Jim Crellin, “City’s New Labor Relations Chief Has Roots in Both Camps,” *Detroit News*, 15 December 1965; Flowers to Sullivan, 27 July 1967, box 53, folder 15, SEIU Executive Office Collection: David Sullivan Collection, ALUA; Figures Obtained from Flowers on Council M’s Membership, 22 November 1967, box 53, folder 15, Sullivan Collection, ALUA.

³⁶Leggat to Cavanagh and the Common Council, 18 January 1966, box 270, folder 13, Cavanagh Collection, ALUA; “‘Preventive Mediation’ with City Unions Urged,” *Detroit News*, 12 May 1966, 5B.

beneficial to their members was contingent upon their standing in relation to their members, the city and state, as the city determined the budget. The Utility Workers of America and Local 447 of the Laborers and Hod Carriers Union, both of whom represented certain segments of the Detroit Water Department, demonstrated this concern. These unions expressed concern that their petition for exclusive bargaining status may be considered after commencement of the 1966-1967 budget or not enough time to engage in collective bargaining relations with the city in time for that budget. Barring recognition as an exclusive bargaining representative, unions were hampered during the negotiation process.³⁷

The challenges to the Labor Relations Bureau was partially demonstrated by the forty-five unions that represented city employees.³⁸ Cavanagh invited representatives of these unions to discuss the 1966-1967 budget in the auditorium of the City-County Building.³⁹ Similar meetings had taken place between Cavanagh and labor representatives in years past. Unlike those earlier encounters, state law now pressed Detroit and other Michigan cities to engage in a process more approaching a good faith effort to bargain collectively over issues of wages and work conditions.

Even as the Labor Relations Bureau was traversing new ground with employees, their unions, and the departments wherein they worked, it had to deal with issues that others had to deal with in previous years when no such city division existed. In a letter to

³⁷Utility Workers of America and Local 447 of the Laborers and Hod Carriers Union to Mayor Cavanagh et al., 7 February 1966, box 270, folder 14, Cavanagh Collection, ALUA; Leggat to Mary Zaborski, 17 March 1966, box 270, folder 14 Cavanagh Collection, ALUA.

³⁸“Employee Representative List,” February 1966, box 270, folder 14 Cavanagh Collection, ALUA.

³⁹Cavanagh to distribution list of 45 organizations representing city employees, 23 February 1966, box 270, folder 14, Cavanagh Collection, ALUA.

Cavanagh, Clem Lewis, Regional Director of the Utility Workers of America, noted Cavanagh's budget projections reported in the media and took exception with what he deemed to be the continual policy of providing disproportionately high wages to the police and fire department personnel compared to others.⁴⁰

Still another issue confronted the Labor Relations Bureau. There were challenges to the authority of the new bureau over relations between the city and its employees. The DSR Commission, for example, argued that, "the ordinance governing the DSR is not subject to the new Labor Relations Bureau provisions." AFSCME Council 77 also challenged the Bureau's authority in May 1966. A seemingly exasperated Leggat expressed concern over challenges to the Labor Relation Bureau's authority and other matters that impacted its effectiveness, in a May 18, 1966 letter to Cavanagh, in which he sought guidance and direction from the Common Council. He addressed demands for a union shop, compulsory arbitration, full scope of PERA vis-à-vis other legislation and Civil Service Commission practices, renegotiation of wages and benefits between budgets, bookkeeping costs associated with dues check-offs, and a growing disregard for the anti-strike prohibition within the law.⁴¹

The advisory role of Detroit's corporation counsel, City controller, secretary-chief examiner of the Civil Service Commission, and their respective assistants contributed to the confusion. As Spero and Capozzola argued,

The role of this advisory committee in the bargaining process, as management and civic leaders had predicted,

⁴⁰Clem Lewis to Cavanagh, 25 March 1966, box 270, folder 15, Cavanagh Collection, ALUA.

⁴¹Leggat to Cavanagh, 11 January 1966, box 270, folder 13 Cavanagh Collection, ALUA; "Preventive Mediation with City Unions," *Detroit News*, 12 May 1966, 5B; Leggat to Cavanagh, 18 May 1966, box 270, folder 14, Cavanagh Collection, ALUA.

proved a source of frustrating confusion. It trapped the Labor Relations Bureau and its Director in a crossfire of legal ambiguities, legislative-executive competition between the Mayor and the Common Council, and bureaucratic rivalries within the city administration.⁴²

The challenges facing the Labor Relations Bureau required concerted action to resolve. In conjunction with the members of the Labor Relations Advisory Board, Leggat proposed that Detroit, Wayne State University, the University of Michigan labor-management departments, the Michigan Municipal League, and the National League of Cities convene a high-level seminar to resolve issues that cities in Michigan faced in the management of public employees. “We would benefit greatly from the experience of cities who have dealt with municipal unions in the last ten years and they in turn would benefit from new demands we are all facing in today’s highly organized drives,” he wrote Cavanagh in the late spring of 1966.⁴³

Some believed that the bureau’s establishment was premature. Indeed, less than a month before the ordinance went into effect, Detroit’s Mayor Cavanagh, in commenting on a state law considered for Illinois similar to the Public Employee Relations Act, said he hoped that the Illinois law would not be given immediate effect and “would allow for the much needed time to properly prepare for its operation.” Moreover, a little over three months after assuming the position of Director of the Labor Relations Bureau, Leggat commented that, “It soon became apparent that this hastily processed legislation [i.e., Ordinance 140-G or PERA] should not have been given immediate effect.” Hastily processed or not, the creation of a labor relations bureau for public employees was not

⁴²Spero and Capozzola, *The Urban Community and Its Unionized Bureaucracies*, 46.

⁴³Leggat to Cavanagh, 10 June 1966, box 270, folder 15, Cavanagh Collection, ALUA.

deterred by those who had second thoughts. The force of history simply would not give way to pressure from other quarters.⁴⁴

There would be opportunities to approach a resolution on some of these matters, but it was not likely that they would be achieved during the Bureau's first year of existence. Whatever the case, the events leading up to and including the Labor Relations Bureau's first year were tumultuous, to be sure. Given the contentious forces that motivated them into existence, it would have been surprising had they been anything less. Given the tone of the 1960s, with its mobilization of African Americans and other marginalized segments of the society, it is logical that public employees would both draw from, and contribute to, that spirit as they sought empowerment following years of what they considered to be "collective begging" and demeaning treatment as 'public servants.'

In 1965, formal and legally required collective bargaining rights and procedures constituted new waters for governments to navigate. This was surely why Legatt was asked to speak to various gatherings about this subject, even though he himself was still new at it. Those requesting his advice sought to learn what he had done correctly and/or avoid the mistakes he had made along the way. Whatever the case, one thing remained clear: Legatt, with his background and range of experiences, was thrown into a position that anyone would have struggled with managing.

The Continuing Impact of the Civil Rights Movement

The civil rights-inspired fervor among public sector workers did not end with the enactment of either the Public Employee Relations Act in 1965 or Detroit Ordinance 140-

⁴⁴“Mayor Wants a Labor Bureau, Leggat to Run it,” *Detroit News*, 9 September 1965, 15-A; Cavanagh to Robert M. Perry, Chairman of the Industrial Relations Association, 10 January 1966; Leggat to the Honorable Jerome P. Cavanagh, 28 March 1966, Box 270, Folder 13, Cavanagh Collection, ALUA.

G. The momentum from this movement also found its way into the success of AFSCME Council 77's organizing campaign and its first contract with the city in October 1967. Historian Robert Shaffer attributes the growing energy of the public sector to "the civil rights movement, the student movement, the feminist movement and the questioning of the established order normally associated with the 1960s."⁴⁵ Writing less than a decade following the enactment of PERA, Arnold Zack explained the militancy of public sector workers in similar terms. One of the main reasons for this activism, he argued, comprised "[t]he demonstrated power of rising civil disobedience in the civil rights and draft resister movements, anti-poverty campaigns and war protests, which convinced militant public employees of the viability of protesting against the 'establishment' to bring about change." Zack lists seven other reasons for the attention received by and militancy of public sector workers in the mid 1960s, including the relationship between it and the Civil Rights movement.⁴⁶ Historian Joseph McCartin observed that, "as government workers' unions became more diverse in their membership, they made racial and gender justice issues more central to their agendas."⁴⁷ The connection between social movements for civil rights and campaigns for the rights of workers was stronger in the public sector.

The fertile ground created by the Civil Rights Movement prompted advocates of public sector empowerment to seek protections "afforded private sector employees by the National Labor Relations Act," and included in Kennedy's Executive Order 10988

⁴⁵Robert Shaffer, "Where are the Organized Public Employees? The Absence of Public Employee Unionism from U.S. History Textbooks, and Why it Matters," *Labor History* 43 (2002): 321.

⁴⁶Arnold M. Zack, "Impasses, Strikes, and Resolutions," in *Public Workers and Public Unions* (New Jersey: Prentice-Hall, Inc., 1972), 101-102

⁴⁷Joseph McCartin, "Bringing the State's Workers In: Time to Rectify an Imbalanced US Labor Historiography," *Labor History* 47 (February 2006): 82.

granting collective bargaining rights to federal employees. The headline-grabbing attention given to illegal strikes among transit workers in New York City and school teachers throughout the country also contributed to the sense of empowerment among public sector workers.⁴⁸ In addition, Jerry Wurf's biographer refers to the 'one-man, one-vote decisions handed down by the Supreme Court and the "massive infusion of federal monies into state and city governments under President Lyndon Johnson's Great Society programs"⁴⁹ as contributing to the empowerment of public sector workers beginning in the mid 1960s. It is hard to imagine any of these phenomena existing twenty years before, when the country was emerging from World War II and entering the Cold War era. In this context, it is easy to see how and why the Detroit railway strike of 1951 met with failure and why a 1966 strike of transit workers in New York City met with success.⁵⁰ While many trace the inception and roots of the civil rights movement to World War II, the full impact of the war's language about rights was not felt until the 1960s.⁵¹ "Rights consciousness transcended most of the usual demographic and occupational barriers," Nelson Lichtenstein argues when he discusses public sector workers. "It spread to almost every segment of society, to just about every interest group and faction," he continues.⁵² In this context it is not so unusual that public sector workers sought their own set of

⁴⁸Zack, "Impasses, Strikes, and Resolutions," in *Public Workers and Public Unions*, 101-102; Richard N. Billings and John Greenya, *Power to the Public Worker* (Washington: Robert B. Luce, Inc., 1974), 165.

⁴⁹Joseph C. Goulden, *Jerry Wurf: Labor's Last Angry Man* (New York: Atheneum, 1982), 110.

⁵⁰Joshua Freeman, *Working Class New York: Life and Labor Since World War II*, 209-211.

⁵¹Nick Salvatore, *Singing in a Strange Land: C.L. Franklin, the Black Church, and the Transformation of America* (Chicago: University of Illinois Press, 2006), 99.

⁵²Nelson Lichtenstein, *State of the Union: A Century of American Labor* (Princeton: Princeton University Press, 2002), 199.

rights.

As discussed in chapter four, African Americans commonly bristled over “second class citizenship” when voicing their complaints against discrimination during the 1960s. Advocates of increased organization, representation of, and collective bargaining for public sector workers used this same language to motivate them to demand the same legal rights that private sector workers enjoyed under the National Labor Relations Act. When AFSCME Council 77 organized workers (both its members and non-members) to walk off their jobs early in order to voice their frustrations to Detroit officials in 1966, they appropriated the language of the Civil Rights movement to do so. The flyer the Council produced for the occasion explained that the Council intended “to secure first class employment citizenship!!!!!!”⁵³

In 1966, Council 77 repeated the arguments made in the course of pressing for the Public Employees Relations Act. The Council sought parity with those in the private sector. “For fifteen years the city employee has been sadd[l]ed with a law banning them from their constitutional right to fight for better working conditions and wages compatible with those enjoyed by private industry,” one observer wrote. The *Michigan AFL-CIO News – Detroit Labor News Edition* editorialized the same point when arguing, “that the public – as an employer – has failed to keep pace with the private sector.” The strength and relevance of this argument is reflected in how the discussion helped to shape the contract negotiations with AFSCME. By making reference to “constitutional rights,” advocates of public sector empowerment relied on language and a tactic used by those within the Civil Rights movement. On some level, after all, it was the Constitution that

⁵³AFSCME Council 77 Flyer, “IT'S TIME TO ACT...FOR WAGE HIKES!!!,” box 283, folder 4, Cavanagh Collection, ALUA.

was the basis for most of the claims made by proponents of civil rights and of unions.

An Organizing Drive Commences

As discussed in Chapter 4, the Civil Rights movement played a large part in generating the momentum in Michigan politics required for the passage of the Public Employee Relations Act. With a promise to provide public sector workers with rights similar to those found in the private sector, the law sought to address some of the inequities in the work force. Similarly, it is in the context of the Civil Rights movement that the organizing drive among public sector employees took on meaning. The continued fervor following the enactment of the Public Employees Relations Act energized AFSCME Council 77 and Detroit-area public sector workers more generally to pursue an organizing drive to further solidify their influence among Detroit's public sector workers. The organizing drive began shortly following PERA's enactment.

On August 1, 1965, only nine days after Michigan's Governor George Romney signed the Public Employees Relations Act into law, the *Detroit News* ran a front page article with the title, "Teamsters' New Target: 250,000 Public Workers."⁵⁴ An article by long-time labor journalist Asher Lauren was subtitled, "5 Other Unions in Drive Spurred by Michigan Law,"⁵⁵ making reference to the Public Employees Relations Act. No corresponding article appeared in the pages of the *Detroit Labor News*, probably because the Teamsters were not members of the Michigan AFL-CIO. Michigan AFL-CIO Executive Vice President alluded to the Teamsters and/or organizations like them when he complained that, "there could be unions who made no contribution to the joint AFL-

⁵⁴ Asher Lauren, "Teamsters' New Target: 250,000 Public Workers," *Detroit News*, 1 August 1965, 1.

⁵⁵ *Ibid.*, 1; Peter R. Lochbiler, "Labor Writer Lauren Dies," *Detroit News*, 6 August 1965, 1.

CIO effort responsible for enactment of the legislation who would now feel it would be advantageous to organize in the public employe [sic] field.”⁵⁶ Acknowledging the Teamsters in the context of the Public Employees Relations Act only would provide publicity to an organization poised to compete with Michigan AFL-CIO-affiliated unions organizing public sector workers.⁵⁷ Whatever the case, the tone of the article was similar to the period following the enactment of the National Labor Relations Act in 1935, albeit on a statewide scale. As with that earlier federal legislation, many believed that the new state law opened the door for mass organizing drives in the public sector. It is little wonder, then, that many referred to PERA, as the little Wagner Act.⁵⁸

Later in the month, AFSCME Council 77 made a concerted effort to launch a comparable organizing drive. A Local 542 columnist reported that,

[t]he opening gun was fired last Saturday at the EMBASSY HOTEL for a vast organization drive for PUBLIC EMPLOYEES. Top Organizers from the

⁵⁶“Public Employes [sic] Now Have 'Instrument' for Organizing,” *Public Employees Council 77 Mirror*, 19 August 1965, 1. See also, “Local 1220, Civic Center Employes [sic],” *Detroit Labor News*, 26 August 1965, 13. For the response of one AFSCME local to the efforts of a competing union the next year, see “Civic Center Local 1220,” *Michigan AFL-CIO News – Detroit Labor News Edition*, 12 October 1966, 9.

⁵⁷However, the Teamsters did receive mention in the *Detroit Labor News*, but only when an AFL-CIO-affiliated union beat them out in a representation election. See “AFSCME Local 101 Defeats Teamsters,” *Michigan AFL-CIO News -- Detroit Labor News Edition*, 2 November 1967, 3.

⁵⁸“New Labor Law Being Tested,” *Service Employees News*, 2 September 1965, 1; Richard N. Billings and John Greenya, *Power to the Public Worker* (Washington: Robert B. Luce, Inc., 1974), 8; In 1958 New York City's Mayor Robert Wagner issued an executive order providing public sector workers collective bargaining rights. This order was often referred to as the “Little Wagner Act”. See Joseph C. Goulden, *Jerry Wurf: Labor's Last Angry Man* (New York: Atheneum, 1982), 132; Joseph A. McCartin, “A Wagner Act for Public Employees': Labor's Deferred Dream and the Rise of Conservatism,” *Journal of American History*, 95, no. 1, (June 2008), 123; Lee Shaw, “The Development of State and Federal Laws,” in Sam Zangoria, ed., *Public Workers and Public Unions* (New Jersey: Prentice-Hall, Inc., 1972), 20.

INTERNATIONAL, STATE, COUNTY, AND CITY levels were on hand to spell out the methods necessary to insure the success of this drive. Regardless of the help from the higher level it is still the duty of the rank and file of each individual local to aid and support with all their energies this effort.⁵⁹ (Capitalization included in the original).

It is not surprising that public sector unions immediately pursued a massive organizing drive after the passage of the Public Employee Relations Act. Organizing new members, after all, is often considered the life-blood of unions. In the months before the Michigan Legislature passed PERA, one local affiliated with AFSCME Council 77 made this point in a *Detroit Labor News* column: “This is the most important part of any Union activity,” this observer said of labor organizing. “Without it you simply don't have a strong Union. It cannot be over stressed.”⁶⁰ The other matter of importance for these locals concerns what occurs when unions fail to engage in successful organizing efforts. Other unions target the same workers. For these reasons, organizing must be a never-ending process.

AFSCME Council 77s organizing drive was part of a larger effort. Nationally, AFSCME grew significantly during the 1950s and 1960s, significantly outpacing that of most other unions. Unions organizing public sector workers over all grew substantially. Indeed, one of the arguments used to justify the importance of studying public sector unionism in the period is this growth, which contrasted significantly with the fate of many unions that limited their organizing to workers in the private sector during that same period and beyond.⁶¹

⁵⁹“Local 542, Parks & Recreation, Zoo & Historical Museum,” *Detroit Labor News*, 26 August 1964, 13.

⁶⁰“Local 542, Parks, Recreation, Zoo and Historical Museum,” *Detroit Labor News*, 3 February 1965, 10.

⁶¹Robert Shaffer, “Where Are the Organized Public Employees? The Absence of Public Employee Unionism from U.S. History Textbooks, and Why it Matters,” *Labor*

In an effort to rally its members, AFSCME Council 77, the locals affiliated with it, and those who supported it, convened union meetings, conferences, conventions, mass rallies, and demonstrations with the purpose of organizing unrepresented Detroit city workers. They held gatherings in union halls, hotels, before the city council, and in the street. Admittedly, the organizers had additional concerns on their minds when soliciting support for the representation of city workers. They may have sought to educate their members about the benefits of union membership or directly press city officials to increase wages or benefits. They may also have organized these gathering to clarify the benefits of the Public Employee Relations Act. Even gatherings convened for these purposes had the goal of impressing upon city workers the importance of joining locals affiliated with AFSCME Council 77 and the formal collective bargaining relationship that the new law made possible.

AFSCME Regional Director Tom Fitzpatrick attended many of these gatherings. As with the efforts to push for the enactment of the Public Employees Relations Act, Fitzpatrick fought hard to ensure that locals affiliated with AFSCME Council 77 received formal recognition and a contract worthy of the name. Described as “dynamic” in a column for AFSCME Local 542 members, Fitzpatrick praised the local “for the fine organizational work” it was doing. “This will motivate us to work harder to get the other per cent of the unsigned to sign up with AFSCME.”⁶² One observer was more forceful in his assessment. “Any member or non-member who had the opportunity or foresight to attend the first Mass Meeting of Local 236, November 18, 1965, without a doubt received

History 43, no. 3 (2002), 315-334.

⁶²“Local 542, Parks Recreation, Zoo, Historical Museum Empls.,” *Detroit Labor News*, 11 November 1965, 9.

an education,” this observer noted. “*One has to be present to feel the total impact of the message delivered by International Representative Tom Fitzpatrick*” (Italics included in the original).⁶³ The next week Fitzpatrick was on hand at the AFSCME Public Employees Council 77 convention, where he continued to spread the word about the potential in collective bargaining following the enactment of PERA.⁶⁴ When Fitzpatrick spoke before members and officers of Local 229, representing DPW Street Maintenance & Construction employees, one commentator wrote:

The meeting was well attended by the rank and file who were held spellbound by the eloquence of Tom Fitzpatrick, AFSCME International Representative. He brought out many points of issue that were both edifying and enlightening to those of us who had thought, up until now, that the formulation of a contract was a comparatively simple matter.⁶⁵

Fitzpatrick also called a collective bargaining conference in Detroit in December 1965. Six hundred people attended this event. Notwithstanding the conference's focus on collective bargaining, its participants discussed the importance of organizing as well.

Now with the new Law #379 [i.e., PERA] there is only one job left to do – get out and sign up all government employes [sic]. Since Council 77 and its affiliated locals have carried the ball so well in the long fight, their experience and desire to the [sic] their members receive the best in the past, certainly are entitled to everyone's support.⁶⁶

⁶³“Local 236, Public Lighting Commission Employes [sic],” *Detroit Labor News*, 2 December 1965, 6.

⁶⁴“Public Employes [sic] Convention Dec. 11,” *Detroit Labor News*, 9 December 1965, 15.

⁶⁵“Local 229, DPW Street Maintenance & Construction,” *Detroit Labor News*, 9 December 1965, 8.

⁶⁶“Local 207, Detroit Water Board Employes,” *Detroit Labor News*, 20 January 1966, 8; see also Billings and Greenya, *Power to the Public Worker*, 151-152.

An observer from Local 542 commented that,

[t]he organizing and Collective Bargaining meeting held Sat., January 15, 1966 at the Pick-Fort Shelby Hotel was a huge success. Inspiring talks by labor leaders in City, County and State government should have an overwhelming effect on all our members. To those who missed this important conference, we urge you to attend the next big one to be held in the near future. The time to be announced later.⁶⁷

It is clear that in the immediate months following the enactment of PERA, Fitzpatrick led the drive to organize eligible city workers into AFSCME Council 77.⁶⁸

Tom Fitzpatrick's importance to AFSCME Council 77's development notwithstanding, organized labor more broadly pushed the idea of public sector empowerment through the Public Employees Relations Act. As an author suggested in a *Detroit Labor News* column, the successful fight to amend the Hutchinson Act, as important as that was, was not intended to be an end in itself:

Brothers and Sisters we don't want to be too critical, but there is still too much complacency shown in some areas of our organizational drive. We have fought hard to get the Hutchinson [sic] Act amended so why not take advantage of your gains? Let no one assume that we have won. We still have to stay in and fight just a little harder. Come to your union meetings and find out what you can do for your union.⁶⁹

It was an important point, as the strength of a law is dependent upon vigilant people ensuring its effective enforcement. This columnist sought to push public sector union members to be those vigilant people.

⁶⁷“Local 54, Parks, Recreation, Zoo and Historical Museum,” *Detroit Labor News*, 20 January 1966, 13.

⁶⁸“Public Employees Council 77 Convention Dec. 11,” *Detroit Labor News*, 25 November 1965, 20.

⁶⁹“Local 542, Parks, Recreation, Zoo, Historical Museum,” *Detroit Labor News*, 21 October 1965, 6.

In announcing a two-day convention of AFSCME Council 77 in Detroit, the *Detroit Labor News* anticipated it to be “the biggest convention ever held...[T]he unity that presently exists among affiliated locals,” the article continued, “promises to bring forth tremendous progress.”⁷⁰ According to one observer, the convention lived up to expectations. “I have attended numerous conventions, big and small, but I must say, this one was second to none,” the observer noted. “It was studded with many qualified individuals, who have been an asset to organized labor,” the observer continued.⁷¹

The Detroit Labor News included an article from one local requesting members to attend a meeting, where those in attendance could learn about the public sector collective bargaining bills enacted by the legislature and governor. “[A]ll employees of the House of Correction are invited to attend as there will be a complete explanation of the new laws 2953-54 by International Representatives on how public employees can be back in the classification of FIRST CLASS CITIZENS, if they will make the effort to see that it is done.”⁷² AFSCME locals 26, 229, 327 and 1220 scheduled mass meetings to orient their members in the changes as well.⁷³ As with the effort to press for the Public Employees Relations Act, advocates of public sector unionization used the language of rights consciousness to motivate their members to action.

The staff and leadership of AFSCME Council 77 and its affiliated locals understood that they could not fully organize otherwise unrepresented members into their

⁷⁰“Public Employes [sic] Convention Dec. 11,” *Detroit Labor News*, 9 December 1965, 1.

⁷¹“Local 1497, Wayne State University Employees,” *Detroit Labor News*, 16 December 1965, p. 10.

⁷²“Local 875, Detroit House of Correction,” *Detroit Labor News*, 11 November 1965, 9.

⁷³“DPW Locals 26, 229, 327 and 1220 to Meet Nov. 28,” *Detroit Labor News*, 11 November 1965, 10.

fold by themselves. They continually encouraged members to take on the work of organizing as well. Those already organized were more likely to understand the benefits of organization and could see the common plight of fellow co-workers. Additionally, those already organized were more likely to have befriended unorganized fellow workers. With these friendships, members were in an ideal position to convince their comrades to consider union membership.

A column for members of Local 23, representing the Detroit Housing Commission, also publicized the need to motivate members to organize others.

The challenge to us as union members is to follow up the passage of this bill with an intensive campaign of signing up the unsigned. This means personally contacting your fellow workers who are not members of your local and acquaint them with the gains that we have made and inviting them to help us become 100% organized.⁷⁴

Representatives of Local 236 representing the Detroit Public Lighting Commission Employees argued that, “[e]ach of us must reach out to our unorganized brethren [sic] and point out the gains made by and the advantages of belonging to the American Federation off State, County and Municipal Employees – the only Union for Public Employees.”⁷⁵

Local 23 made a point of naming the union members who took time to and interest in organizing fellow workers. As reported in the *Detroit Labor News*, “George Shannon, Darlene Weston and Roosevelt Segars are three members [of Local 23 representing employees of the Detroit Housing Commission], who have been doing a

⁷⁴“Local 23, Detroit Housing Commission,” *Detroit Labor News*, 12 August 1965, 4.

⁷⁵“Local 236, Public Lighting Commission Employees,” *Detroit Labor News*, 12 August 1965.

good job in organizing some of our members.”⁷⁶ Member organizing took place at the Detroit Water Board as well, where Local 207 represented many of the employees within that city agency. There, “Brother Hatcher at Sewage Treatment and Brother Orey from Central Maintenance are leading the pack in organizing and the rest are not far behind. What a job has been done so far and by all appearance they have plenty of steam left.”⁷⁷ The tactic of naming member-organizers had the potential of motivating them to continue that work while hopefully inspiring others to do likewise.

Local 542 joined the effort to encourage members to organize the unorganized. “Our organization committee have been doing a yoeman [sic] job in distributing bulletins and signing people up, but this does not stop any member from asking his or her working companion to join and give the Committee a helping hand.”⁷⁸ A *Detroit Labor News* column concerning the same local reinforced this point the following week. “This job of organizing the unorganized is such a big task that we could certainly use many more hands.” “Many hands make work light and this is true especially in this particular field.”⁷⁹ In addition to making ‘work light,’ involvement of a larger number of members empowers those unions.

The leadership of Detroit-area AFSCME affiliates, always encouraged their members to attend and maintain some level of involvement in local affairs. The desire for member involvement remained intact following the enactment of PERA and AFSCME

⁷⁶“Local 23, Detroit Housing Commission,” *Detroit Labor News*, 20 January 1966, 18.

⁷⁷“Local 207, Detroit Water Board,” *Detroit Labor News*, 3 February 1966.

⁷⁸“Local 542, Parks & Recreation, Zoo & Historical Museum,” *Detroit Labor News*, 17 February 1966, 12.

⁷⁹“Local 542, Parks, Recreation, Zoo and Historical Museum,” *Michigan AFL-CIO – Detroit Labor News*, 23 February 1966, 11.

leadership used PERA, as the reason for why members should be involved. “All meetings now are very important as with the new Laws covering Collective Bargaining and a Contract it is very important that every member attend if you desire to have anything to say as what goes in the CONTRACT.”⁸⁰

As part of the effort to motivate public sector workers, union staff sought to ensure members that their voices would be heard throughout the entire process from organizational drives to representation elections and contract agreements. AFSCME Local 542 representatives understood the importance of this incentive when it told its members to begin writing their thoughts down as to how to improve the relationship between employee and employer in anticipation of contracts. “While waiting for this meeting to be held, why not write down your ideas and give them to your Vice Pres. who will file them away for use at our meet[ing],”⁸¹ one union official asked. Officials affiliated with other locals encouraged their members to do the same.⁸² Local 542 asked that its members “[c]ontinue to submit your proposals and ideas you wish embodied in our first contract. Please don't get impatient because of the delay in recognition, it has to come and when it does we will be ready to bargain with the administration. So turn in all your ideas, preferably in writing to your district Vice President.”⁸³ Again, seeking

⁸⁰“Local 542, Parks, Recreation, Zoo, & Historical Museum,” *Detroit Labor News*, 30 December 1965, 7.

⁸¹“Local 542, Parks, Recreation, Zoo & Historical Employees [sic],” *Detroit Labor News*, 18 November 1965, 13.

⁸²“Local 1497, Wayne State University Employees [sic],” *Detroit Labor News*, 2 December 1965, 2; “Local 542, Parks, Recreation, Zoo & Historical Museum,” *Detroit Labor News*, 2 December 1965, 7; “Local 207, Detroit Water Board Employees [sic],” *Detroit Labor News*, 30 December 1965, 7; “Local 23, Detroit Housing Commission Employees [sic],” *Detroit Labor News*, 11 November 1965, 12.

⁸³“Local 542, Parks, Recreation, Zoo and Historical Museum,” *Michigan AFL-CIO News – Detroit Labor News Edition*, 6 April 1966, 34.

enhanced member involvement could only benefit the union as a whole as it approached its first formal contract negotiations.

AFSCME Council 77 Fends Off SEIU and Other Competitors

While the Civil Rights movement played an important role in the organizing campaign conducted by the public sector, other issues factored significantly into the intensity of the campaign. Competition for members represented a force that both energized the intensity of these drives, but also detracted from longer range efforts to present unified fronts during contract negotiations. Competition for members had devastating consequences for some unions while it solidified the power base of others. This competition reflected and heightened divisions among public sector unions, and it weakened their collective efforts to win favorable contracts. The results of the struggle undermined the enthusiasm and hope with which advocates welcomed the Public Employees Relations Act. Indeed, one may reasonably speculate that the Public Employees Relations Act promised favorable consequences for all Michigan-based public employee organizational drives. With the enactment of PERA, after all, AFSCME Council 77 and other public sector unions, recognition leading to collective bargaining relations elevated them to a position similar to what private sector unions had with National Labor Relations Act (NLRA). The enactment of PERA pitted public sector unions against one another in pursuit of the same members, a phenomenon similar to what happened among private sector unions after the passage of NLRA.

Even prior to PERA's enactment, AFSCME Council 77 faced competition for members and recognition from the Service Employees International Union. Indeed, much of SEIU's publicity suggested that the PERA legislation was more than a little desirable.

Roy Berger, SEIU's first Michigan-based public employee organizer and representative, spent a good deal of his time cultivating relationships with public officials. As far back as 1958, for example, Berger met with "State Representatives Joseph G. O'Connor, and William Copeland to discuss legislation pertaining to public employees that is scheduled to come up on the new session of the State Legislature."⁸⁴ In his 1966 letter to SEIU International President David Sullivan, SEIU's Phelmon Saunders expressed hope in the influence of PERA on the efforts of his local to successfully organize in Detroit. Saunders was hopelessly naïve. Most of SEIU officials operating in Detroit understood that the legislation would have devastating affects on their prospects of eclipsing AFSCME or even of remaining in the running.⁸⁵

Before Governor Romney signed the bill into law, SEIU Organizing Director Milton Murray informed SEIU President David Sullivan that, "My efforts are concentrated on getting this very favorable bill adopted sometime in 1968 when we should have majority positions in at least a few more units."⁸⁶ Herein lies the concern of Murray and other SEIU officials seeking to establish a stronghold of public employee locals in Detroit: That PERA favored unions that had 'majority positions' in state, county, and municipal units. With but a few exceptions, SEIU did not have these majorities. Locals affiliated with AFSCME Council 77 did. This meant that each unit in which SEIU organized less than 30 percent of the work force, could not legitimately challenge the union that possessed a majority. In those units that AFSCME possessed

⁸⁴Roy Berger Activity Report, 1 November 1958, box 16, folder 15, William McFetridge Collection," ALUA.

⁸⁵Milton Murray to Sullivan, 25 June 1965, box 53, folder 13, David Sullivan Collection, ALUA.

⁸⁶Milton Murray to David Sullivan, 5 April 1965, box 65, folder 20, David Sullivan Collection, ALUA.

majorities, SEIU would be forced to determine another course of action. Anticipating the adverse effects of this legislation, Murray reported to Sullivan that,

I have just received belated word that the public employee recognition bill that I was quietly trying to sabotage in Michigan has been passed and will be signed by the governor. The bill provides for exclusive bargaining elections. Tommy Flowers estimates that within two years most of our 3,000 membership in Detroit and Wayne County will be wiped out. Flowers will get his executive board together to map a defense campaign to salvage as much as possible and I will keep in close touch by telephone.⁸⁷

The stakes were high.

With the odds set against it, SEIU's Council M, a counterpart to AFSCME's Council 77, mapped out a defense that reflected its desperation. Part of the plan called for a campaign designed to influence the membership to question the merits of the new law. "Although the Governor and the Michigan State Legislature saw fit to sign bill #2953 into law," Tommie Flowers wrote in a "Fact Sheet" distributed to the Council M membership, "neither one of these offices took the time to appropriate the necessary funds needed to establish a State Mediation Board large enough to determine the various units for voting purposes throughout the whole state of Michigan." Maintaining that the new law permitted other unions to engage in a "legalized public employee raid," Flowers suggests that "The Public Employee Bill #2953 still grants you the personal right to select whomever you may choose to represent you in the settlement of your grievance. This is your right and no one can take that away from you."⁸⁸ Later in August, the *Detroit Labor News* published an article by Flowers reiterating these same points, and reinforcing

⁸⁷Milton Murray to Sullivan, 25 June 1965, box 53, folder 13, David Sullivan Collection, ALUA.

⁸⁸Tommie Flowers to Council M Membership, 9 August 1965, box 53, folder 13, David Sullivan Collection," ALUA.

comments he made earlier in the month.⁸⁹

The reality was that this alleged “right” had been taken away. The language of PERA makes this clear: “Representatives designated or selected for purposes of collective bargaining by the majority of the public employees in a unit appropriate for such purposes, shall be the exclusive representatives of all the public employees in such a unit.”⁹⁰ SEIU’s leadership sought clarification on the implications of the act before conceding. When it directed its attorney Lester Asher to check into the matter, the response confirmed what SEIU probably already knew. “...an individual may present his own grievance, or his exclusive bargaining representative may present his grievance, but not another union.”⁹¹ The evidence on which Detroit’s Chief Assistant Corporation Counsel based his decision when determining the exclusive bargaining representative was payroll deduction.⁹² In contested bargaining units, the director of the state labor mediation board found that AFSCME members possessed a majority.

A portion of SEIU’s plan that was more tangible than the words in “Fact Sheets” was its decision to join forces with the controversial Teamsters. It was a curious move. Teamsters President James R. Hoffa had been convicted of jury tampering and fraud in two separate trials two years before, crimes for which he would serve a lengthy prison sentence beginning in 1967. Council M must have had a certain ambivalence about the association, especially given Hoffa’s strong affiliation with the Teamster local in question

⁸⁹Thomas Flowers, “Significance in Public Employee Bill,” *Detroit Labor News*, 26 August 1965, 12.

⁹⁰Michigan, “Public Employees Relations Act,” *Public and Local Acts of the Legislature of the State of Michigan* (1965), 745-750.

⁹¹Lester Asher to David Sullivan, 29 November 1965, box 53, folder 15, Sullivan Collection, ALUA.

⁹²Thomas H. Gallagher to Richard Cordtz, 9 December 1965, box 53, folder 13, David Sullivan Collection, ALUA.

and its alleged connection with organized crime.⁹³

Still, the Teamsters, bad image and all, was a powerful union and SEIU hoped to take a truck ride on its coat tails. “Teamsters Local 299 and Council M last month filed a joint petition to represent all employes [sic] in two departments,” wrote Jim Crellin, of the *Detroit News* on March 9, 1966. According to Crellin, Joseph Valenti of the Teamsters maintained that his Teamsters joined forces with SEIU so that the two organizations would have more strength at the bargaining table.⁹⁴ Not mentioned in the article was Council M’s determination to undermine AFSCME’s efforts at all costs. This was how many perceived the collaboration between Council M and the Teamsters. AFSCME produced and distributed a flyer that reinforced this thought. “The Teamsters were expelled from the AFL-CIO for corrupt practices,” the flyer stated. “Read the daily papers and see how many Teamster Bosses are in jail for stealing from the worker or selling him out to management...This is the outfit that Building Service⁹⁵ has sold you out to.”⁹⁶ As for the final outcome of these efforts, Council M did not win the right to represent DPW workers when it joined forces with the Teamsters. Rather, the truckers union won the right to represent its truck drivers.⁹⁷

⁹³Walter Sheridan, *The Fall and Rise of Jimmy Hoffa* (New York: Saturday Review Press, 1972), 7.

⁹⁴Jim Crellin, “Union Get in Tangle Over City Employes [sic],” *Detroit News* 9 March 1966, 19B.

⁹⁵The Service Employees International Union changed its name from the Building Service Employees International Union in 1968. See Tom Beadling, *A Need for Valor: The Roots of the Service Employees International Union, 1902-1992* (Washington, D.C.: The Service Employees International Union, 1992), 55.

⁹⁶Flyer entitled, “Lets Tell the Truth! Ask the Private Trucker,” 8 July 1966, box 53, folder 14, David Sullivan Collection, ALUA.

⁹⁷“Teamsters Win Vote of City Drivers,” *Detroit News*, 16 December 1966 and Thomas Donahue to Anthony Weinlein, 21 December 1966, box 53, folder 15, David Sullivan Collection, ALUA.

Despite the propaganda for Council M members and the coalition formed with Teamsters, Council M could not withstand the forces set into motion by the Public Employees Relations Act. Indeed, two years after the legislation went into effect, Flowers conceded to Sullivan that, “it is impossible for even a die-hard such as myself to pretend that I cannot see that which is inevitable.”⁹⁸ As predicted earlier, Council M was wiped out.⁹⁹

Circumstances consistently worked against Council M until it became apparent that no hope existed. The International regrouped and drew up a less ambitious program for the organization of metropolitan Detroit public employees. With Council M’s dissolution, Local 505M merged into 808M and several locals continued to operate on an individual basis. The International saw enough promise in two of them to subsidize efforts that it hoped would take them into and beyond the next decade. No other plan seemed viable. Given the circumstances, focusing on these two locals seemed reasonable.¹⁰⁰ Fights for members broke out elsewhere following the enactment of PERA, but the fight between AFSCME Council 77 and SEIU Council M had particularly devastating consequences for AFSCME’s competitor.¹⁰¹

To combat SEIU, the Teamsters, and other unions vying for members among

⁹⁸Tommie Flowers to David Sullivan, 27 July 1967, David Sullivan Collection, box 53, folder 15, ALUA.

⁹⁹Figures Obtained from Tommie Flowers on Council M’s Membership, 22 November 1967, box 53, folder 15, David Sullivan Collection, ALUA.

¹⁰⁰David Sullivan to Richard Cordtz and Tommie Flowers, 31 January 1968, box 53, folder 15 David Sullivan Collection, ALUA.

¹⁰¹“Local 1220, Civic Center Employes [sic],” *Detroit Labor News*, 17 February 1966, 7; Alton Cobb, “DPW Local 26 Snarled in Legalism Red Tape,” *Detroit Labor News*, 20 January 1966, 8; “Local 207, Water Board Employees,” *Detroit Labor News*, 6 January 1966, 5; Michigan Mediation Board Rejects Teamster Efforts,” *Public Employee*, January 1966.

public workers, AFSCME pushed forward with a program designed to convince unorganized public employees to join their ranks. The new program involved, in part, how the labor union marketed itself. AFSCME, it emphasized, only organized and represented those in the public sector, as its name suggested. Neither the Teamsters, SEIU, nor the utility workers, could say as much. Local 207 made this point when it suggested that prospective members ask themselves if they would rather “belong to an organization that deals with Government all the time and with 250,000 members” as opposed to another union that does not specialize in public sector matters. Public sector employment was its domain, AFSCME argued, and no other labor organization of its size had a mission that focused solely on workers in state and local government.

Closely tied to the density of public sector workers in AFSCME Council 77 was the density of members in the specific government units that AFSCME sought to organize. For AFSCME, as with many other unions, the objective was to organize complete units. The power and force that workers of any given unit could exert was limited by whether it could command the loyalty of its workforce. “We still have a big job ahead of us in uniting our forces into 100% before we start negotiating for a contract,” a representative with Local 542 maintained. “[S]o whether we are happy about the results or a little disgruntled lets all band together in this big job of **organizing THE UNORGANIZED.**”¹⁰²

Further, AFSCME argued that there were additional benefits when large numbers of public sector workers joined one union, rather than being represented by multiple unions:

¹⁰²“Local 542, Parks, Recreation, Zoo and Historical Museum,” *Michigan AFL-CIO News – Detroit Labor News Edition*, 9 March 1966, 3.

Fifteen years ago there were about 40 unions representing the public employee. Imagine the confusion and consternation that evolved from such a status when bargaining time rolled around! The Mayor, Common Council and everyone else concerned had the public employee right where they wanted him – disunited, confused and fighting himself! This resulted in poor working conditions, poor wages, second-class citizenship and an apologetic mein [sic] for just being a public employee!¹⁰³

Beyond referring to the 'second-class citizenship' that public employees had long endured, the *Detroit Labor News* column illustrated the unity required to achieve the first class citizenship public workers demanded. Fortunately for Council 77, the law required that units receive representation from one union, a position that made for union strength.

Forces Waged Against AFSCME Council 77

In its campaign, AFSCME Council 77 positioned itself for success at the bargaining table. With its history representing a large percentage of Detroit's public sector workers and given the conferences, meetings and well-attended demonstrations it arranged, few could argue with its position. That it received the support of prominent politicians and labor leaders also bode well for its success. Council 77 also knew, however, that success did not come without a struggle. Delaying tactics, a negatively changing political climate, the realities of the economy and a few ill-conceived tactics all worked to significantly thwart the hopes that AFSCME Council 77 had for its affiliated locals, which were to attain contracts favorable to its members.

In the months following the enactment of PERA, AFSCME demonstrated in protest against the pace at which the city was implementing its provisions. For example,

¹⁰³“Local 229, DPW Street Maintenance & Construction,” *Detroit Labor News*, 6 January 1966, 5.

the *Detroit Labor News* reported that in September 1965, AFSCME Council 7, representing state employees in Lansing, came to Detroit with 3,000 members to protest the city's delays.¹⁰⁴ The next month, following a leadership conference AFSCME convened at a Detroit hotel, the union held a demonstration against the city government, where the union charged it with “dragging their feet’ in implementing the Public Employees Act, passed in July 1965.”¹⁰⁵ Others voiced concerns about the slow pace at which the city agreed to sit down for negotiations. Some of those affiliated with Local 542, representing Parks, Recreation, Zoo & Historical Museum, complained that “[w]e are being delayed until our city fathers finalize their budget.”¹⁰⁶ What Council 77 considered delays in negotiations heightened the level of frustration experienced by AFSCME and other Detroit-area public sector unions.¹⁰⁷

In addition to the city’s slowness in recognizing locals affiliated with AFSCME, forces were at work that made it difficult for AFSCME Council 77 to secure a favorable agreement in October 1967. One particular “force” operated at the state level, but it grew out of national concerns and had implications for public sector workers and their representatives in Detroit. One such “force” came in the form of the Governor's Advisory Committee on Public Employee Relations.

¹⁰⁴“Public Employees Union Plans Cobo Hall Rally,” *Michigan AFL-CIO News – Detroit Labor News Edition*, 14 September 1966, 11.

¹⁰⁵“AFSCME Board to Meet Here,” *Michigan AFL-CIO News – Detroit Labor News Edition*, 5 October 1966; “Civic Center Local 1220,” *Michigan AFL-CIO News – Detroit Labor News Edition*, 19 October 1966; “AFSCME Rally to Hear Scholle,” *Michigan AFL-CIO News – Detroit Labor News Edition*, 26 October 1966.

¹⁰⁶“Local 542, Parks, Recreation, Zoo & Historical Museum,” *Detroit Labor News*, 10 February 1965, 11.

¹⁰⁷“Detroit Council 77 Will File 'Unfair' Charge if City Stalls,” *Public Employee*, March 1966, 4; “City Union Threatens Wage Suit,” *Detroit Free Press*, 12 February 1966.

States throughout the country began expressing their reservations about the 'rights' that public sector workers had begun to receive in the mid-1960s. Many even wondered if some of those rights should have been limited more strongly to inhibit public employees from striking. To this end, the National Governors' Conference sought to reconcile the 'rights' of public sector workers to engage in collective bargaining with what they considered as the rights of citizens to receive public services without interruption due to the threat of strikes or other job actions. It did not take long for states to exhibit these concerns. In 1967, the National Governors' Conference issued its *Report of Task Force on State and Local Government Relations*. Published by the Public Personnel Association, which had a stake in its findings, the 101-page report fleshed out many of the issues in states with active public sector unions. Independent of this report, governors, school systems, and a board of supervisors from seven states, stretching from Connecticut to California, sought some means of limiting the power of public sector workers to strike and perform other job actions not countenanced a decade before. These reports, written in a three-year period ending in 1968, pressed the same need to limit workers' job actions, although they conceded that no easy answer existed.¹⁰⁸

In July 1966, Michigan made its own contribution to the effort to improve labor relations between state and local governments and their employees. On July 29, Governor Romney established the Advisory Committee on Public Employee Relations. In his charge to the five-member committee, Romney noted the positive qualities of the Public Employees Relations Act of the previous year, affirming that public sector workers

¹⁰⁸1967 Executive Committee, National Governor's Conference, *Report of Task Force on State and Local Government Labor Relations* (Chicago: Public Personnel Association, 1967); Russell A. Smith, "State and Local Advisory Reports on Public Employment Labor Legislation," *Michigan Law Review*, 67, no. 5 (Mar., 1969), 891-918.

should have “the right to join unions or other organizations for the purpose of collective negotiations free from interference or infringement by public employers.” For Romney, the Act “was an important, progressive step...” He did, however, express important concerns, which is why he established the committee in the first place. Both employees and employers had taken liberties not outlined in the act, Romney argued, which was indicative of a period of transition. In this environment, Romney sought advice as to any statutory changes in the law or policy and procedural changes that the times necessitated. For Romney, public employees utilizing the strike weapon constituted the most serious reason to establish the committee.¹⁰⁹

The five-member committee echoed Romney's general approval with the 1965 Public Employee Relations Act. It maintained that public sector workers should have the right to join and engage in collective bargaining. With that, the committee made a number of recommendations related to the act, including applying the law to university and state civil service employees, a budget increase for the State Labor Mediation Board to coincide with its increased responsibilities, and the unionization of supervisors while ensuring their exclusion from unions representing non-supervisory employees. The bulk of the recommendations, however, concerned a means of strengthening the current law to ensure that public sector workers would not resort to strikes even while they retained the right to collective bargaining.

For the committee, it was a tall order. The Committee clearly struggled with the issue of strikes among public sector workers. While the committee concluded that it had

¹⁰⁹Governor George Romney to the Advisory Committee on Public Employee Relations, letter, 29 July 1966, as Appendix “A” to Advisory Committee on Public Employee Relations, “Report to Governor George Romney,” 15 February 1967, 1-2.

“not yet reached a point where this 'ultimate issue' has to be or can realistically be decided,” the report tepidly argued that, “[t]o say as some do that there cannot be effective collective bargaining without the right to strike is to suggest the conclusion either that such right should be recognized or that public policy does not provide for effective collective bargaining in the public sector.”

The Committee clearly struggled to arrive at meaningful recommendations about how to resolve otherwise intractable disputes within the public sector. In order to forestall strikes or other “interruptions” in the services public sector workers provided, the Committee recommended binding arbitration by a third party in the case of disputes involving police and firefighters and court-ordered mandatory injunctions for those public sector workers who utilized the strike before exhausting other means to resolve disputes. Those “other means” included an option of establishing more stringent “statutory mediation and fact finding” procedures and the governor's appointment of a 12-member panel authorized to conduct hearings involving disputes.

The *Detroit Labor News* argued that Romney's support of this report was part of an effort to boost his campaign for the Republican nomination for president.¹¹⁰ However, there is some indication that Romney was loath to make any major recommendations stemming from the recommendations of the committee. After all, Romney believed that issues surrounding public sector labor relations were inherently controversial. It might require using the type of political capital that he could ill-afford to expend during the upcoming election year. The strikes that inspired this committee in the first place affected a wide range of the public, received media attention, and inspired no easily-agreed upon

¹¹⁰“Public Employes [sic] Are Again the Target,” *Michigan AFL-CIO News – Detroit Labor News Edition*, 17 January 1968.

solutions. Public sector workers and their unions were, moreover, increasingly aware of their power over politicians.¹¹¹ Writing some years later, James Mortimer made the observation that public sector employees and their representatives, by virtue of their existence as voters and employees, get to “sit on both sides of the bargaining table.”¹¹² In this context, Romney was right to be concerned that any position he took on public sector labor relations would damage his chances of becoming president. Unlike either Coolidge or Dewey, whose presidential candidacies were enhanced by their tough stand on public sector workers, Romney probably perceived the new public sector unionism as a distraction capable of derailing his chances. One way to sidestep the issue was to appoint a committee with no decision-making authority. Nonetheless, the committee's purpose and Romney's presidential hopes aside, the conflicts that gave rise to the report and the report itself revealed that many questioned the scope and impact of the Public Employees Relations Act. This questioning did not help the cause of AFSCME Council 77's efforts to win a favorable contract in October 1967.

Republicans Dominate 1967-1968 Michigan Legislature

At the time that public sector workers and their representatives sought collective bargaining rights, metropolitan Detroit was experiencing a demographic shift that compromised the ability of public sector workers to gain improvements. The civil disturbance that occurred in July 1967, greatly exacerbated the exodus of white residents, which had begun in the previous decade. The resulting population decline and deindustrialization drained the city's tax base and inhibited the ability of public sector

¹¹¹Joseph Swallow, Interviewed by Louis Jones, August 2009.

¹¹²Henry W. Maier, “Collective Bargaining and the Municipal Employer,” in *Public Workers and Public Unions* (Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1972), 56.

workers to obtain improvements in wages and benefits. Historian Thomas Sugrue in his book, *The Origins of the Urban Crises: Race and Inequality in Postwar Detroit* argues that [I]ndustrial and population flight...drained the city of resources necessary to maintain infrastructure."¹¹³ Public sector workers were an important part of that infrastructure. Statistics give credence to Sugrue's argument. While Detroit's population grew rapidly for many decades, its growth rate changed after 1950. In 1950 its population grew to 1,849,568, an increase of over 200,000 from 1940. By 1960, its population declined by 179,424 people. During the 1960s, it lost even more residents, as its population dropped to about 1.5 million. Those declines continued in subsequent decades. With the decline in population came a coinciding decline in tax revenue used to provide public sector workers the pay raises and improved benefits they desired. The hard numbers representing the flight of residents to the suburbs illustrates the extent of the demographic shift and suggests the affect on Detroit's public sector workers. Combined Livonia, Southfield, Troy St. Clair Shores and Warren, gained over 200,000 during the 1960s. This is to say nothing of other suburbs that also made population gains.¹¹⁴

With a majority in both houses, Republicans revisited the Public Employee Relations Act. No one had had time to evaluate its effect, given that it had been on the books for less than two years.¹¹⁵ Even the Director of the Michigan Department of Labor

¹¹³Thomas Sugrue, *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit* (Princeton: Princeton University Press, 1996), 270.

¹¹⁴Lynn C. Meyers and David W. Van Meer, eds. *Michigan Statistical Abstract* (Lansing: Bureau of Business and Economic Research, Graduate School of Business Administration, Michigan State University, 1966), 27; David I. Verway, ed. *Michigan Statistical Abstract* (Lansing: Division of Research, Graduate School of Business Administration, Michigan State University), 13.

¹¹⁵Morgan O'Leary, "GOP Shelves Tighter Law on Public Employee Strikes," *Detroit News*, 26 May 1967, 10-A.

thought it premature to amend the law.¹¹⁶ Republican legislators, however, with the support of Detroit's Labor Relations Bureau, were determined to make changes. Resistance to the growing or perceived power of public sector unions and fear of the consequences of public employee strikes fueled the desire to reestablish limits on the public sector. The proposed changes came in the form of House Bill 3254.

This bill not only forbade labor organizations from calling or instigating strikes by public sector workers, but it went further in requiring organizations to seek to end any strike when called on to do so. The bill mandated that the appropriate circuit court grant injunctive relief if it was determined that a strike had taken place. Additionally, the bill allowed for new procedures that did not exist in previous legislation, namely “case panels” whose purpose it was to resolve disputes that the labor mediation board could not and establish a process for fact finding. The bill also created a commission on public employee relations to continuously examine PERA and recommend needed changes. Particularly burdensome to public sector unions was the measure prohibiting public employees from being “represented for the purposes of collective bargaining, under the provisions of this act by any labor organization which asserts the right to strike against government or is affiliated with any labor organization which asserts the right to strike against government.” Similarly, the measure prohibited public employees from striking when confronted with what they considered unfair labor practices. While the bill allowed for agency shop when called for in units where a union represented the employees, most union officials argued that the negatives associated with the bill far outweighed the

¹¹⁶Stan Putnam, “Public-Employee Strike Curb Splits City and State Aids,” *Detroit Free Press*, 21 March 1967, 7A.

positives and actively lobbied against it.¹¹⁷

In the end, the House Bill 3254 was narrowly defeated by a vote of 53 to 49. That the measure failed suggested that its punitive elements were too much for some Republicans to stomach.¹¹⁸

The death of House Bill 3254 did not mean the end of the influence that Republican's held over public sector workers. In fact, Republicans threatened to revisit the legislation if public sector workers went on strike or otherwise used coercive means to gain pay increases and benefits. Advocates of PERA feared that Republicans might deem any action as coercive. Whatever the case, it might not have taken much for Republicans to garner the necessary votes to pass a similar measure, given the right conditions.¹¹⁹ State Senator Sander Levin, who helped shepherd the Public Employee Relations Act through the legislature in 1965, warned that if HB 3254 is passed the legislature would be guilty of fomenting a series of work stoppages.¹²⁰ Levin's counterpart in the Michigan House referred to the measure as "one of the most punitive anti-labor bills ever introduced in the Legislature." Another observer characterized the bill as a "vicious union-busting measure."¹²¹

Advocates of House Bill 3254, however, contended that they had to do something

¹¹⁷Morgan O'Leary, "GOP Shelves Tighter Law on Public Employee Strikes," *Detroit News*, 26 May 1967, 10-A.

¹¹⁸Michigan, *Journal of the House of Representatives* (Lansing: State of Michigan, 1967), 2137-2142.

¹¹⁹"Republicans Hold Gun at Heads of Employees [sic]," *Michigan AFL-CIO News – Detroit Labor News Edition*, 31 May 1967.

¹²⁰"Levin Blasts Republican Efforts to Undercut Legislative Gains," *Michigan AFL-CIO News – Detroit Labor News Edition*, 26 April 1967, 7.

¹²¹"Public Employee [sic] Bill Dies; GOP Brings it Back to Life," *Michigan AFL-CIO News – Detroit Labor News Edition*, 3 May 1967, 3; "Bradley Blames GOP for Failure to Act on Public Employee [sic] Bill," *Michigan AFL-CIO News – Detroit Labor News Edition*, 31 May 1967, 3.

to stem the tide of strikes among public sector workers, particularly teachers, whose job actions grabbed headlines. Some of these advocates supported collective bargaining for public sector workers, but they argued the need for modifications to the Public Employee Relations Act.¹²² More than anything else, the introduction of House Bill 3254 set a tone that undermined the efforts of public sector workers. The tone set by the bill aside, declining tax revenues had a more devastating impact on a Detroit-based public sector seeking improvements.

The Adverse Impact of a Constitutionally-Mandated Tax Reassessment

When Mayor Cavanagh ran for re-election in 1965, his popularity resulted in a “crushing 69% of the vote.” During his first term, Cavanagh successfully fought for the right of the city to tax residents who worked in the city at a rate of 1.0 percent and non-residents who worked in the city at 0.5 percent. These new revenues allowed Cavanagh to retire the 19 million dollar deficit that he faced when he entered the mayor’s office. The year following Cavanagh’s reelection, for example,

he became the first mayor simultaneously to head both the United States Conference of Mayors and the National League of Cities. His advice was sought by the White House, he came to be seen as a presidential possibility himself and he relished the idea.¹²³

In other words, his star was rising both locally and nationally. With the revenue generated by new taxes, the Cavanagh administration amassed a \$9 million surplus by March 1967.¹²⁴ In this context, the prospects for the city were bright, or were they?

In March 1967, Detroit Budget Director Walter I. Stecher raised anxieties about

¹²²Joseph Swallow, Interviewed by Louis Jones, August 2009.

¹²³Fine, *Violence in the Model City*, 34.

¹²⁴Walter I. Stecher to Mayor Jerome P. Cavanagh, memo, 6 March 1967, box 331, folder 1, Cavanagh Collection, ALUA.

“the seriousness of the budget problem,” a problem that did not exist earlier in Cavanagh's first term as Mayor.¹²⁵ Contributions made by the City to debt service, social security, hospitalization, and life insurance together offset the increased revenues generated by any and all taxes received. “The current year [i.e., 1967] may close with a budget deficit of \$14 million or more,” Strecher explained to Cavanagh. With this projection in mind, the city was not inclined to entertain the possibility of wage and benefit increases for its employees. In fact, Strecher recommended that “City operations be cut back,”¹²⁶ which might easily have been translated as cuts in pay and benefits for city employees or an increased work load, due to the need to trim city payrolls.

Detroit's financial problems caused difficulties in other ways, which had devastating consequences for the ability of the Cavanagh administration to conduct business. Even as Cavanagh established programs that brought millions of federal funds into the city that fueled the war on poverty, the City simultaneously lost millions of dollars due to constitutionally-mandated provisions over which neither Cavanagh nor anyone else had any immediate control. Prior to the 1961-1962 Michigan Constitutional Convention, and the ratification vote in 1963, the state assessed property at its cash value. In analyzing the then-proposed constitution, the Citizens Research Council of Michigan (CRCM) observed that “[t]he uniform assessments of such property shall not exceed 50 per cent of its true cash value after January 1, 1966.”¹²⁷ It is little wonder that the CRCM

¹²⁵Ibid.

¹²⁶Ibid.

¹²⁷Citizens Research Council of Michigan, “An Analysis of the Proposed Constitution,” No. 7, January 4, 1963, 3. See also Susan Fino, “The Michigan Constitution,” in *Michigan Politics & Government: Facing Change in a Complex State* (Lincoln: University of Nebraska Press, 1995), 63.

referred to this revision as “a major change.”¹²⁸ That this constitutional change did not go into effect until January 1966, says something about why the Cavanagh administration struggled to balance the city's books after that time. These provisions also made it difficult for Detroit city government to provide the wage and benefit packages desired by public employees. The *Michigan AFL-CIO News* said it best:

Detroit city employes [sic] will probably find their wage package affected this year by a provision in the state's revised Constitution. Detroit Mayor Cavanagh pointed this out at a press conference last Friday in which he commented on a range of subjects. Cavanagh said that the Constitution requires all communities in the state to do a total reassessment of property. The effect of such a reassessment is to lower taxes on business and generally drop over all valuation of real estate property and the tax income received by the community. Cavanagh said this will limit the city's ability to grant an adequate pay increase package.¹²⁹

The *Michigan AFL-CIO News* repeated the concern about property assessments and the shifting of taxes from businesses to people in February 1967. In an editorial that month, it argued that the constitutional convention, whose membership was dominated by Republicans and based on a malapportioned legislature, put the tax reassessment into effect as part of the state constitution, despite strong objections from Democrats and a few Republicans. The end result? A weakened tax base made it much harder for the city to grant pay and benefit increases to their workers.¹³⁰ Despite these circumstances, public

¹²⁸Citizens Research Council of Michigan, “An Analysis of the Proposed Constitution,” No. 7, January 4, 1963, 3.

¹²⁹“Cavanagh Says Constitution Cuts Funds for Detroit Pay Increases,” *Michigan AFL-CIO News – Detroit Labor News Edition*, 14 December 1966, 1; Jim Hart of McCandless-Hart Public Relations, Press Release, “Mayor Cavanagh Wins Labor Support in Special Conference,” 18 December 1966, box 283, folder 4, Cavanagh Collection, ALUA.

¹³⁰“Romney, Not City Officials, to Blame for Tax Increases,” *Michigan AFL-CIO*

sector workers continued to push for improvements to their wages, benefits and working conditions.

AFSCME Council 77 Suffers From the Misteps of Tom Fitzpatrick

Added to the challenges AFSCME Council 77 confronted, yet another was how AFSCME regional director Tom Fitzpatrick argued on behalf of the Council. By many accounts, Tom Fitzpatrick played an important role in garnering support for formal recognition of AFSCME to pursue collective bargaining for Detroit public workers. However, Fitzpatrick was less successful in his efforts to convince the city to grant improvements in pay to city workers. His methods seemed to have been counterproductive and, in fact, a liability to the overall effort. Fitzpatrick may have been overzealous and abrasive when the moment required more pragmatism and diplomacy than he was able to muster. While the *Detroit Labor News* always portrayed him in a positive light, other sources describe him differently. In a February 1966 letter to Leggat, Fitzpatrick complained of what he saw as the “confusion which permeates your office,” stemming from a misdirected letter and a “past history” indicating that Leggat's office did not pass on information to the City Council. For that reason, Fitzpatrick bluntly “reserved the right to present orally and/or in writing our position to the Common Council” to ensure that that body receive it.¹³¹

During the early budget discussions in February and March 1966, AFSCME Council 77 sought an increase in a total package of forty million dollars, twenty-one million of which the labor organization demanded for wages and the balance for benefits

News – Detroit Labor News Edition.

¹³¹Tom Fitzpatrick to Al Leggat, letter, 21 February 1966, box 12, folder 18, Mel Ravitz Collection, ALUA.

and improved working conditions. In the course of making its plea for the package covering Detroit-based public sector employees in 1966, Fitzpatrick argued that, “[w]e want once more to challenge the mayor to submit our disputes over wages to a public panel of fact-finders since it appears that no realistic attempt is being made to seriously consider the demands of city employes [sic].”¹³² With a minimum \$6,447 annual wage, the requested wage increase included 15 cents across the board, and an increase of from anywhere from 45 cents for unskilled labor, to 70 cents for skilled labor, for wages to keep pace with workers in the private sector.¹³³ Thus, organized labor continued to seek certain *rights* to wages achieved by those in the private sector. At least one City official considered the demand typical of a labor organization seeking the best for their members without expecting exactly what they have requested. City Controller Richard Strichartz, for example, maintained that, “Historically, employe [sic] unions have always presented packages they did not expect to gain in one year.”¹³⁴

As the City and AFSCME Council 77 entered budget discussions in February and March 1966 regarding the 1966-1967 fiscal year budget, the union stopped short of threatening a strike, but only because its president, Jack Kaufman, did not use the word. According to a *Detroit News* editorial, “...Kaufman was quoted as noting the union could close down public services not only to the general public but also to schools, hospitals and similar institutions through its control of the Water Board, Public Lighting

¹³²“City Wage Demand is Up 2 Cents,” *Detroit News*, 3 March 1966, 5B; “City Unions Ask Review of Demands,” *Detroit Free Press*, 1 March 1966.

¹³³Barbara Stanton, “City Employes' [sic] Pay Goal: A Whooping \$40 Million,” *Detroit Free Press*, 26 February 1966; “40-Million Pay Hike? City Calm,” *Detroit News*, 26 February 1966.

¹³⁴*Ibid.*

Commission and hospitals.”¹³⁵ A belief in the right to receive comparable wages with private sector employees accompanied by a belief in a strike as a means of securing those wages. These tactics coincided with and grew out of the rights consciousness of the era.

Fitzpatrick did not soften his approach during budget discussions of the next year. Some city employees and union representatives, however, understood the financial straits in which the city found itself throughout 1967. In an April 1967 memo from Labor Relations Bureau's Al Leggat to Cavanagh, the former argued that city employees generally understood that the city could not provide the increases sought. After citing “the unfortunate financial plight of the City,” Leggatt explained how he believed its employees would negotiate contracts given this situation. “I have reason to hope that the employees are resigned to acceptance of whatever minimum the City can bear financially provided they are treated alike to the extent possible. Some of them have expressed these sentiments,” he wrote Cavanagh.¹³⁶

AFSCME Council 77 represented “some” of these stakeholders. Michigan AFSCME Regional Director Tom Fitzpatrick took exception with the characterization. “We are at a complete loss to understand how you could make recommendations dealing with the bread and butter of 20,000 city employees with absolutely no consultation on economic matters with our organization, which represents more City of Detroit employees than all other organizations combined.” After listing inadequate wages, “intolerable working conditions,” lack of equity, and the need of the city to conform to

¹³⁵“Loose Union Talk,” editorial, *Detroit News*, 1 March 1966, 18A.

¹³⁶The letter to which Fitzpatrick appears to be responding is dated 10 April 1967 whereas Fitzpatrick makes reference to it being a letter of 14 April 1967. Al Leggat to Jerome Cavanagh, memo, 10 April 1967, box 337, folder 15, Cavanagh Collection, ALUA.

the strictures of the Public Employees Relations Act, Fitzpatrick complained of Leggat's mischaracterization of public sector workers as understanding that "substantial adjustments are an economic impossibility at present." Fitzpatrick further stated that, "[y]our statements are your own and we are aware of no such thing."¹³⁷

Indeed, Fitzpatrick took the argument a step further and noted a 5 million dollar windfall that the city could have used to pay city employees and suggested that the money for one expensive junket could have been similarly used. What Leggat characterized as a decision to go without filling vacancies was seen by Fitzpatrick as a "wage cut," as it meant that, "unfilled vacancies will be absorbed by the present work force."¹³⁸ Fitzpatrick ended his missive as boldly and bluntly as he began it. "We reject your recommendations to the Mayor and the political expediency which prompted them, and demand that your office fulfill its legal and moral responsibility inherent in the Act..."¹³⁹

WWJ-TV aired Fitzpatrick's wage demands, which Leggat believed backfired on Fitzpatrick. According to Leggat, Fitzpatrick "just went on, and on, and some of the demands bordered on the ridiculous," a point that, Leggat believed, the public would recognize as such. As historian Joseph Slater argues, public perception factors significantly into how negotiations proceed between public sector unions and the government. For this reason, Leggat saw Fitzpatrick's comments as benefiting the city's position.¹⁴⁰

¹³⁷Tom Fitzpatrick to Al Leggat, letter, 17 April 1967, box 337, folder 15, Cavanagh Collection, ALUA.

¹³⁸Ibid.

¹³⁹Ibid.

¹⁴⁰Al Leggat to Jerome Cavanagh, memo, 17 January 1967, box 337, folder 11,

The role of public opinion affected public employers in the same way, which is why they had to be cautious in the way they treated their workers during times of negotiations. To underscore this point, President Lyndon Johnson warned both public employers and their employees to “[n]ever forget that the public occupies a third seat at the bargaining table.”¹⁴¹ Leggat did not indicate to Cavanagh which “demands bordered on the ridiculous,” but he may have been referring to hourly across the board wage increases of 35 cents for unskilled workers and 70 cents for those who performed skilled work or an increase in the \$6,912 minimum wage.

Following the enactment of PERA, AFSCME Council 77 began a concerted campaign to organize workers. If coverage in the *Detroit Labor News* about the public sector reflects the activities (or lack thereof) in the area of educational efforts directed toward organizing the public sector, then we must ask why these activities seem to have stopped shortly after early 1966. The *Detroit Labor News* did not report much in the way of educational efforts about organizing after this period. We must consider two possible reasons. The first concerns the *Detroit Labor News*. As the voice of the Michigan AFL-CIO, which sought to foster cooperation between labor unions, it may have avoided writing about conflicts between its affiliated groups. After all, the conflict between AFSCME and SEIU surfaced in internal memoranda and not the pages of the *Detroit Labor News*.

The second possibility concerns problems internal to AFSCME Council 77 and its Local 26. During the period from the enactment of PERA through the agreement

Cavanagh Collection, ALUA; Slater, *Public Workers*, 114 and 120.

¹⁴¹Lyndon Johnson as quoted in A.H. Raskin, “Collision Course on the Labor Front,” *Saturday Review*, 25 February 1967, 32, box 337, folder 9, Cavanagh Collection, ALUA.

negotiated between Council 77 and the city, these AFSCME affiliates became the subject of trusteeships by AFSCME international. The imposition of a trusteeship meant that the international gained full control of these affiliates and ousted their officers, in this case because of allegations of fiscal mismanagement. The dissension associated with trusteeships could have disrupted organizing activities during a crucial period in the union's development. Indeed, AFSCME international eventually saw fit to dissolve Council 77. As with the conflict between AFSCME and SEIU, it is conceivable that the *Detroit Labor News* wanted no part of covering these internal problems within its pages. Whatever internal or external problems AFSCME Council 77 confronted in the more than two years preceding the agreement it negotiated with Detroit, those problems did not stop it from garnering the strength it needed to follow through with that negotiated agreement.¹⁴²

AFSCME Council 77 Wins a Contract in October 1967

The economic straits in which the City found itself in 1967 compelled it to seek agreements with unions that did not provide for any wage increases. The City entered into one of these agreements with the Detroit City Hospital Employees Union, Local No. 1 in August 1967 and with the International Union of Operating Engineers, Local 547 the next month.¹⁴³ An agreement with AFSCME Council 77 came in October of 1967.

Following the enactment of the Public Employees Relations Act, AFSCME

¹⁴² *International Union, American Federation of State, County and Municipal Employees vs. Alton Cobb, Thomas Jenkins, William Richard, John Doe and Mary Doe* in re: Trusteeship Hearing, 2 December 1967, 138-139, box 44, folders 29-30, AFSCME Office of the President: Jerry Wurf Collection, ALUA.

¹⁴³ Al Leggat to The Honorable Common Council, 17 August 1967 and Helen Jean Guercio to The Honorable Common Council, 8 August 1967, and Al Leggat to The Honorable Common Council, 13 September 1967, box 337, folder 19, Cavanagh Collection, ALUA.

Council 77 fought hard to organize new members and receive recognition from the city while combating similar efforts by competing unions. It also pressured the city government to engage in legally-mandated collective bargaining. In October 1967, 17 locals represented by AFSCME Council 77 engaged in negotiations leading to a formal collective bargaining agreement. The Council sought to place the agreement in a favorable light, but it confronted a city government that had suffered economically in previous years and was simply unable to accommodate the demands that union leaders sought for their members. “Because of economic difficulties, the city was unable to afford a pay raise for its employees,”¹⁴⁴ AFSCME's *Public Employee* conceded.

The conciliatory tone of these words coming from AFSCME's *Public Employee* may have resulted from the knowledge that the city had lost significant revenue from a shrinking tax base. The residents and business that had begun migrating to the suburbs coupled with the reassessment of property taxes meant that the city had few resources to support raises of its employees. Most devastating, though, was the civil disturbance that had taken place just a few months before. Considered a rebellion by some, a riot by others and a civil disorder by those seeking some modicum of calm, the events of July 1967 found expression within the black community but revealed bitter social, political and economic antagonisms of heightened racial and class dimensions.¹⁴⁵ In the context of the contract that AFSCME Council 77 negotiated with Detroit in October 1967, this was

¹⁴⁴Master Agreement Between City of Detroit and AFSCME District Council 77, October 23, 1967, Cavanagh Collection, box 337, folder 4, ALUA; “Council 77 Signs First Pact with City of Detroit: Agreement Covers 9,000 Employees in City Unit,” *Public Employee*, November 1967.

¹⁴⁵For brief facts on the devastation of the civil disorder, see Jeffrey Mirel, *The Rise and Fall of an Urban School System: Detroit, 1907-1981* (Ann Arbor: University of Michigan Press, 1993), 311; for a full in depth analysis of the civil disorder see Sidney Fine, *Violence in the Model City* (East Lansing: Michigan State University Press, 2007).

not the moment to expect much. It was, however, something.

What the agreement did provide for was “seniority protection on layoffs, transfer, and promotion, binding arbitration, grievance procedures, and a clause that gives the city and the union the right to cancel the entire contract on 10 days' notice during the budget closing session in April of each year.” The agreement, covering 27 bargaining units within 16 agencies and departments, “including water, health, lighting, buildings and safety, engineering, parks and recreation, house of corrections and police civilian employees” provided for union security, dues check off, a grievance procedure, seniority, transfers and promotions and health benefits, amongst other provisions.¹⁴⁶ It was, by no means, an ideal agreement from the perspective of organized labor in Detroit and, in fact, the *Detroit Labor News* did not even bother to report it. Similarly, neither of the two local Detroit-based daily newspapers said anything of it in the week following the conclusion of the negotiations.

Conclusion

History is comprised of a series of shifting transitions. Even as one period embodies a certain overarching idea it often comprises elements associated with some previous or subsequent period. The Civil Rights movement, with its boycotts, land mark Supreme Court decisions and protest marches is reflective of this idea. One could argue that the rise of public sector unions, which coincided with the Civil Rights movement and as reflected by laws, organizing drives, and calls for collective bargaining, also embodied these elements. Soon after the 1965 Public Employees Relations Act passed, Republican legislators pursued efforts to modify it in light of high profile teacher strikes that captured

¹⁴⁶Ibid.

headlines and angered citizens. The irony is that AFSCME Council 77 did not pursue any strikes of note and yet its members were penalized for these strikes by lawmakers bent on pursuing legislation inhibiting their efforts to secure wage increases and improved benefits. It did not help matters for Council 77 that the governor appointed a committee that sought to rescind some of the power that Council 77 and other public sector unions received in PERA. Most damaging to its efforts to increase compensation packages were internal problems associated with Council 77, the constitutionally-mandated property tax reassessments and flight of people and businesses from the city, all of which inhibited the city from providing wage increases that city workers desired. Those would have to come on another day. In October 1967, however, AFSCME Council 77 would have to settle for an agreement that contained no such benefits.

Great hope and expectations surrounded the enactment of the 1965 Public Employee Relations Act. The law's measures softening the penalties for striking and its provisions assuring collective bargaining over a wide range of issues are responsible for the expectations that public sector workers and their unions had in the law. In reviewing the difficulties that AFSCME Council 77 had in gaining recognition and pursuing a collective bargaining agreement, it becomes apparent that the law by itself is no panacea for the ills suffered by its members. This reality is reflected in the agreement negotiated between Detroit and AFSCME Council 77 in October 1967. Ending this study with that moment in history reveals the limitations in the law even given the build up in pursuit of it.

Conclusion

Detroit's Public Sector:

Current Realities Reflected in the Past

Viewing public sector workers through the prism of history, one is immediately struck by the tenuous position they have held. Prohibited from striking, they have not always effectively engaged in collective bargaining. Strikes, after all, generally pressure all parties to resolve conflicts. For most public sector workers, however, strikes violate the rule of law, that sacred pillar upon which the American democratic structure of government rests. Are we not a government of laws and not of men and women? For many, those are abstract ideas that have limited meaning in the lives of people who are driven by other realities. For public sector workers, those realities come in the form of their desire for rights: the right to bargain collectively for pay, benefits and working conditions comparable to what their counterparts in the private sector receive. Some may dismiss such claims but only at their peril. The competing realities and agenda of public sector workers on the one hand, and the governments under which they work on the other, leads us to conclude that public sector workers and their unions exist within an occasionally precarious position. These competing realities and their implications play out in remarkably similar ways today in Detroit, just as they did in the twenty-year period beginning in 1947.

Striking poses certain risks for public sector workers. In 1947, teachers in Detroit and East Detroit benefited from the strike and threatened strike that they conducted. Their was no specific law banning them, the community largely supported their cause, and the strike wave taking place among other public school teachers throughout the country

provided them with the momentum that ended in their success, as pay raises followed. Not so with the Detroit Street Railway workers in 1951. For that event, the administration of Detroit Mayor Albert Cobo used the Hutchinson Act, a public sector anti-strike law, to cripple the efforts of these workers. In addition, the public stood solidly behind Cobo, and together with him, chastised the streetcar workers.¹ Because of the differing ways in which strikes are perceived by the public and officials charged to manage public services, any job action threatened by Detroit's public sector workers in 2010 would require serious thought as well as contingency plans. As late as September 2009, however, the *AFSCME Local 207 Organizer*, the union newsletter of the Public Utility Employees of the City of Detroit, sounded the alarm for a possible strike. In making reference to second class treatment and using the word "strike," as a possibility, the newsletter stated that, "all actions to defend our schools, city services, jobs, wages and benefits should be supported as blows struck against [Mayor Dave] Bing & [Emergency Manager of the Detroit Public Schools Robert] Bobb's corporate agenda, including pickets, rallies, mass meetings, student walkouts, etc."² Time will tell whether the union will back up these words with actions.

These are difficult economic times for the city and its workers. In February of 2010, the city confronted a \$325 million deficit. Pay cuts, furlough days, and fringe benefits are all proposed areas in which the new mayor, David Bing, is demanding concessions. While the union says it understands that concessions are necessary, they also argue that, "the city hasn't made a case for many of the fringe benefit changes they want,

¹ See chapters 1 and 2 for information and insights about the 1947 job actions of Detroit area teachers and of Detroit Street Railway workers in 1951.

² "Defend Detroit! Defeat Bing & Bobb," [*AFSCME*] *Local 207 Organizer*, 16 September 2009, 1.

including changes in vacation, sick time and health care.”³ Needless to say, the city did not arrive at this economic moment over night. Signs appeared in decades past, although only the most astute observers could have foreseen what the current generation is experiencing.

As much of a struggle as it was for Detroit in 1960, when the population dipped to 1,670,144 after achieving a high of 1,849,568 ten years before, the population has dropped every decade since. Indeed, the city lost over 300,000 residents during the 1970s alone; and in 2000, its population descended to 951,270, almost half the population it had in 1950.⁴ A number of factors have combined to produce this demographic shift. According to historian Thomas Sugrue, “The ‘excesses’ of Black Power and the rise of affirmative action fueled the white suburbanization and justified a newfound white backlash against urban poor.”⁵ A federally-funded highway system that allowed home owners to migrate to the suburbs, and federally-funded and locally administered home loans that allowed whites to relocate to segregated suburbs ensured that the postwar era in Detroit was characterized by white flight.⁶

As white residents left the city for the suburbs, so did manufacturing enterprises. Those residents who left the city, took their tax dollars with them. Many of those who remained, as Sugrue explains, “live beneath the poverty line, many concentrated in

³ Christine MacDonald, “Bing on Unions: ‘Either They Can’t Read, They Can’t Add or They Can’t Comprehend,’” *Detroit News*, 25 February 2010, accessed at: <http://detnews.com/article/20100225/METRO/2250445> on 14 March 2010.

⁴ Peter Gavrilovich and Bill McGraw, *The Detroit Almanac: 300 Years of Life in the Motor City* (Detroit: Detroit Free Press, 2000), 289.

⁵ Thomas Sugrue, *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit* (Princeton: Princeton University Press, 1996), 4.

⁶ *Ibid.*, 6-8.

neighborhoods where a majority of their neighbors are also poor.⁷ They are left to pay the higher taxes needed to keep the city going. Taxation policies motivated many corporations to relocate in the first place.⁸ Given Sugrue's emphasis on issues of race and inequality, he concludes, "that capitalism generates economic inequality and that African Americans have disproportionately borne the impact of that inequality."⁹ A political shift coincided with this population shift as communities in suburban Detroit came to enjoy an increasing number of state legislators to coincide with their growing numbers.

As recently as September 2009, Detroit-area demographer, Kurt Metzger, provided a more current analysis of the phenomenon that Sugrue revealed. "The Detroit region suffers from some of the worst racial segregation in its housing and schools in the nation," Metzger contends. "Analysis of trends in segregation during recent decades indicates that these trends have improved slightly, but generally the region has remained extremely segregated by race in its neighborhoods and its classrooms."¹⁰ Likewise, many Detroiters are segregated into low-paying service jobs. As with the analysis offered by Sugrue, these patterns have huge implications for a city seeking to provide its residents with public services. For unions seeking to improve the wages of their members or even tread water during difficult times, the implications have loomed large as well.

While Detroit's population and tax base has decreased, it still has the same number of streets, sewage lines, street lights, sidewalks, and communities to maintain and patrol. This means that there are far fewer dollars to maintain an infrastructure that has

⁷ Ibid., 3.

⁸ Ibid., 3-14.

⁹ Ibid., 5.

¹⁰ Kurt Metzger, "Post 3: Social Equity Must Be Our Goal! How Do We Develop Neighborhoods of Opportunity," 8 September 2009 accessed at <http://www.metromodemedia.com/blogs/posts/kurtmetzger3131.aspx> on 14 March 2010.

remained unchanged. Because Detroit is now an older city than it was sixty years ago, its infrastructure also has aged and requires a higher level of maintenance than that following World War II. Who physically maintains this infrastructure? Public Sector workers, of course. Even given the number of libraries and schools the city has closed, as well as cutbacks in other city services, Detroit struggles to keep above budget deficits while it continues to employ a large labor force.¹¹

In this context, strikes require more thought than ever, as they may not only engender legal consequences for those who push for them, but they may prompt the type of negative backlash from residents and politicians that historian Joseph Slater warns could prove disastrous.¹² It is not unreasonable to speculate that Detroiters might react negatively to a public sector pushing the envelope with this force and in this direction in 2010. The public sector, after all, has suffered a number of debilitating setbacks in recent years, largely a product of the conservative times in which we live. Besides, the gains that many public sector workers began making in the 1960s, largely a result of their unionization and empowerment, has translated into contracts with high wages and favorable benefits. In this context, it will be difficult for public sector workers to garner much sympathy from others struggling with their own financial woes.

The public sector that began exhibiting increasing amounts of empowerment following World War II reached its height by the middle of the 1970s.¹³ By that time, several dozen states had enacted legislation providing for public sector collective

¹¹ MacDonald, "Bing on Unions," accessed at <http://detnews.com/article/20100225/METRO/2250445> on 25 February 2010.

¹² Slater, *Public Workers*, 119-120.

¹³ Joseph McCartin, "Unexpected Convergence: Values, Assumptions, and the Right to Strike in Public and Private Sectors, 1945-2005," *Buffalo Law Review* 57 (May, 2009): 747-750.

bargaining. While public sector unions often disavowed strikes in the first half of the twentieth century, by the late 1960 and into the 1970s, they came to endorse them. At least one prominent mediator and a few judges accepted their inevitability. Even the National Council of Churches came to support the idea of public sector strikes.¹⁴

These ideas gained the support necessary to advance a National Public Employee Relations Act in the mid-1970s comparable to what private sector workers enjoyed with the National Labor Relations Act. However, the NPERA bill never came to a vote. The Public Service Research Council (PSRC) and the Americans Against Union Control of Government (AAUCG) sounded an alarm against a federal law for public sector collective bargaining, arguing that it would lead to debilitating strikes for which the American voters would have to pay.¹⁵ Advocates of this collective bargaining law even lost support among natural allies. As McCartin reveals,

Democratic political leaders, once allied with labor, grasped this shifting sentiment as they struggled to reconcile growing budget deficits on one hand with insistent union leaders who sought increased wages and benefits for their inflation-pressed members on the other.¹⁶

It even came to the point where politicians of both parties scored political points by standing up to public sector labor leaders seeking wage and other improvements with strikes. Strikes may have proven effective during portions of the mid-1970s, but that would not last for long, McCartin explains. The PATCO strike made sure of that. “It provided the largest and most public stage imaginable upon which to enact a strike-breaking drama. The symbolic importance of the event is hard to imagine.”¹⁷ With this

¹⁴ McCartin, “Unexpected Convergence, 732-747.

¹⁵ Ibid., 747-748.

¹⁶ Ibid., 751.

¹⁷ Ibid., 758.

trajectory, organized labor lost the leverage it had previously used to win concessions.

In the context of this history, it is not surprising that Detroit officials would hold their ground against public sector workers. Both Detroit and AFSCME Council 25 are currently in fact-finding mode, a process that could end in July 2010. It is too soon to tell whether or not Detroit Mayor Dave Bing or the unions will win this battle, but the lines have been drawn. Bing has complained that, “[e]ither they [AFSCME Council 25 leaders] can’t read, they can’t add or they can’t comprehend.”¹⁸ Council 25 shot back, arguing that, “[t]he laws of our state provide for fact finding in bargaining disputes. Fact-finding is in progress. The Mayor skips the session in order to claim he is ready to impose a contract – something he cannot legally do at this time.”¹⁹ Leaders of AFSCME Local 207, an affiliate of Council 25, also have complained that they have in the past accommodated demands of previous administrations. However, “Bing’s concession demands are much more serious than those imposed by [Coleman] Young and [Kwame] Kilpatrick.”²⁰ For these reasons, the local has entertained the idea of pursuing a strike against the city.

On some level, however, the issue is not about strikes. It concerns the ability of unions to make reasonable demands that their employers can meet. Needless to say, strikes are a method of accomplishing that end. The strikes by public sector workers in

¹⁸ Christine MacDonald, “Bing on Unions: ‘Either They Can’t Read, They Can’t Add or They Can’t Comprehend,’” *Detroit News*, 25 February 2010, accessed at <http://detnews.com/article/20100225/METRO/2250445> on 14 March 2010.

¹⁹ Edward McNeil, “AFSCME on Bing: Mayor Can’t Read or Comprehend the Law!” press release, 26 February 2010, accessed at <http://www.earthtimes.org/articles/show/afscme-on-bing-mayoor-can39t-read-or-comprehend-the-law,1182093.shtml> on 14 March 2010.

²⁰ “Attend AFSCME Mass Union Meeting,” *Local 207 Organizer*, 25 January 2010.

Detroit, however, have had mixed success. The tenuous position of public sector workers using strikes make it a risk demanding serious thought. For these reasons, Detroit's public sector unions will have to remain vigilant for opportunities to press for wage and benefit improvements without either alienating the public, whose support they require, or their members, who look to those unions for support and protection. It is a tall order that will require creative tactics and leadership for the foreseeable future.

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ABSTRACT**THE RISE OF PUBLIC SECTOR UNIONISM IN DETROIT, 1947-1967****LOUIS E. JONES****May 2010****Advisor:** Elizabeth Faue**Major:** History**Degree:** Doctor of Philosophy

In 1947, the Michigan Legislature passed into law the Hutchinson Act banning strikes of state and local workers. The law provided for the termination of striking public sector workers but did not require state and local agencies to bargain with public employees or their representatives. It even allowed for fines and prison sentences for non public sector workers who influenced public sector workers to strike. The law forced public sector unions into an untenable state of “collective begging.” Indeed, it was often referred to as punitive and draconian. 18 years later, the Michigan Legislature passed and the governor signed into law the Public Employees Relations Act. This 1965 law did not allow for public sector strikes in Michigan, but neither did it mandate harsh penalties to those violating the striking ban. Most importantly, the law required state and local agencies to engage in collective bargaining with their employees or their representatives when called upon to do so. The public sector welcomed the new law, often referring to it as the ‘Little Wagner Act,’ in recognition of the 1935 Wagner Act granting many private sector workers rights to unionization and collective bargaining. The purpose of this dissertation is to illustrate how the growth and concentration of Detroit-area public sector workers coupled with rights consciousness of the postwar period, combined to empower public sector workers and the Michigan legislature to successfully fight for the Public

Employees Relations Act and pursue collective bargaining thereafter.

AUTOBIOGRAPHICAL STATEMENT

Louis Jones is an archivist at Detroit's Wayne State University's Archives of Labor and Urban Affairs, where he has been employed since 1993. Originally from New York City, he received his Bachelor of Arts degree in history from Morehouse College (1983), a Master of Professional Studies degree in African and Afro-American Studies from Cornell University (1985) and a Master of Arts degree in American history from the University of Delaware (1992). It was from the University of Delaware where he received his training in Archival Management. As an archivist, he has processed collections, curated exhibits, consulted with cultural institutions, conducted oral histories, helped develop web sites, lectured about archival work, remained active professionally with archival organizations and is engaged in a range of other efforts concerning historical documents, among other matters. He has been a Certified Archivist since 1994.