

Stalemate

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Federal and state authorities sought from the very beginning of the sit-down strike to assist in the resolution of the dispute, but they succeeded in bringing the two parties together for meaningful discussion of their differences only after the violence of January 11 and the union's seizure of the Chevrolet No. 4 plant on February 1 made it difficult for GM to resist the appeal to come to the bargaining table without waiting for the prior evacuation of its plants. From January 1 to January 11 both Secretary of Labor Perkins and Governor Murphy involved themselves in efforts to compose the strike but without at any time bringing the disputants together. Following the Battle of the Running Bulls Murphy summoned the UAW and GM to Lansing and secured their agreement to an armistice that provided for the evacuation of the occupied plants and then for bilateral negotiations between the union and the company. The truce broke down, however, before its terms could be fully implemented, and Washington and Lansing had to resume their roles as peacemakers. Frances Perkins sought to initiate strike talks in the nation's capital during the final two weeks of January, but her attempts at mediation were completely unsuccessful. Governor Murphy once again assumed direction of peace efforts after the UAW broke the strike stalemate by capturing the Chevrolet No. 4 plant. Supported by the White House, he was able to bring the two sides together in Detroit, where he directed the prolonged negotiations that led to the settlement of the strike.

Strike negotiations for GM were conducted by William Knudsen, Donaldson Brown, and John T. Smith. Knudsen was far less interested in stubbornly defending the principles regarding representation and collective bargaining to which GM was committed than in resuming production in the company's idle plants. "It was just hurting him," Lee Pressman later recalled, "that his machinery was idle." Unlike Knudsen, who spoke "the language of the workingman," Brown, who had perfected GM's statistical and financial controls, spoke "the language of finance"—one is reminded of Thorstein Veblen's celebrated distinction between industry (technology) and business (pecuniary institutions). The son-in-law of T. Coleman du Pont, Brown had come from du Pont to GM in 1921 as vice-president in charge of finance, and there he began "a long and congenial relationship" with Sloan, whose views on the management of the corporation Brown shared. By no means an expert in the field of industrial

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relations and unfamiliar with working conditions in the automobile plants, Brown, as Sloan's representative in the negotiations, was primarily concerned with the defense of GM's basic policies with regard to collective bargaining and representation. Pressman, who had no love for Brown, described him as "about as cold a human being as I've ever met in all my life. He gave you an impression of dollars and cents."

Smith, a very competent attorney, was the draftsman for the GM negotiating team and, like Brown, sought to prevent the inclusion in the settlement terms of any language that might compromise GM principles. Fearful that Knudsen might yield too much to the union position, Brown and Smith kept a wary eye on him during the negotiations and increasingly pushed him into the background. Knudsen, Adolph Germer concluded at an early point in the negotiations, "has his hands tied and receives orders from New York—the DuPonts."¹

The burden of the negotiations for the UAW was initially carried by Homer Martin, Wyndham Mortimer, and John Brophy. Whatever Martin's talents as a union leader may have been, they did not lie in the realm of negotiation, as had already been amply demonstrated by the beginning of the GM strike. He was impatient and unpredictable, and he did not always grasp the relationship between the specific language to be embodied in an agreement and union objectives. Brophy tried to give him "some sense of trade union order and direction," but it was a hopeless task, and in the end Martin had to be removed from the negotiations. Mortimer was an experienced trade unionist and was intimately familiar with shop conditions, but he lacked the personality and the flair for the dramatic to play a leadership role in the negotiations. Brophy in the strike talks spoke for John L. Lewis, with whom he was in frequent contact, and he conveyed to union negotiators Lewis' advice to stand firm and to take a "hard line" on the representation issue.²

Following the UAW's capture of the Chevrolet No. 4 plant, Lewis himself came to Detroit to take charge of negotiations for the union, and in the final talks it was Lewis, Pressman, and Mortimer who represented the UAW. It was the presence of Lewis, Pressman, Brown, and Smith in the negotiations that prompted Knudsen to complain to Mortimer, not altogether jocularly one suspects, "This is a hell of a committee. It's all lawyers and coal miners, no auto workers." Lewis, bringing his immense bargaining talents and histrionic skills to the negotiations, never lost sight of the significance of a UAW breakthrough in the auto industry to the future of the CIO.

Pressman was at the time "the prime agent and leg man" for Lewis and his "closest advisor in general CIO and related matters."³

Frances Perkins directed such efforts as were made by the federal government to resolve the dispute, but Franklin D. Roosevelt played a larger role behind the scenes than was evident at the time. The secretary of labor reported in her memoir of the New Deal that both the President and she thought that GM was being rather "stuffy" in refusing to negotiate before its plants were evacuated. The President did not regard the sit-down as legal, but he did not believe in the use of "marching troops" against workers who had violated only the law of trespass.⁴ His reluctance to involve himself directly in the dispute stemmed from his unwillingness to commit his prestige to the resolution of the strike when the intransigence of the parties made the chances for success appear problematical at best, his awareness that his intervention in the automobile labor dispute of March, 1934, had in the end antagonized organized labor, and his disinclination to become entangled in the fratricidal conflict between the AFL and the CIO. William Green was to charge publicly late in the strike that the President had done everything for the strikers "except call out the Marines," but the AFL president told his Executive Council the next day that Roosevelt had assured him on several occasions that he would not side with "the group," meaning the CIO, and that the President's word would have to be accepted in the absence of evidence to the contrary.⁵

The sit-down strike in the end was to be settled not in Washington but in Detroit, and here the role of mediator was successfully undertaken by Frank Murphy. Michigan's governor was well suited for the part. He enjoyed the confidence of both organized labor and many of the automobile magnates, and he possessed the patience, the persistence, and the ability to restrain his temper required of the skilled mediator. He had prepared himself by the austere habits of a lifetime for the marathon bargaining that the settlement of the strike was to require, and he kept the talks going day and night until the weary negotiators resolved their differences. "He has the most excellent capacity for work of any negotiator I have ever known," Knudsen commented when the strike was concluded.⁶ As happened in other crises of his life, however, the physical and mental strain of the sit-down negotiations took its toll of the inwardly tense Murphy, and he would soon feel the need to seek repose in a warmer climate.

Murphy impressed upon the union and the management that there was "a third party" in the dispute, the people of Michigan, to whom consideration must be given and that it was the governor of the

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state who spoke for this party. The outbreak of a strike in a highly industrialized society, he had long believed, was a symptom of trouble in the body politic that required the intervention of government. "These difficulties in the days of mass production," he declared during the GM sit-down, "are no longer private affairs. The government must play a helpful part." His concern was less the right or wrong of the sit-down than it was the settlement of the dispute by the "method of reason" and without the use of force. His strategy was to keep the talks going in the hope that somehow a solution would be found. "It must and will be settled peaceably, around the conference table," he declared as the negotiations got underway. The question at issue, he stated later, was "whether supposedly intelligent and reasonable men could settle a dispute peacefully or whether they must revert to the stupid, thoroughly futile method of violence."⁷

Murphy, it is evident, regarded the sit-down as an illegal trespass. He so advised union representatives privately throughout the strike negotiations and indicated as much publicly in his statements following the Battle of the Running Bulls.⁸ Murphy, however, was not inclined to "rely on strict legalism or a conformist attitude toward the law, but tried to go deeply into questions of justice." To be sure, he had stated when he was assistant district attorney that public officials had "no possible excuse for deviation from their duty to strictly enforce all laws," but while lecturing in the 1920's on the criminal law, he had made it clear that he did not view an action as evil simply because it was forbidden by law. He came to see the law not as "a set of rigid rules" but as a flexible code by which men lived, and he thought that it was "justice . . . rather than its form" that men "must love."

Murphy believed that if the strikers had sinned they had also been sinned against and that GM in refusing to abide by the NLRA was itself violating the law of the land and had, to a degree, provoked the employee reaction about which it was complaining. He saw the strike as the symptom of "a vast social readjustment" taking place in American life and therefore sought to persuade GM that the occupation of its factories went "deeper into social and economic questions than the ordinary violation of legal rights to protection of use and enjoyment of private property."

Like some others at the time, Murphy seems to have believed that although the sit-down was illegal under existing law, it might at some later date receive legal sanction. He thus remarked to union negotiators at one point during the strike, "It is realized that what today may be a mere claim of equity, tomorrow may obtain recognition of law." The idea that a worker has a right to his job undoubted-

ly had a certain appeal for Murphy, and he was probably interested to learn in this regard that the sit-down, according to the *Catholic Worker*, had "eminent defenders" in the Catholic church and that his favorite philosopher, Jacques Maritain, regarded the tactic as "morally" just.⁹

The exact status of the sit-down under Michigan's criminal law, as has been noted, was by no means clear, and Murphy was content to have the matter resolved at a later time in a "more judicial atmosphere." Murphy's close friend and legal advisor, Edward G. Kemp, who had more conventional views of law and order than the governor did, definitely regarded the tactic as a criminal trespass and believed that public authority must be employed to protect the legal rights involved, but he advised Murphy late in January that both he and the attorney general of Michigan, Raymond W. Starr, agreed that the initiative in dealing with the sit-down must come from local authorities, to whom the parties involved could turn for aid. Local officials, on the "proper showing of fact and complaint," could not only provide relief by injunction but could also arrest persons guilty of criminal trespass, "the State standing by to enforce peace and order." GM, to be sure, had secured an injunction from Judge Black, but the writ had been thoroughly discredited, and neither the corporation nor local authorities had sought its enforcement. Thus, although Murphy was being criticized in some circles for failure to enforce the law and to secure obedience to a court order, neither GM nor Flint officials, as the end of January neared, were pressing the point, and the company had not sought a writ of attachment calling for the arrest of sit-downers who had violated the Black injunction.¹⁰

Although Murphy regarded the sit-down as illegal, he was disinclined to apply a remedy that would result in bloodshed or the loss of life. The assertion that the liberal places human rights above property rights has become an almost meaningless cliché, but it is nonetheless an accurate characterization of Murphy's position with regard to the enforcement of the law in the sit-down strike: he was not prepared to take the kind of forcible action to protect property rights that might have resulted in the death of some of the strikers. "I abhor violence," he wrote to the Reverend R. M. Atkins on January 9, "and you may be sure that the State of Michigan will do everything honorably within its power to prevent it." "I would have relinquished my post as governor to prevent a fatality during the strike," Murphy declared when the dispute came to a close.¹¹

Murphy was reinforced in his reluctance to use troops against trespassers who were "peacefully occupying their place of employment" by the knowledge that GM shared his views and feared that

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the loss of life in the strike might adversely affect the well-being of the corporation and the sale of its cars for years to come. Knudsen publicly stated that GM wanted the strike settled by negotiation rather than by violence, and GM officials told Murphy privately that they did not want the strikers "evicted by force." As Murphy's executive secretary later remembered the governor's account of the conversation, Lawrence Fisher remarked to Murphy at one point during the strike, "Frank, for God's sake if the Fisher . . . brothers never make another nickel, don't have bloodshed in that plant. We don't want to have blood on our hands. . . . just keep things going . . . it'll work out." Bloodshed in the occupied plants, the Fisher brothers felt, would "besmirch their entire record for managing plants."¹²

In serving as a mediator during the sit-down strike Murphy was influenced not only by his view of the law and his abhorrence of violence but also by his long-standing sympathy for organized labor, his commitment to civil liberties, and his political ambition. As he wrote to a friend just after the strike, "I am not entirely in sympathy with sit-down strikers as such, but I am in sympathy and deeply so with the worker and feel that he is justified in using the means at his disposal to safeguard his rights." Murphy was willing to overlook at least some transgressions by labor since it was not accustomed to the exercise of power, but he was concerned about the infiltration of outsiders into the occupied plants, regarding this as "morally repulsive."¹³

Like most civil libertarians in the 1930's, Murphy probably viewed the right of employees to organize and to bargain collectively through representatives of their own choosing as a civil liberty, and he was sensitive to GM's invasion of that right. He was no doubt disturbed by the sweeping terms of the Black and later the Gadola injunction, and he was properly impressed by the complaints of the Conference for the Protection of Civil Rights and the American Civil Liberties Union concerning the strike tactics of GM and Genesee County officials. He thus sent troops into Flint not simply to preserve law and order but also to protect the civil liberties of the strikers, and his action was consequently applauded by the American Civil Liberties Union, which normally opposed the intervention of militia in labor disputes.¹⁴

As a political leader ambitious for still higher office, Murphy, who had great respect for the potential of the labor vote, did not wish to take any action in the strike that might cost him labor support in future elections. He appreciated that the manner in which he played his role as mediator in the strike might "make or break him political-

ly," and he undoubtedly shared the view of one of his close friends that his use of force in the dispute would have been "contrary to the public interest" had it impaired his future as "a national leader."¹⁵

Before the Battle of the Running Bulls peace efforts were initiated by Frances Perkins in Washington and Murphy, aided by three Department of Labor conciliators, in Michigan. The secretary of labor conferred separately with John L. Lewis and GM officials on January 2, but she reported after these talks that she had not "seen a way to settlement." Mediation efforts by Perkins and Assistant Secretary of Labor Edward McGrady in the next several days were no more productive of results. Governor Murphy first became involved in the dispute on January 4, when Brophy, Germer, Martin, Hall, Mortimer, Pressman, and Davidow rode with him on the train between Detroit and Lansing "to explain the strike situation." After arriving in the state's capital city, the governor indicated that his administration would always be "available" to preserve the public peace and that he was giving thought as to how he might be helpful in the dispute without "intruding."¹⁶

During the next several days Murphy, assisted by Conciliator James F. Dewey, conferred separately and at length with GM officials and the UAW board of strategy in an effort to devise a formula that would lead to the beginning of negotiations. GM during the course of these talks, undoubtedly prodded by Murphy, who seems to have sided with the UAW on this issue, and perhaps realizing that its position was untenable, retreated from its previous insistence that bargaining on the UAW's January 4 proposals must be at the local level and agreed to meet with the union at the summit to discuss such of its proposals as involved general corporate policy; but this was to occur only after the sit-down strikers had evacuated the corporation's plants. This met the substance of the UAW's demand for a national conference with GM, but, lacking confidence in the good faith of the corporation, the union would agree to abandon the sit-down only if it received certain guarantees regarding GM's behavior during the course of the negotiations that would follow the surrender of the occupied plants. GM would have to promise that it would not operate these plants until an agreement was reached with the union, that it would not remove any machinery from the plants, that it would cease all hostile activity directed against the union, such as the circulation of loyalty petitions, the organization of vigilantes, and the intimidation of union workers, that it would withdraw the injunction, and that it would accept the UAW as the exclusive bargaining agency for the corporation's employees. The UAW wanted GM to sign an agree-

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ment embodying these commitments or to accept the union's conditions in the presence of Murphy and Dewey, thus making them, in effect, parties to the agreement.¹⁷

GM was willing to keep the struck plants closed while negotiations were underway, but it was not about to agree to all of the union's preconditions for ending the sit-down. Knudsen appeared ready to yield on the crucial issue of exclusive representation, but he did not speak for GM on this question. The AFL's intervention in the dispute on January 7 in opposition to the grant by the corporation of exclusive bargaining rights to the UAW and the appearance on the same day of the Flint Alliance doubtlessly served to harden the GM position, and the UAW, aware that the corporation would not retreat on this issue, capitulated and decided not to press its demand for exclusive bargaining rights until the formal peace talks were initiated.¹⁸

Neither side was inclined to permit the injunction or discrimination issues to stand in the way of an armistice, but they could not reconcile their differences regarding the far more important question of the removal of materials from the struck plants. GM refused to promise the union that it would not withdraw needed tools and dies since to commit itself in this way, the company averred, would compromise its right to dispose of its property as it saw fit; but GM was willing to state to Governor Murphy that it had no intention of taking this action. GM's position on this matter is difficult to understand since the agreement not to operate certain of its plants, which it was seemingly willing to make, was as much a restraint on its property rights as an agreement not to remove materials from these plants would have been.

What GM was willing to state concerning the withdrawal of materials from the struck plants was not good enough for the UAW, which attached great importance to this matter because of what had happened at the Toledo Chevrolet plant following the 1935 strike and because of the union's contention that a threatened removal of dies had precipitated the Fisher Body No. 1 sit-down. Murphy sought a way out of the impasse on January 8, but a conference with the union that extended into the early hours of the next day failed to break the stalemate, and the talks collapsed. This, apparently, did not displease Lewis, who claimed to be "running the show" and who had advised the UAW not to leave the plants since GM would bring in strikebreakers if the discussions after the evacuation did not lead to a settlement.¹⁹

The failure of the initial negotiations to settle the strike intensified the animosity of the strike leadership toward GM. Adolph

Germer, far more cautious on the strike issue than UAW officials were, was now convinced that GM was "determined to break the union," and Brophy and he agreed that the union had no alternative but to "take a firm and bold stand and show no signs of surrender."²⁰

Believing that it had proved its reasonableness by agreeing to bargain with the union on the basis of the January 4 demands if the occupied plants were evacuated, GM may have concluded that the public at large and public authorities would now support the corporation in its use of self-help and the Flint police to regain its illegally held property.²¹ If GM were implicated in any way in the series of events in Flint on January 11 that culminated in the Fisher No. 2 riot, its assumption that the nature of the talks that had collapsed on January 9 had placed it in a favorable light as compared to the union could very well explain its behavior.

The Battle of the Running Bulls led Murphy to send the National Guard and the state police into Flint. In a statement on the morning of January 12 the governor explained that neither party to the dispute would be permitted "by recourse to force and violence . . . to add public terror to the existing economic demonstration." The state, he indicated, had not wished to "countenance *the unlawful seizure of private property*" but had refrained from taking "strong measures" heretofore because it had hoped that there would be an amicable settlement of the dispute. Since, however, he had now been advised that the situation was beyond the control of local authorities and the two parties to the dispute, he had ordered state police and National Guard units to hold themselves in readiness to support local authorities and to take such actions as were "needful." Murphy declared that the troops would be used "only to protect the public interest and preserve peace and order" and that "[u]nder no circumstances" would they "take sides."²²

The next day, when additional Guard units were mobilized, Murphy, in another public statement, asserted that the dispute involved "an important question of law observance and interference with the rights of private property." He emphasized that "the public peace and safety are paramount, and the public authority must prevail at all costs." He pleaded for a "return to the rule of reason" and urged both parties to attempt to resolve the dispute and to bring an end to "the present anomalous situation, which is incompatible with American principles of law and order and ought not to be countenanced."²³

Murphy's statements of January 12 and 13 leave no doubt that he regarded the sit-down strike tactic as illegal. They also reveal his determination to use the power of the state to preserve peace and

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order in the strike, but only for that purpose. If the state had to deploy its armed forces in the strike, it must do so, the governor believed, in a neutral manner. Opponents of the governor's course of action would charge, however, that his policy of neutrality was really a pro-strike policy, that it was his obligation to "take sides" in the dispute by employing the power of the state to restore private property to its rightful owners, and that despite his claim of preserving peace and order he was, in effect, using the National Guard to protect "an outrageous manifestation of disorder."²⁴

In line with his efforts to quiet the turmoil in Flint and to prevent a recurrence of the events of January 11, Murphy, as we have seen, requested GM not to deny heat, water, light, and food to the strikers, a request that the company declared it would honor. At the same time he urged strike leaders to obey the law and to refrain from "inflammatory acts and utterances," and he informed them that he would not tolerate "hordes of outside agitators and strong-arm men coming into Michigan to cause violence."²⁵

Murphy also sought to deal with a potentially dangerous problem created when Flint municipal court judges, with the approval of Genesee County's prosecuting attorney, Joseph R. Joseph, issued three hundred John Doe warrants authorizing the arrest of Fisher Body No. 2 strikers on the charges of kidnapping GM plant guards, malicious destruction of property while rioting, felonious assault, and criminal syndicalism. Since John Doe warrants authorized the police, as Germer put it, to "pick up and arrest anybody and everybody," the strike leaders were understandably concerned when they learned on the morning of January 12 that the warrants had been issued. A delegation of UAW and CIO officials visited Joseph that day to discuss the matter and also to urge him to secure warrants against Chief of Police Wills, Boysen, the publisher of the *Flint Journal*, and GM officials for their alleged complicity in the riot. During the course of the ensuing conversation Joseph let it slip that he owned GM stock—sixty-one shares as it turned out—which convinced Germer that the prosecutor was a "pliant tool" of the corporation and led the UAW to decide to seek his ouster just as it had sought the impeachment of Black.²⁶ Although Joseph held only a small block of GM stock, the UAW was able once again to point to the ties that bound local officials to GM and allegedly prevented them from acting in a disinterested manner in dealing with strike affairs.

Knowing from his experience as a criminal court judge that John Doe warrants were subject to abuse and concerned lest their use "provoke the sort of condition we are attempting to prevent," Murphy asked Joseph on January 12 to hold the warrants in abeyance and

let it be known that neither the National Guard nor the state police, whose aid Joseph had requested, would be permitted to assist in serving the warrants without the governor's consent. Joseph, who would have needed the aid of the state to make large-scale arrests in Flint, reluctantly complied with Murphy's request.²⁷ Once again the governor had given evidence that he would seek to forestall violence in the strike and that he would use his influence to prevent public force from being used against the strikers.

The police did, however, arrest and jail the fourteen strikers injured on January 11. Wolcott, characterizing the prisoners as "dangerous men," deputized special guards to protect the jail, trained floodlights on the building at night, laid in machine guns and tear gas in preparation for a possible attempt by the strikers to free their comrades, and held the prisoners virtually incommunicado. Warrants were also out for the arrest of seven strike leaders, Victor and Roy Reuther, Travis, Kraus, and three out-of-towners, B. J. Widick and William Carney from Akron and Leslie Towner from South Bend.

UAW attorney Maurice Sugar discussed with Murphy on January 15 the issues raised by the actual and potential arrests of strikers and strike leaders, and the two men reached an understanding that Murphy would persuade Joseph to drop charges against the fourteen injured strikers but that the four strike leaders still in Flint—the three out-of-towners had by then left the city—would appear in court voluntarily without warrants being served on them and would then be released on bail. The explosive situation was defused on January 16 when the Reuthers, Travis, and Kraus came to court and were released on \$500 bail each; and Joseph and Wolcott acceded to the governor's request to release the fourteen others so as not to endanger the truce just concluded between the union and the company. The examination of the four strike leaders was later deferred until February 18, by which time the strike was over.²⁸

Although Murphy did not authorize the state police to be prepared to support local authorities in Flint until January 12, at an early date in the strike State Police Commissioner Oscar G. Olander, with the knowledge of the governor, had assigned two men to Flint, one of them an undercover investigator, to gather information on striker attitudes and other matters and to report to him nightly. After the Fisher No. 2 riot, a state police detail was organized in Flint which, consistent with the governor's objectives, was to keep "a watchful eye on the general conditions during the strike, to maintain a neutral position, to watch all factories, and to collect information that would aid in the prevention of bloodshed, and for the preservation of law and order." By January 16 the state police had thirteen men

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engaged in strike duty in Flint: ten troopers in five unmarked cars patrolled the city's industrial district; one detective sergeant was engaged in undercover work; and two detective sergeants served as contact men and were available for investigations.

As it turned out, the principal role of the state police in fulfilling its basic strike mission of keeping itself in a state of readiness to help preserve law and order was the gathering of information on such matters as the numbers of workers in the plants, the number of outsiders in Flint, and the attitude of strikers and nonstrikers in the city. The state police worked closely with the National Guard in Flint and also maintained contact with the city police, the sheriff's office, and the GM plant protection departments.²⁹ Whatever the personal preferences of the troopers assigned to Flint may have been, the state police, as the governor had instructed, maintained a neutral stance throughout the strike.

The National Guard began arriving in force in Flint on January 13. "Equipped with all the panoply of war," the *Flint Journal* reported on that date, "armed forces of the state of Michigan took command of the tense situation in Flint today." By the end of the day 1289 officers and men had reached the city, and by January 30 their number had risen to 2375. Most of the Guardsmen were youngsters in their late teens or early twenties, and they appeared to at least one observer to be taking their assignment as "a lark." Flint, understandably apprehensive after the riotous events of January 11, seemed relieved that the Guard had arrived.³⁰

The strikers, despite at least one report to the contrary, were delighted when they learned that the Guard was being sent to Flint because they saw the troops as "the arm of the governor," whom they trusted. At a UAW meeting in Detroit on January 13 Travis secured the defeat of a motion calling for the withdrawal of the Guard by telling the unionists that Murphy had informed him that the troops would protect the strikers inside and outside the plants and would prevent the ejection of the sit-downers by local authorities. Similar information had been conveyed to Lewis by representatives of the governor.³¹

Some of the Guardsmen were themselves unionists, and a few of them had been participating in the strike. When one of the Cadillac sit-downers was ordered to join his Guard unit in Flint, the shop committee approved his leaving the plant because of its "great respect for law and order and the Michigan National Guard." In Flint the UAW sought to propagandize the Guardsmen by directing speeches at them from a sound car, distributing copies among them of the *Flint Auto Worker*, and having UAW veterans explain the union's objec-

tives to them. The commanding officer of the Guard in Flint not surprisingly disapproved of these tactics, and at his request Travis had them discontinued.³²

Anxious that the Guard remain neutral in the strike, Murphy did not entrust the command of the troops sent to Flint to the ranking officer of the Guard, General Heinrich Pickert, the police commissioner of Detroit. Murphy passed Pickert over not only because the Detroit official had other duties to perform and because Adjutant General John S. Bersey doubted his competence but because his "militaristic policies" as police commissioner and his alleged "brutality" against strikers had antagonized labor and civil-rights groups and had led them to demand his ouster, and Murphy was afraid to rely on his discretion in an emergency.³³ Murphy's choice for commanding officer was Colonel Joseph H. Lewis, commander of the 119th Field Artillery, a seasoned, unaggressive soldier who had once been a tool maker in an automobile plant. Born in 1888, Lewis had joined the Guard in 1908, had served with the militia in the Michigan copper strike in 1913, on the Mexican border in 1916, and in World War I, and had attended the Army War College and the Command and General Staff School for National Guard officers. In Flint, Lewis benefited from the advice of Samuel D. Pepper, a calm, deliberate man who had been judge advocate general of the state since 1908 and who was an authority on military law and the use of the Guard on riot duty.³⁴

As Lewis assumed command in Flint, Bersey advised him that the governor had instructed that "no unnecessary force be used" by the Guard and was most anxious that "everything be done by the troops to avoid bringing on a conflict. He does not desire that anyone be shot or seriously injured." Murphy, Bersey informed Lewis, wanted the troops held in readiness for any eventuality, but he did not wish them to make "an unnecessary display" and hoped that they would provide an opportunity for an amicable settlement by preserving a "calm and peaceful attitude."³⁵

In line with these instructions, Colonel Lewis sought to impress upon his men that the controversy between the strikers and GM was "a private fight" and that the Guardsmen must, "above all," remain neutral.

Our mission here in Flint [he informed the Guard in the first bulletin issued to the men] is to protect life and property should the situation develop to a point where civil law enforcement agencies cannot do so. Unless and until such a situation develops, our task is that of mere watchful waiting. . . . We must not take

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sides. We must lean backwards so as to avoid the semblance of seeming to take sides. Our troops include men of all walks of life and many of us are naturally sympathetic to one side or other. However, as long as we are in uniform, our personal leanings must be made secondary.³⁶

In an effort to avoid involvement in the strike, the Guard leadership sought to discourage any contact between Guardsmen and civilians unless this was required in the performance of assigned duties. The troops were warned to ignore heckling by civilians and to express no opinions on the strike, and except for short-term passes given a few men at a time, they were confined to their quarters when not on duty. The men were "kept very strictly in the background," and as a La Follette Committee investigator observed, "one could stay in Flint for days and not realize that the National Guard was there." Despite the restrictions imposed upon them, however, some Guardsmen obviously did establish contact with civilians: at least four of the soldiers were exposed to venereal disease during their stay in Flint.³⁷

The Guardsmen arriving in Flint a few days after the Battle of the Running Bulls were housed in publicly owned structures—school buildings, the Berston Field House, Haskell Community House, and Lakeside Coliseum. One thousand of them spent two nights in an old junior high school building whose lavatory facilities were so inadequate that a straddle trench latrine had to be dug outside the property, which was near the central business district of Flint. When additional troops were ordered to Flint after February 1, they were quartered in the county jail, three privately owned buildings, and the IMA Auditorium.³⁸

The closely restricted Guardsmen were entertained by movies and plays put on for them by Flint school children; and reading material was made available to them by the *Flint Journal*, Flint citizens, and by the Guard itself, which published its own bulletin. At the start of their service in Flint, the morale of the men suffered because they were concerned, in view of the inadequacy of the state's legislation on the subject, about the possible loss of their jobs, the forfeiture of property on which they could no longer make payments, and the distress that their families would suffer. To meet this problem the Guard had the men fill out questionnaires detailing their individual conditions, and the Flint Chamber of Commerce then cooperated with Guard and state officials in requesting employers to assure the men that their jobs would be waiting for them when their tour of duty was completed and to make up the difference between civilian and military pay, asking credit agencies to suspend collections on time

and loan payments, alerting welfare agencies to the needs of the families of the soldiers, and contacting educational institutions to secure consideration for soldiers who were missing their classes. The agencies and individuals contacted responded sympathetically to these requests with the result that the problem of morale was "greatly alleviated."³⁹

In an effort to prepare for action should it become necessary to quell a civil disturbance, the area commander marked out three major areas of possible trouble in the city, each designated as an "Importance": Importance #1 included the Chevrolet complex and Fisher Body No. 2; Importance #2, Fisher Body No. 1; and Importance #3, the Buick plant and the downtown factory of AC Spark Plug. Lewis then directed Colonel Thomas Colladay, the commanding officer of the 63rd Brigade, which included the 125th and 126th Infantry, to prepare a plan for the tactical employment of the troops should trouble develop in any of the Importances. The plan Colladay devised called for the use of assault, support, and reserve battalions in each of the Importances to deal with an emergency. The troops, without experience in this type of assignment, received intensive training in the methods of riot control, and tests were conducted to determine the speed with which they could be moved to particular plants should their services be required.⁴⁰

A good deal of the work of the Guard in Flint, like the activity of the state police, consisted in the gathering of intelligence. G-2 of the Guard sought to collect information on individuals, groups, and organizations whose activities might jeopardize peace and order in the city. It used plain-clothes operatives and undercover agents, intercepted strikers' radio messages, developed a number of "civilian contacts," and exchanged information with the state and local police. The Guard also sought by means of aerial reconnaissance to keep itself informed of any unusual activity in the Flint industrial area.⁴¹

When the Guard first arrived in Flint, Colonel Lewis was apparently under the impression that his force, in accordance with the traditional interpretation of the relevant statutes, was at the disposal of the responsible local authorities. His first field order specified that "upon official request of competent civil authorities to these headquarters for aid in quelling Major civil disturbances, this command will advance upon affected area or areas and restore peace and order." Lewis and his staff conferred with Olander, Wolcott, and Wills two days later, and they agreed that in the event of rioting the Guard would be responsible for the restoration of order in the affected areas whereas the city police, aided by the state police and the sheriff's office, would control traffic and guard strategic points. This

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agreement assigned the Guard a more active role in the dispute than Murphy had intended, and so he advised Bersey on January 19 that the troops were to be used in Flint "only after development of trouble and inability of local authorities to handle [it]."42

Murphy's instructions of January 19 made it clear that the Guard was not to act immediately in the event of civil disturbance in Flint, but the governor left unanswered the question as to whether the troops could be ordered into action by local authorities. Pepper and Lewis conferred with Murphy in Detroit on this matter on January 26, and the governor told them that the Guard was under his jurisdiction, had not been turned over to local authorities, and was not to "move" without first advising him and securing additional instructions. The state law on the subject, members of the attorney general's staff stated in a memorandum the next day, provided that the Guard was subject to the direction of the sheriff or other civil officials requiring aid but the means employed to accomplish the purpose for which the troops had been called out were to be determined by the governor.⁴³ The law was thus more than a little ambiguous on the subject of where jurisdiction over the Guard lay, but Murphy, anxious to avoid any precipitate action by the Guard, undoubtedly mistrustful of Flint officials, and recalling his experience as governor-general of the Philippines, was determined that the finger on the trigger should be his alone.

Although Murphy had sent the Guard into Flint, he never wavered in his determination that the strike must be settled by negotiation, not by force. Agreeing with Murphy, Knudsen stated that there was nothing in the UAW's demands that could not be "straightened out" by discussion locally and in Detroit. Like Murphy, he did not want the Guard to evict the strikers. "I don't want that now," he said. "No, I don't like that."

The UAW, for its part, was not averse to talking with GM, but it did not want the events of January 11 to be forgotten. Lewis stated that GM, through the Liberty League, had tried to drive Roosevelt from office, and it was now seeking to drive organized labor from its plants, and he demanded, but failed to secure, a Congressional investigation of the strikebreaking activities and financial structure of the corporation. Travis and Delmar Minzey wired GM strikers outside of Flint that injunctions and tear gas had failed to "crush" the spirit of the Flint unionists and that they were "all the more determined to carry on our fight to complete victory." The successful defense put up by the strikers actually proved to be a spur to the UAW's membership in Flint. "They just flocked down to the union hall and joined," one unionist remembered.⁴⁴

Murphy on January 12 formally invited GM and the UAW to confer with him on January 14 "without condition or prejudice, in an effort to find a basis of agreement, tentative or otherwise, that will avoid the possibility of further disorders and permit early resumption of work." Both sides accepted the governor's offer, with GM advising Murphy that it did not wish to participate in joint conferences with the union but only in separate conferences with him and reiterating that it would not negotiate with the strikers until its plants had been evacuated. The corporation was attempting to draw a distinction between talks that would lead to the evacuation of its plants, in which it was willing to engage, and negotiations regarding the UAW's January 4 demands, which it would consent to undertake only after its property had been restored.⁴⁵

When Knudsen, Smith, Brown, Martin, Mortimer, and Brophy sat down together at a table in Murphy's office in Lansing on January 14 at 11:00 A.M., it was the first time that the union and management high commands had met face to face since the sit-down in the Cleveland Fisher Body plant. Murphy declared in an opening statement that the dispute must be settled "in accordance with the principles of law and order" and, referring obliquely to his belief that the sit-down was illegal, stated that no one should seek to place him "in the position of suspending the law of the land." He wanted the parties to settle their differences by "peaceful negotiation" and collective bargaining, "without prejudice to legal rights as established by law," rather than by "rioting, threats, and intimidation," and he thought that they could more readily reach an understanding if they first conferred together "frankly and directly." If, however, either one or both of them wished to proceed through an intermediary, he had no objection.

In the discussions that ensued, GM and UAW representatives conferred directly with one another for part of the time, GM thus receding from its objections to face-to-face negotiations with the union; and for the remainder of the time the two groups met in separate offices, with Murphy "taking the proposals and concessions of one to the other and then returning with compromises or suggestions." The union negotiators conferred once or twice with members of the board of strategy, who were waiting in an anteroom of the governor's office, and Brophy kept in touch with Lewis by phone. Murphy described the tenor of the talks as "perfect—no bitterness—only a spirit of cooperation."⁴⁶

The position of the UAW in the Lansing talks was that it was willing to negotiate with GM on the basis of the status quo or to evacuate the plants it occupied subject to the conditions it had

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previously set forth. If Murphy followed the notes that he took with him to the conference, which had undoubtedly been prepared by Kemp, he advised that the strikers should voluntarily withdraw, without conditions, from the plants that they occupied, since they were in "unlawful possession" of the company's property, but that GM should simultaneously agree to the union's conditions or should at least state its intentions with regard to these matters. As before, the most difficult question to resolve was the right of GM to withdraw tools and dies from the struck plants after their evacuation and while negotiations for a settlement were underway. GM remained unwilling to commit itself on this point, and so Murphy apparently recommended that the corporation simply state its intentions regarding this question and that the union accept this in good faith. Murphy's proposal broke the deadlock on this issue.⁴⁷

With respect to the negotiations that would take place once evacuation of its plants had occurred, GM declared itself ready to bargain at the summit on the thirty-hour week, seniority, and the nature of representation, and it seems to have recognized the possibility that the union's other demands, which the corporation insisted involved the policies of local plants, might also raise some questions concerning general corporation policy that could then become the subject of top-level consideration. The UAW, however, wanted GM simply to state that it would bargain with the union on the January 4 demands without any distinction being made in the agreement between general and local demands, and the union view on the subject prevailed.⁴⁸

Brophy, abetted by Lewis, who talked to Martin by phone, thought that the UAW should not agree to evacuate the plants it held until negotiations on the January 4 demands had been completed since it would be surrendering its strongest weapon in advance of the talks with management. Brophy later wrote that the UAW negotiators did not follow CIO advice on this point because they were "wobbly," had been "worn out" by the lengthy talks, and were "unsure of their ability to hold the line";⁴⁹ but the UAW from early January had expressed its willingness to abandon the sit-down under certain conditions, and when GM met most of these conditions, the union could not very well have refused to pull its men from the plants until a contract with the management had been negotiated.

Shortly after 3:00 A.M. on January 15 Murphy emerged from the conference, his face showing the strain of the prolonged discussions that had begun thirteen hours earlier, his voice hoarse, to announce that the negotiators had "arrived at a peace"; and the terms of the agreement, which took the form of a letter from Knudsen, Smith, and

Brown to Murphy, were formally announced at 4:30 A.M. Since the UAW had agreed to evacuate the Fisher Body plants in Flint, Guide Lamp in Anderson, and Cadillac and Fleetwood in Detroit⁵⁰ "as soon as practicable" and before January 18, GM, the letter stated, would meet with the union on January 18 to bargain on the proposals contained in its January 4 letter. The corporation stated that it would continue its policy of non-discrimination against workers because of their union affiliation and that during the period of negotiations it had no intention to, and would not, remove "any dies, tools, machinery, material (except for export trade⁵¹) or equipment" from any of the struck plants, and it would not resume operations in these plants during that time. The negotiations were to continue until an agreement could be reached, if possible, but the talks could be broken off after fifteen days if no settlement had been effected by then.⁵² Just what would happen under these circumstances the letter did not state, but presumably the corporation would then seek to resume operations in the struck plants, which is probably why Brophy thought that the union had surrendered too much in the talks. The UAW may have assumed, however, that public opinion would definitely swing to its side if it were GM that broke off the talks.⁵³ The other terms of the agreement were presumably to remain in effect should the negotiations continue for more than fifteen days.

Having yielded on the subject of a general conference with the UAW and on meeting with the union prior to the evacuation of its plants, GM emphasized publicly that it had not retreated on the question of representation, which was not referred to in the agreement because of the inability of the negotiators to reconcile their differences on this issue.⁵⁴ "No rights of any worker not represented by the union," the corporation declared, "will be prejudiced in any of the proposed negotiations." Knudsen explained that the fifteen-day proviso had been included in the agreement so that negotiations would be "on a sensible basis" and the employees in the struck plants would not be kept from their jobs for too long a period. With this same reemployment objective in view, GM announced in releasing the terms of the January 15 agreement that in order to "alleviate distress" it would resume operations in plants that had not been struck but had been closed because of the shortage of materials created by the strike.⁵⁵

In explaining the agreement to UAW officials and organizers, Martin contended that GM had recognized the union and that the basis had been laid for collective bargaining on a national basis. He cautioned, however, that the UAW had won only "the first skirmishes and that the real battle is ahead, for the strike is still on." Martin,

Addes, and Hall wired the sit-down strikers in Flint that the agreement was “a tremendous step in the right direction” and that the world was aware of the part that they had played in achieving this “most dramatic and important victory.” UAW sound trucks in the city went through the streets proclaiming a union victory and urging GM workers to join the union so as “to share in the benefits of collective bargaining.”⁵⁶

The Flint strike leadership and some of the sit-in strikers as well did not accept Martin’s interpretation of the agreement and did not understand why the union should be required to give up the occupied plants before a contract had been successfully negotiated with the company. “I don’t see no sense in the boys moving out if that’s all we got,” a discouraged No. 2 picket declared, and Travis bluntly told Addes and Germer, “You don’t win by quitting.” After Powers Hapgood, Sugar, and Germer came into the No. 1 plant and characterized the agreement as a “Partial Victory” upon which the union could capitalize, the strikers, however, voted to leave the plant as a “body” on January 17 and then, as their minutes state, to “start organizing every employee of all Plants into [the] Union.” The strikers wished to delay their exit from the plant until January 17 so as to demonstrate to GM that they were not “too anxious to get out.”

The members of the by then closely knit strike community, proud of what they had accomplished and reluctant to share their “glory” with non-participants, were perturbed by fellow workers now coming into the factory for the first time since the sit-down began so as to be included among the strike heroes who would march out of the plant. One strike committee member thought that the new arrivals should be “set down,” and it was also suggested that they be registered and named, but wiser heads pointed out that the UAW, as a “young organization,” could not afford to “antagonize” members or potential members. It was therefore agreed that the stewards should pass on the new arrivals and should bring before the strike council any entrants deemed to be unsatisfactory.⁵⁷

Observers publicly and privately accorded the chief credit for the January 15 truce to Governor Murphy. The *Flint Journal*, which reluctantly editorialized that Murphy had “done the state a great service,” remarked that he had received the “greatest flow of congratulatory messages” ever received by a Michigan governor in a comparable period of time. Chrysler’s B. E. Hutchinson thought that Murphy had done “an extraordinarily good job in a most difficult situation,” and the *Detroit News*, not normally one of the governor’s admirers, congratulated him for his “dogged insistence on the priority of the public interest.” “However the play ends,” the Republican

Battle Creek *Enquirer and Evening News* remarked, "Governor Murphy has displayed qualities of leadership and statesmanship during the first act."⁵⁸

In accordance with the terms of the Lansing agreement, the sit-down strikers evacuated the Cadillac, Fleetwood, and Guide Lamp plants on January 16. The 208 Cadillac and forty-nine Fleetwood sit-downers, looking none the worse for their experience, were led in a parade outside the two plants by UAW officials and a twelve-piece Detroit Federation of Musicians band, and Walter Reuther directed them in song from a sound car:

The boss is shaking at the knees,
Parlez-vous.
The boss is shaking at the knees,
Parlez-vous.
The boss is shaking at the knees,
He's shaking in his B.V.D.'s.
Hinky dinky parlez-vous.

The UAW was to charge the next day that Cadillac workers were receiving telegrams from GM to report to work on January 18 despite the company's agreement to keep the plant closed, but GM replied that it had informed the union negotiators that it would recall 135 men working on distribution and records and that Mortimer had agreed to this on the phone. The UAW insisted, however, that no UAW representative had made a commitment regarding the entry of the 135 workers and that Mortimer had agreed to the admission into the plant of only a few office workers.⁵⁹

When the ninety-six sit-downers paraded from the Guide Lamp plant, they were led by a police motorcycle escort, their own band, and a visiting band from the Cleveland White Motor Company local. Fifteen minutes later, according to the UAW, 150 police and special deputies, including plant supervisory personnel, tore down the union's picket shacks and declared that no more picketing would be permitted. GM, however, secured a telegram from Mayor Baldwin stating that only fourteen police had been assigned to the plant and that peaceful picketing was being permitted but that the pickets had been warned not to restrain anyone wishing to enter the plant. The UAW's allegations were, as a matter of fact, "completely erroneous. Nothing of the sort happened . . .," a Guide Lamp sit-down striker later wrote.⁶⁰

Cadillac, Fleetwood, and Guide Lamp were, however, of only minor importance in the UAW's strike strategy as compared to the

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Fisher Body plants in Flint, which were scheduled to be evacuated at 1:30 P.M. on January 17. As the hour of departure approached, the sit-downers cleaned the two plants and packed their belongings—they had been warned to keep their blackjacks out of sight—while outside the factories thousands gathered for the ceremonies that were to follow evacuation.⁶¹ There was, however, to be no evacuation on January 17, and before the day was out the armistice that Murphy had arranged was to be repudiated by the UAW, allegedly because its terms had been violated by GM.

In accusing GM of “a double-cross” the UAW pointed to the events that had followed the evacuation of the Cadillac and Guide Lamp plants, but it was mainly concerned about GM’s dalliance with the Flint Alliance. Following the announcement of the armistice terms, Boysen on the evening of January 15 wired Knudsen that he had been instructed by Flint Alliance representatives to advise GM that the “greatest majority” of the corporation’s Flint employees would not be represented at the projected conference with the UAW, that they did not wish the UAW to speak for them, and that they wanted assurances that their position would not be overlooked in GM’s dealings with “this small group.” GM had already announced that it had made no concession to the UAW on the issue of exclusive representation, and so Knudsen wired Boysen on January 16 that he could assure his people that “no man’s right to be represented by whomsoever he chooses will be denied. General Motors will never tolerate domination of its employes by a small minority.”⁶²

The Flint Alliance, whose membership was not limited to GM workers, had never before asked to meet with GM for collective-bargaining purposes nor to be represented in conferences that the corporation might hold with the UAW,⁶³ but after receiving Knudsen’s January 16 wire, Boysen immediately asked for a GM-Flint Alliance meeting on January 19 to discuss collective bargaining as it affected the “vast majority” of GM’s employees. To this request, Knudsen prepared a telegraphic reply stating: “We stand ready always to discuss with your group or any group of our employes any question without prejudice to anyone. We shall notify you as soon as possible as to time and place for a meeting.”⁶⁴

It is not clear at what time on January 17 GM had intended to release Knudsen’s second wire to Boysen, but the UAW contended that the information was not to have been made public until after the two Fisher Body plants had been evacuated and that the union had become aware of the wire before the evacuation only because a reporter had inadvertently stumbled on it and passed the information on to the UAW. The newsman was William H. Lawrence, then

working for the United Press, who had stopped "entirely by chance" in the Durant Hotel office of the Flint Alliance on the morning of January 17 and had there seen a copy of the press release announcing the Knudsen wire to Boysen. After contacting Floyd Williamson, the Alliance's publicity agent, who confirmed the information contained in the release, Lawrence proceeded to union headquarters to gain permission for a visit to Fisher Body No. 1 and "almost casually" told Travis of the release that he had seen. Travis, Lawrence recalls, simply "scoffed" at Boysen and advised Lawrence to hurry out to Fisher No. 1.⁶⁵

Once John Brophy, in Detroit, learned of the Knudsen wire to Boysen—Travis presumably had passed on the information—he perceived that the UAW had been presented with a golden opportunity "to get rid of the absurd preliminary agreement." It is entirely likely that John L. Lewis, who had publicly stated that the agreement was "eminently satisfactory" but who privately shared Brophy's view of the terms, had urged his representatives in Detroit to find some pretext that would permit the agreement to be "kicked over." Brophy got in touch with Martin and urged him to call off the scheduled evacuation, but Martin was at first "non-committal" because, according to Brophy, he did not appreciate the significance of Knudsen's wire. Brophy finally persuaded Martin, however, and the UAW president then called Travis with instructions to suspend the evacuation.

Brophy and Martin then went to visit Governor Murphy. The governor, who had already indicated his displeasure at the intervention of "loyal" employees and organizations in the dispute, was, according to Brophy, "deeply distressed" by what he now learned. He called Knudsen and suggested that GM should cancel the arrangements with the Flint Alliance since they endangered the full implementation of the Lansing truce. Knudsen would not, however, yield to the governor's wishes.⁶⁶ The union strategy committee then met and decided against the evacuation of the Flint plants primarily, as Germer wrote in his diary, because the "slimey Boysen had messed things up."⁶⁷ Word was relayed to Flint, where Mortimer and others went into the No. 1 and 2 plants to explain what had occurred and to request the workers to remain at their posts, which they agreed to do. The UAW expressed its willingness to begin negotiations with GM on January 18, as scheduled, but since the corporation refused to bargain with the union until all its plants had been evacuated, the union decision not to surrender the Flint factories brought the Lansing truce to an end.⁶⁸

The UAW insisted that GM, in agreeing to meet with the Flint

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Alliance, had violated the January 15 terms since it had, in effect, eliminated as a subject for negotiation the chief of the union's January 4 proposals, namely, that the UAW be recognized as the exclusive bargaining agency for GM employees. The UAW had good historical reasons to distrust collective-bargaining pluralism, and its fears that the Flint Alliance might become a counter-organization seemed about to be realized, but the union was on shaky ground in accusing GM of bad faith on this issue. GM representatives had been emphatic before, during, and just after the promulgation of the January 15 agreement that the corporation had no intention of abandoning collective-bargaining pluralism and of speaking only to the UAW. In the ill-fated wire to Boysen, Knudsen had simply translated a general corporation policy into a specific commitment to meet for collective bargaining at some future time with an organization claiming to represent the overwhelming majority of GM's Flint employees. This was assuredly a blunder on GM's part since wisdom should have dictated the postponement of any decision to converse with organizations other than the UAW until the talks that were to begin on January 18 had run their course and since the Alliance was not, strictly speaking, a bona fide labor organization, but what GM had done was perfectly consistent with its oft-expressed policy regarding representation. Despite protestations of betrayal and of "a stupendous and dastardly double-cross,"⁶⁹ the UAW and the CIO could hardly have been surprised at the turn of events, and one suspects that they used Knudsen's offer to meet with Boysen as a convenient pretext to kill a truce arrangement whose terms at least some of the leadership were no longer willing to implement.

"It would be helpful," an indignant Murphy declared, "if civic bodies and all other organizations hold themselves in the background," and Boysen, understanding the governor's reference, stated that he would follow Murphy's advice insofar as it pertained to the Flint Alliance and would not press for an immediate conference with GM even though he would continue to represent the loyal workers of Flint.⁷⁰ It was too late, however, to resurrect the Lansing armistice. Some new formula would have to be found to resolve the dispute, and it was Frances Perkins who would now direct the search.

Perkins' efforts in Washington, initiated on January 19, were designed to bring Lewis and Sloan together on the assumption that they were "the real principals" in the dispute. On January 19 the secretary of labor, Dewey, McGrady, and Murphy conferred at length with Lewis, and Murphy offered to surround the Fisher Body plants with the National Guard while negotiations were underway if the UAW would evacuate the strikers.⁷¹ Murphy's plan was intended, in

effect, to reinstitute the January 15 truce and to use state troops to ensure its enforcement, but Lewis, who would accept a similar proposal during the Chrysler sit-down strike in March, 1937, was now determined not to surrender his strongest bargaining weapon until the company had yielded something of substance to the union. As long as the workers remained in the plants, GM could not resume production or defeat the strikers, but once the workers left the plants, the advantage, Lewis sensed, would rest with the company, which could marshal the necessary force to defeat an outside strike. Murphy was apparently angered by Lewis' intransigence, but he was careful to avoid criticism of the miners' chief in public.⁷²

Frances Perkins told reporters after the long conference on January 19 that the "chief obstruction" in the path of a settlement was "[i]ntellectual trouble," by which she meant the refusal of Sloan to meet face-to-face with Lewis. The secretary of labor had phoned Sloan that afternoon to request that he confer with Lewis and her the next day, but the GM president, after considering the matter for four hours, agreed to a meeting with Perkins and Murphy but not directly with Lewis. Since Sloan had insisted that there be "absolute silence" on the subject, Perkins had a chauffeur meet the GM delegation of Sloan, Knudsen, Brown, and Smith when they arrived in Washington in a private railroad car; but the reporters discovered their presence in the city, and Sloan's hopes for a secret meeting were dashed. Murphy and Perkins conferred with the GM representatives throughout the afternoon of January 20—Perkins left the inauguration stand to participate in the conference, and Murphy was unable even to attend the inaugural ceremonies—and the discussions continued the next day. Sloan proposed that the struck plants be reopened and that any benefits the workers secured in the ensuing negotiations be made retroactive, and it is possible that he agreed not to bargain with any other group of GM employees until the bargaining with the UAW had been completed, but he was unyielding in his refusal to meet with Lewis until GM's plants had been evacuated.⁷³

It appears that Murphy and Perkins in their talks with Lewis and Sloan asked them to consider some kind of an election plan as the means of ending the strike, but both the company and the union objected to a solution along these lines. Murphy favored a representation election under the NLRA, but for reasons already noted neither side was willing to submit to this test. Murphy then seems to have raised the possibility of an election conducted under the auspices of the state of Michigan, but Lewis, who was obviously unwilling to run the risks of any kind of election in view of the size of the UAW's membership, contended that GM would have an advantage in such an

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election because of its "intimidation machine." "The important thing," he later declared, "is we have enough men to close the plants and we have closed them."⁷⁴

According to Brophy, Sloan, in the Washington conversations, was less interested in settling the strike than in having the administration condemn the sit-down as illegal. He seems to have been anxious to break off the talks, and it was John L. Lewis who provided him with the pretext to do so. Lewis and Martin had conferred with Perkins and Murphy during the morning of January 21, and then in the afternoon Lewis held a press conference in which he stated that the UAW would not surrender its "arms" and agree to a "half-baked compromise" that would permit GM to "double-cross" the strikers again. Lewis also indicated that he expected the administration to side with its supporters and not with its opponents. "We have advised the administration . . .," he declared in his inimitable prose style, "that for six months the economic royalists represented by General Motors contributed their money and used their energy to drive this administration out of power. The administration asked labor for help to repel this attack, and labor gave its help. The same economic royalists now have their fangs in labor. The workers of this country expect the administration to help the workers in every legal way, and to support the auto workers in General Motors plants." When Perkins called Sloan later that night, he told her that the GM representatives were quitting Washington and that any further meetings were futile in view of what Lewis had said at his press conference.⁷⁵

Secretary of the Interior Harold L. Ickes confided to his diary that the Lewis statement "sounded pretty raw," and the President apparently agreed with this judgment. When he was questioned about Lewis' remarks at his press conference the next day, Roosevelt replied, "Of course, I think that, in the interests of peace, there come moments when statements, conversations and headlines are not in order." Since the President permitted himself to be quoted, the press interpreted his remarks as a sharp rebuke to Lewis and concluded that the CIO head had blundered in a manner that belied his reputation as "a supreme labor tactician."

William Green told his Executive Council that "inside sources" had advised him that Lewis "resented" the President's remarks and was saying things about Roosevelt that were "not fit for publication," but actually the President's criticism was quite mild in tone, and Lewis, whose words may have been intended for the "troops in the field" as much as for the administration, was too shrewd to overreact to the President's words.⁷⁶ "Of course," he insouciantly declared the next day, "I do not believe the President intended to rebuke the

working people of America who are his friends and who are only attempting to obtain rights guaranteed to them by Congress. . . ." This time it was GM that Lewis attempted to needle. Its "high command," he said, had again "run away" from a conference with the union. Sloan, Brown, and Knudsen had returned to New York "to consult their allies to determine how far they can go in their organized defiance of labor and the law." But Sloan would have to meet with him sooner or later. "Perhaps," Lewis observed, "he feels his intellectual inferiority to me."⁷⁷ Whatever Sloan's reaction to these remarks may have been, it was not for publication.

Annoyed at the failure of her informal efforts to bring GM and the UAW together and urged on by Sidney Hillman, who was seeking "to pick up the pieces" after the verbal exchange between Roosevelt and Lewis, Perkins on January 23 issued a formal invitation to the chief officers of GM and the UAW and to Lewis as the union's "principal advisor" to attend a conference in Washington on January 27, "without condition or prejudice," to consider a renewal of the negotiations agreed upon at Lansing. Lewis had no desire to reinstitute the Lansing agreement, but he accepted the secretary of labor's invitation to confer. Sloan, however, could not be budged: GM would not negotiate until its plants had been evacuated; and since the UAW was saying that there would be no evacuation until the company recognized it as the exclusive bargaining agency for GM workers, a conference would produce "no beneficial result." Sloan indicated in his reply to Perkins that GM's patience in the face of the illegal occupation of its property was running out and that if public authorities did not do something about the matter, GM might feel obliged to act on its own. "In the interest of peace" and at Murphy's request, he wrote, GM had made no effort to reopen its struck plants, but the corporation was gravely concerned about its many employees who had been thrown out of work through no fault of their own. "You can appreciate," he ominously wrote, "we have no intention to permit either technical considerations or personal feelings to interfere with anything that may lead to a solution of the problem of such grave consequences, actual or potential, in which the public interest and innocent sufferers are so importantly involved."⁷⁸

It was now Sloan's turn to be rebuked by the administration, and both the President and the secretary of labor left no doubt about their disapproval of his behavior. Sloan, the President told his press conference on January 26, and for quotation, had made "a very unfortunate decision." When informed that Sloan had indicated that he would respond affirmatively to an invitation from the President himself, Roosevelt, who seems to have regarded the GM president's

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obstinacy as a "personal affront," retorted "with some emphasis" that a representative of the President had extended the invitation.

Less guarded than the President, Perkins, her face "flushed" and making no effort to conceal her anger, accused Sloan of shirking his moral responsibility and ignoring the public interest. She could understand, she said, in view of the Flint Alliance imbroglio that had upset the Lansing truce why the UAW did not "trust the word" of GM. The corporation and its officials were "high-handed," and they had "made the mistake of their lives in failing to see the moral issues here and proceeding on them, rather than basing their position on a legal technicality and sulking in their tents." Characterizing the illegality of the sit-down as "unexplored," she read to the reporters an excerpt from a letter she had written but not sent to Sloan: "do unto others as you would have done unto you; agree with thine adversary quickly; forgive us our trespasses."⁷⁹

Sloan, in effect, replied to Perkins the next day in a message to GM employees in which he made it explicit that he did not intend to "forgive" the union trespassers and, indeed, was likely to renew court action against them. "We propose to demonstrate," he wrote, "that these trespassers who have seized our plants and who have taken from you the privilege of working, have not the right to do so." GM was being falsely accused of responsibility for the breakdown of negotiations simply because it had refused to confer with "a group that holds our plants for ransom without regard to law or justice."⁸⁰ Perkins' response to the collapse of her efforts to bring the parties in the dispute together and also to news of the violence in Anderson on January 25 was to request Congress on January 27 to grant the Department of Labor the power to deal with strikes by subpoenaing the principal parties and forcing them to attend a negotiating conference.⁸¹ That GM was the immediate target of the requested legislation was all too obvious.

In the next two days the secretary of labor made a final effort to persuade Sloan to meet with Lewis and the UAW. The GM president, undoubtedly at Perkins' request, made a secret visit to Washington on January 29 and had a two-hour talk with her. According to Perkins, he agreed to participate in a conference in Michigan that Murphy would arrange but then reneged on his promise. "In other words," she angrily declared, "he ran out on me." Sloan, however, gave a different version of what had occurred. The secretary of labor, he reported, had asked him if he were willing to return to the status of affairs that had obtained before Murphy had intervened in the dispute and attempt "to negotiate the men out of the plants." Sloan, according to his account, said that he would consider the proposal and

give the secretary his answer the next morning, but he had called her from New York that night to tell her that he could not accept her proposal since GM desired a prompt return to work of its employees and had reinstated court proceedings that day to regain its property.⁸²

Whichever version of the Sloan-Perkins conversations of January 29 is correct, the GM president's rejection of the secretary of labor's proposal signaled the end of Washington's efforts to mediate the dispute and returned the initiative in peacemaking to Michigan's governor. The secretary of labor appeared to be "on the verge of tears" when reached by reporters in the early hours of January 30. "It seems," she unhappily but accurately declared, "that all of my work has gone to waste."⁸³

The unproductive strike talks in Washington during the second half of January were damaging to GM from a public-relations point of view and in terms of its standing with the administration. Whatever advantage the company might have derived from the President's rebuke to Lewis, it more than lost by its stubborn refusal to meet the CIO leader. Whereas the President had dealt Lewis only a glancing blow, his criticism of Sloan had been "specific and personal," and the secretary of labor had been even blunter in her remarks about the GM president. "Sloan," the January 27 minutes of the Cleveland Fisher Body strikers read, "has been criticized [*sic*] by Roosevelt and Perkins. We are in a better position now."⁸⁴ Sloan not only succeeded in antagonizing the President and the secretary of labor, but he also made "an awfully poor impression" on the press by his clumsy efforts to conceal his presence in Washington and by the evasive answers he gave in the one press conference that he held.⁸⁵

Sloan was primarily influenced in his intransigence by his view of unionism in general and the illegality of the sit-down strike in particular, but he may also have been persuaded to act as he did by the animosity that he felt for Roosevelt and the New Deal.⁸⁶ GM, despite the sage advice offered by Stephen M. DuBrul at the end of 1936, had not yet successfully adjusted to the change in the political climate that had occurred in Washington since 1933. The corporation, as Walter Lippmann wrote, was lacking in "industrial politicians."⁸⁷

While efforts were underway in Washington to bring union and management representatives to the bargaining table, Flint was threatening to erupt once again into violence. The city had been "plunged in gloom" by the collapse of the January 15 armistice, and when Buick, which had been operating at about 65 percent of capacity, was forced to shut down completely on January 20, thus leaving only AC Spark Plug employees still at work among the city's GM workers,

Flint appeared to be on the verge of "economic breakdown." Under the circumstances, tension between the strikers and the loyal employees mounted, and a La Follette Committee investigator concluded that "civil war" was "not beyond the possibilities."⁸⁸

GM did nothing to lessen the tension in Flint when it announced on January 22 that, insofar as it was able to carry inventory, it would implement its pledge of January 15 and seek to provide employment on a reduced basis for employees in strike-free plants who had been idled by the dispute. Knudsen insisted that GM's only motive in taking this action was the welfare of its employees; "Don't get the idea," he told reporters, "that this is a big strategic move of some sort." The UAW, fearful of the impact of a back-to-work movement, thought otherwise however, and strike leaders in Flint on January 24 threatened additional strikes if Buick and Chevrolet reopened.⁸⁹

GM's plan called for a return to work at Chevrolet, except for employees on the final assembly line, on January 27. Seizing on this news, the Flint Alliance called a mass meeting on January 25 for the afternoon of the next day so that Flint's GM workers could vote on whether they favored "direct and forceful action" to secure the rights to which they were legally entitled. The UAW interpreted the Alliance bulletin announcing this meeting as an incitement to riot and violence, and there was grave concern in the city as to what would occur when pickets outside the No. 2 plant saw workers going into Chevrolet across the street.

Since "every one close to the situation" thought that Flint was a "powder keg," city officials sought to ascertain if the National Guard could be used to aid in keeping order in front of the Chevrolet plant, but Murphy urged that the threatened conflict should be avoided by agreement rather than by a show of force. Murphy's efforts to maintain the peace in Flint were, in effect, supplemented by La Follette Committee investigator H. D. Cullen, who sought to restrain the Flint Alliance by serving a subpoena on Boysen on January 25 and summoning him to his room, where Boysen gave assurances that he would not permit a "flare up" between the strikers and non-strikers.⁹⁰

Although there was fear in Flint that January 27 would be a day of war in the city, appropriate action taken on the preceding day insured that it would be a day of peace. In an effort to forestall possible violence, Prosecutor Joseph R. Joseph, at Murphy's telephoned request, summoned the strike leaders and Boysen to a conference with Bradshaw, Wills, Wolcott, and the prosecutor preceding the scheduled public meeting of the Flint Alliance. The rumors of impending violence caused many of the worried inhabitants of the

city to remain in their homes that day, and Roy Reuther recalled that the streets were strangely deserted when Travis, some others, and he walked to the county courthouse for the meeting.

Joseph's attitude at the meeting, Cullen, who was present, reported, was "impartial and fair." He told the strikers' representatives and Boysen that he expected them to keep the peace. The union provided assurances that it would not interfere with the workers returning to Chevrolet and would not picket the plant, although Travis said that the UAW would not "tolerate" discrimination against any of the returning workers. Actually, the union was too weak to have prevented the return to work, and since it knew that GM could not produce Buicks or very many Chevrolets as long as the strikers could prevent the reopening of the Cleveland and Flint Fisher Body plants, there was little point in the UAW's challenging an action that might have compelled the National Guard to array the force of the state against the union.

Boysen, although stating that the "main objective" of the Alliance was to forestall violence, was quite belligerent at the meeting, but Joseph warned him that he would be arrested, just as union leaders would be, if he disturbed the peace. Reuther and Boysen engaged in what Cullen described as a "heated discussion" about the strike, and then the Flint Alliance leader, nettled by Reuther's taunts, stalked from the room and told the inquiring reporters waiting outside that they could " 'go to hell.' "⁹¹ With a subpoena hanging over his head and Joseph's warning fresh in mind, Boysen, however, was not likely to engage in any provocative action.

The threat of a major disturbance in Flint on January 27 led to a second meeting on January 26, this one in Detroit, with Murphy, Colonel Lewis, Pepper, Olander, Germer, and Frank Martel in attendance. Murphy on this occasion not only advised Lewis that the Guard was not subject to the control of local authorities but made it perfectly clear that he would not use the militia to break the strike nor would he permit the kind of attack on unionists pursuing their legal rights as had occurred in Anderson. He called Bradshaw in Flint while the conference was in session to warn that he would not tolerate any disorder and to ask the mayor to urge loyal employees to avoid any action that might lead to violence.⁹²

An "immense crowd" of more than eight thousand⁹³ attended the meeting of the Flint Alliance on January 26 that followed the Joseph conference in Flint and the Murphy conference in Detroit. The Alliance itself, its motives having been brought into question by public authorities, remained in the background, and when a somewhat subdued Boysen spoke, he pleaded with the audience, "Please don't fight

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anybody. We'll do it in a legal way. . . ." There were some incendiary remarks made by other speakers, most of them members of the bargaining agencies surviving from the days of the ALB. One speaker, the oldest retired Buick employee in Flint, advised the crowd to "get all that riff raff that came from Toledo and Detroit out of here" and to "go to the plants . . . and get those boys out of the plants." Sanford Rasbach, a Buick worker, attacked Murphy for condoning the illegal occupation of private property and secured the approval of the audience by a voice vote for the dispatch of a committee to the governor to pose the question, "Will you guarantee all workers full protection in going to and coming from work?" The *I.M.A. News*, with its penchant for extreme statements, interpreted the "yes" response when the audience was asked if it favored the resumption of work as "the voice of America and not the voice of Moscow," and Russell Porter thought that the size of meeting proved that the "overwhelming majority" of the idle Flint workers wanted to return to their jobs.⁹⁴

The UAW claimed that the Alliance meeting was rigged, that the chairman had arbitrarily ruled that the ayes were in the majority when the voice votes were taken even though this appeared uncertain, that union members had been denied the floor, and that the attacks on Murphy and John L. Lewis by various speakers had been poorly received. Cullen, who saw Flint events through the union's eyes, thought that the Flint Alliance had had "all the wind taken out of its sails" by the announcement that Boysen had been subpoenaed and the fact that the UAW did not intend to interfere with the return to work and that the meeting itself had been "a flop."⁹⁵ It is reasonable to assume, however, that a large majority of the nonunionists among Flint's GM workers were ready to return to work under conditions obtaining before the sit-down began even though this meant the defeat of the strike. Russell Porter was probably closer to the truth regarding the significance of the meeting than the UAW and Cullen were.

About forty thousand Chevrolet workers across the land returned to their jobs on January 27, almost eleven thousand of them in Flint. A UAW sound car and a few union pickets were on hand in the bitter cold in front of the Flint Chevrolet complex, and the National Guard, which had devised plans for a possible disturbance, was on the alert, but there was no disorder of any sort.⁹⁶ Murphy had demonstrated once again that Flint was not Anderson, but he was himself coming under increasing pressure to take some action that would bring the sit-down in Michigan to an end. On January 27 a resolution was introduced in the Michigan Senate asking the governor to explain why he had not used his power to uphold a court order and

“the dignity of this state.”⁹⁷ What the legislature and the friends of law and order ignored, however, was that GM itself regarded the Black injunction as a dead letter, and neither it nor Flint officials up to that time had asked the governor for assistance in enforcing the writ. GM, however, taking the offensive in an effort to defeat the strike, supplemented its back-to-work movement by going into Judge Paul V. Gadola’s court in Flint on January 28 in quest of a new injunction. Judge Gadola ordered a hearing on the GM petition for February 1 and directed Martin and the other UAW officials named to show cause at that time why the injunction should not be issued.⁹⁸

On the same day that GM renewed its plea for an injunction a committee headed by Sanford Rasbach visited Murphy to pose the question agreed upon at the Flint Alliance meeting of January 26. The governor, who had already stated that if the resolution applied to struck plants he was definitely opposed to it, refused to give a yes or no answer to the query and told the committee that the Alliance had been at least partly responsible for the breakdown of negotiations and that it should not attempt to “embarrass or compromise” his efforts to find a peaceful solution for the strike. When Rasbach complained, “That’s an awfully poor answer to take back when our streets are not safe,” Murphy retorted, “I might say that yours was not a very good question.” The governor wanted to make sure that there was no misunderstanding regarding his position. “Nothing in the world,” he said, “is going to get the Governor of Michigan off the position of working it out peacefully. All the power of General Motors or the Flint Alliance or Mr. Lewis’s organization is insufficient to get the Governor of Michigan off that path.”⁹⁹

That same day Murphy received a resolution allegedly bespeaking the opinion of fifty thousand GM employees in Michigan that called upon him to order a plebiscite among GM workers to ascertain if they desired to return to work while negotiations were underway and if they wished the UAW to be their representative and warned that continued delay in the enforcement of the law would lead to “the destruction of the right to private property” and the “further invasion of Communism.” On January 29 two delegations of loyal workers, one of them from the Chevrolet Gear and Axle plant in Detroit, one of them representing the same group that had petitioned him the previous day, visited the governor in Lansing to urge him to remove the sit-downers and threatening to sit in his office until he complied with this request. One of their spokesmen told Murphy that when “constituted government” failed to function properly, it might become necessary for those whose rights were denied “to return to the methods used in the Old West. . . .”

Murphy, his patience wearing thin as the result of pressure from loyal forces, said to one of the groups that visited him on January 29 that the Flint Alliance had tried to "embarrass" him the previous day and that he knew of plans to turn "sham mobs" loose in Flint to force him to use the militia. He thought that he detected a pattern of provocation in the events of the preceding few days, and he threatened an investigation to ascertain whether GM was "behind a sinister, vicious, skillful attempt to force me to use violence in this strike." He would not, however, resort to bullets and bayonets to drive the strikers from the plants "even if 10,000 men marched up here and asked me to do it." After conferring with the two groups, Murphy left for Detroit for the week-end; the two committees remained in a corridor of the state capitol for several hours and then departed.¹⁰⁰

Consistent with his policy of seeking to avoid confrontations that might lead to violence, Murphy on January 29 asked the UAW to call off a mass meeting scheduled for Saginaw on January 31 to protest the roughing up a few days earlier of Joseph Ditzel and other organizers seeking to promote the UAW cause in that city. Since the UAW was planning to bring thousands of its supporters to the meeting from Detroit and Toledo and the "loyal" workers were preparing to disrupt the affair, the mayor of Saginaw, contending that the city would be unable to guarantee the safety of the participants if the meeting were held, had requested the governor to send in the National Guard. Murphy was reportedly "sore as hell" at the Saginaw police and regarded the loyalists as "the aggressors," but he did not wish to dispatch Guardsmen from Flint to prevent the "bloody battle" that appeared to be developing. The UAW was reluctant to cancel the meeting, but, believing it wise to "play ball" with the governor, the union leadership acceded to his request.¹⁰¹

Concerned that the strike was soon likely to take a violent turn, Murphy in the closing days of January quietly sought to bring the company and the union to the bargaining table. His principal proposal was for the UAW to evacuate the occupied plants, still GM's precondition for collective bargaining, in return for his promise to use state troops to keep the plants closed for two weeks or more while the negotiations were underway. Germer relayed the proposal to Lewis, but the CIO chieftain, who had already rejected an identical Murphy proposal in Washington, did not think that the idea was "so hot."

On January 31, with the injunction hearing imminent, Powers Hapgood telling the strikers that injunctions were "mere slips of paper," and the sit-downers in Fisher Body Nos. 1 and 2 preparing to defend themselves against attack from the outside, the governor,

doubtful that the injunction method would settle the strike although declaring himself in accord with GM's proceeding in this manner, engaged in "whirlwind conferences" with the strike antagonists in an effort to arrange an armistice. Martin was becoming pessimistic about the outcome of the strike and appears to have been inclined to accept Murphy's proposals, but Lewis was counseling the union to hold firm for the time being, and his wishes prevailed. Murphy had as little success with GM as he did with the UAW; he told Martin and Germer that he "couldn't get anywhere" in his conversations with Knudsen, and he expressed a fear that GM intended "to get rough" with the strikers. The exhausted governor continued his peacemaking efforts until 3:00 A.M. on February 1, but he was unable to break the stalemate.¹⁰² A few hours later, however, the union made a daring move in Flint that altered the status quo in the strike and led directly to the negotiations that brought the strike to an end.