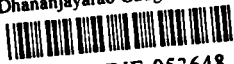




Dhananjayrao Gadgil Library



GIPE-PUNE-053648

THE ORDER OF RAILROAD TELEGRAPHERS

*A STUDY IN TRADE UNIONISM
AND COLLECTIVE BARGAINING*

*LONDON: HUMPHREY MILFORD
OXFORD UNIVERSITY PRESS .*

THE ORDER OF RAILROAD TELEGRAPHERS

*A STUDY IN TRADE UNIONISM
AND COLLECTIVE BARGAINING*

BY
ARCHIBALD M. McISAAC, PH.D.
*Assistant Professor of Economics
Princeton University*



PRINCETON
PRINCETON UNIVERSITY PRESS
1933

COPYRIGHT, 1933, PRINCETON UNIVERSITY PRESS

XA150j35:96.73.

G3

53648

X450j35:96aN3

pp. 273-277

PRINTED AT THE PRINCETON UNIVERSITY PRESS
PRINCETON, NEW JERSEY, U.S.A.

PREFACE

THE study of the Order of Railroad Telegraphers which follows is confined to a restricted sector of the general field of industrial relations. It was undertaken with the idea that only through the cumulation of such detailed studies of the problems involved in the dealings of employers and employees under widely varying conditions are we likely to get a clear idea of the purposes and ideals which bring workingmen together in permanent associations, or an understanding of the forces and conditions which make for the success or failure of their united efforts. The emphasis, therefore, has been laid on structural and functional characteristics of the union, and on the objectives to which union activities have been directed. Only so much of the history of the Order has been included as seems necessary to supply the background for this analysis.

In its internal structure, in its relationships with other organized groups, and in its methods of action in dealing with the employers, the Order reveals at many points the influences of the peculiar objective conditions which prevail in the railroad telegraph and station service. It clearly exemplifies the operation of the evolutionary process of adaptation to environment in the development of a social and economic institution. The analysis of this entire complex of problems in structure and method of action is a major purpose of the present work. Equally important, however, is it to consider in some detail those issues as to the conditions of employment which have bulked large in collective bargaining, and also the relation of the union activities to economic forces, because only in that way may one judge of what trade unionism means for its members, or of the hold which it has on their individual minds and loyalties. It is likewise of importance to examine the experience of the organization with the intervention of governmental authorities in the relations of the union and the employing roads, as a consequence of the public interest in the continuity of railroad service.

In the projection and execution of this study the author has accumulated an incalculable burden of obligations. To Professor David A. McCabe of Princeton University, under whose direction it was carried through, he is indebted not only for the original inspiration to undertake the work but for unfailing generosity in

suggestion, discussion, and criticism at every stage, up to and including the reading of the final manuscript. To E. J. Manion, president of the Order of Railroad Telegraphers, to G. E. Joslin, secretary to the president, and one-time member of the board of directors, and to other members of the staff of the national union the author is deeply obligated for their extreme courtesy in placing the documentary resources of the union at his disposal and in answering his numerous inquiries without reserve. Much information of value has been gleaned in interviews with railway personnel officers and others, among whom especial mention must be made of R. V. Massey of the Pennsylvania, and J. G. Walber of the New York Central. The list of acknowledgments might be extended indefinitely.

AUGUST 26, 1932.

CONTENTS



	PAGE
PREFACE	v
INTRODUCTION	xv
PART I. TRADE UNION HISTORY	
I. THE FORMATIVE YEARS	
1. Antecedent organizations	3
2. The Order of Railway Telegraphers as a Fraternal Organization, 1886-91	5
3. Early Expansion as a Protective Union, 1891-94	6
The reorganization of 1891	7
Factors favorable to growth	7
Early negotiations with employers	7
Early experience with strikes	9
Railroad receiverships and injunctions	10
The American Railway Union and the Pullman Strike	11
Internal dissension	12
4. Stabilization, 1895-1901	12
Federation with the other railway unions	13
The Canadian Pacific strike, 1896	13
The Grand Trunk arbitration, 1898	14
The Southern and Santa Fe strikes, 1900	15
Revival of internal dissension	17
II. UNION EXPANSION, 1901-17	
1. The Extension of Union Influence, 1901-07	19
Favorable conditions	19
The Santa Fe and Southern boycotts	19
The Missouri-Kansas-Texas strike	20
The Northern Pacific and Great Northern strikes	22
Relations with other roads	22
2. Reaction and Revival, 1907-13	23
The depression of 1907-08	23
Mediation and arbitration, 1907-13	24
The Railroad Employees' Department, 1908-12	26

3. The Early War Stimulus to Union Growth	28
Business conditions and union progress	28
The Missouri-Kansas-Texas strike, 1917	29
The Canadian situation	30
The Telegraphers' legislative program and the Adamson Act, 1916	30
Internal friction and the convention of 1917	31

III. THE PERIOD OF FEDERAL CONTROL, 1918-20

1. Factors Favorable to Union Growth	33
2. Methods of Handling Issues with Employees	34
The Lane Commission	35
The Board of Railroad Wages and Working Conditions	35
Railway Board of Adjustment No. 3	36
3. Adjustments in Wage Rates and Working Rules, 1918-19	36
General Order No. 27	36
Proceedings before the Wage Board, 1918	37
The revolt against Supplements 10 and 11	38
Supplement 13	40
Supplement 21 : a standard schedule for previously unscheduled roads	40
4. The Convention of 1919	41
5. The 1919-20 Wage Movement	42
Failure to secure a national agreement	42
The wage issue	43
Concerted negotiations	45
6. The Canadian Situation, 1918-20	47
7. The Results of Federal Control	47

IV. MAJOR MOVEMENTS SINCE THE WAR

1. The 1920 Wage Movement	49
National joint negotiations, 1920	49
Decision 2	50

2. The Movement for Wage Reductions and Changes in Working Rules, 1921-22	51
Status of the Order under Decision 119	53
Wage reductions, 1921—Decision 147	54
The threatened general strike, 1921	55
The movement for further reductions, 1922	56
Decision 757—working rules	56
The 1922 wage controversy and the return to system collective bargaining	57
3. The Resumption of the Union Offensive, 1923	58
Favorable decisions on working rules and wages	58
4. The Atlantic Coast Line Strike	59
5. The Return to Mediation and Arbitration under the Railway Labor Act, 1926	60
6. The Canadian Situation, 1920-29	61
7. The Order in the Contemporary Depression	62

PART II. UNION ORGANIZATION AND METHODS

V. STRUCTURE

1. The Subordinate Divisions	70
Organization	70
The general committee	73
The degree of subordinate division autonomy	76
2. The National Union	77
a. The Grand Division	77
Organization	80
Functions	81
b. The grand officers	84
The president	84
The grand secretary and treasurer	86
The vice-presidents	87
The board of directors	88
Succession in office and the filling of vacancies	89
c. Other machinery for determining union policy	90
The referendum	90
Conferences and associations of general chairmen	91
d. Degree of national union control	92
3. Problems of Union Organization	93
Factors promoting stability	96

VI. UNION FINANCE

1. Subordinate Division Finance	98
2. National Union Finance	102
a. The general fund	103
b. The protective fund	108
c. The convention fund	110

VII. METHODS OF COLLECTIVE ACTION AND BARGAINING

1. Union Practice in Collective Bargaining	114
2. Strikes and Boycotts	116
What constitutes a legal strike	116
Attitude toward illegal strikes	118
Attitude toward sympathetic strikes	118
Appraisal of strike experience	119
Boycotts	122
3. Attitude toward Regional and National Collective Bargaining	124
Union policy prior to the War	124
Experience with national dealing, 1918-22	125
A tentative plan for regional bargaining	127
4. Cooperation with Other Crafts	131
The Cedar Rapids Plan, 1893	131
International Federation, 1898-1900	132
Revival of the system plan of federation, 1901	134
The Railroad Employees' Department of the A.F. of L., 1908-12	134
Renewed cooperation with the train and engine service Brotherhoods	134
Cooperative action by the standard railroad unions, 1920-21	135
The Railway Labor Executives' Association	136

VIII. EXPERIENCE WITH MEDIATION, ARBITRATION, AND COMPULSORY INVESTIGATION

1. Mediation and Arbitration under the Erdman and Newlands Acts	139
2. Methods of Settlement under Federal Control	142
3. The Transportation Act of 1920	144
4. The Railway Labor Act, 1926	147
5. Machinery for the Adjustment of Labor Disputes in Canada	149

IX. UNION RECOGNITION

1. Recognition, Dealing and Discrimination	153
2. Company Unionism and Individual Dealing	156
The Pennsylvania case	156
The Reading case	160
The Delaware & Hudson case	162
Appraisal	163

PART III. UNION POLICIES RELATING TO CONDITIONS OF EMPLOYMENT

X. THE WAGE SCHEDULE

1. The Character of the Wage Rate Problem	167
2. Factors Contributing to the Instability and Non-Standardization of Wage Rates	169
Standardization of working conditions	169
Negotiation of standard differentials for "extras"	170
The elimination of objectionable services	170
The United States Mail issue	171.
The problem of express and telegraph commissions	173
The question of location allowances	176
3. The Adjustment of Individual Wage Rates	176
Fixing rates for new positions	177
The revision of existing rates	177
4. System versus Regional or National Handling of General Wage Readjustments	179
a. System bargaining prior to the War	179
b. Experience with large-scale wage changes, 1918-21	179
General Order No. 27 and Supplement 13	180
The movement for national "standardization of wage rates"	182
c. System and inter-system equalization of wages since 1923	187
5. Is Standardization of Wage Rates Impossible?	189

XI. HOURS OF SERVICE AND RELIEF PERIODS

1. The Limitation of Hours of Service	192
a. The basic day	192
b. Split tricks and intermittent service	197
c. Meal hours	200
d. Starting time	202
e. Rules governing the payment of overtime	204
2. Periodic Relief for Rest and Recreation	210
a. Sunday and holiday service	210
Rules providing for reduction in hours of service required	210
Rules providing extra pay for Sunday service	211
b. Vacations and relief days with pay	214
c. The six-day week	218

XII. LABOR SUPPLY AND TECHNOLOGICAL CHANGE

1. Attempts to Regulate the Supply of Labor	222
a. Restrictions on the teaching of telegraphy	222
b. Attempts to restrict numbers through state licensing	224
c. Efforts to limit potential competition of other crafts	225
d. Union membership policy	226
2. Union Jurisdictional Claims as Related to the Demand for Labor	227
a. Extension of the union eligibility rule	228
b. Efforts to secure recognition of jurisdictional claims	231
Train dispatchers	232
Exclusive (non-telegraphic) and supervisory agents	233
c. The classification issue	237
3. Union Attitude toward Changes in Methods of Operation Which Reduce the Demand for Skilled Men	238
a. Devices reducing the degree of skill required	238
The telephone	238
Automatic printers	241

b. Devices making possible the transfer of work to other classes: the dispatchers' telephone	243
The attempt to secure legislative limitation	244
Efforts to secure the cooperation of the Brotherhoods	245
Schedule rules limiting the use of phones by other crafts	246
c. Automatic train control devices which involve absolute displacement	247
Block signalling	247
Remote, or centralized, control	249
4. Union Program for Handling Displacement and Unemployment	251
The union placement service	251
The union program for increasing employment	252
 XIII. HIRING, SENIORITY, AND DISCHARGE	
1. Hiring	254
Age limits and physical examinations	255
2. Seniority	255
a. Peculiarities of the seniority problem in the telegraph service	256
b. Extent of seniority rights	259
Geographical	259
Who may hold seniority under the schedule	260
c. Degree of discretion allowed the carrier in filling vacancies	261
d. Appraisal	263
3. Lay-offs	265
4. Discharge and Discipline Cases	265
 XIV. CONCLUSIONS	
	267
 BIBLIOGRAPHY	
	273
 INDEX	
	279

INTRODUCTION

THE Order of Railroad Telegraphers is one of the score of unions among the railroad employees of the United States and Canada which are commonly referred to as the "standard railroad labor organizations." It is, after the "Big Four" brotherhoods in the train and engine service, the oldest, and now one of the most strongly organized, of the railroad unions. Under the Interstate Commerce Commission's official classification of railway employees its members properly belong in the "transportation service," which covers all employees actually connected with the movement of trains, as contrasted with the "shop crafts," the "maintenance of way and station service," or the "marine service." However, by the usage of many years the transportation group of unions is restricted to the four train and engine service organizations—the Engineers, the Firemen, the Conductors, and the Trainmen—and the Train Dispatchers, the Telegraphers, and Switchmen, who logically belong with them, are ranked among the "miscellaneous crafts." There are, to be sure, some points of fairly close contact between the Telegraphers and other crafts in the miscellaneous groups. In certain of its branches the work of the Telegraphers touches that of the Switchmen, the Dispatchers, and the Signalmen (signal maintainers); in others it is analogous to that of the Clerks. On the other hand they have little in common with the Maintenance-of-Way Men, the Sleeping Car Conductors, the Masters, Mates and Pilots, the Marine Engineers, or the Longshoremen.

One might assume from its name that the Order of Railroad Telegraphers is a craft organization with a comparatively narrow trade jurisdiction, but in fact its membership includes many groups of employees whose work does not require the use of the telegraph (or telephone) at all. The present rule governing eligibility to membership covers:

" . . . employees on railroads in station, tower, telegraph, telephone or allied service, including telegraphers, managers of telegraph offices, traffic supervisors, wire chiefs, train dispatchers, car distributors, agents (freight, ticket, baggage or express), and assistants to agents (located at railroad stations), telephone operators, block operators, mechani-

cians, attendants or operators of any kind of transmitting or receiving apparatus, operators of centralized or remote control machines, line repairers, tower or train directors, towermen, levermen, interlocker or staffmen. . . .”

Originally membership in the Order was in fact confined to employees in the railroad communications service, but in the course of time it was extended to men doing related work in several different directions. The railroad telegraph (and telephone) service covers two relatively distinct branches: first, the “train-order” work connected with the movement of trains, and second, the message work necessary between offices for the railroad itself, plus a certain amount of commercial traffic handled by contract for the Western Union and other telegraph companies at points not served by their own offices.

Until comparatively recent years the prevailing method of controlling train movements was the train order system. Normal movements were made in accordance with a train schedule which fixed the meeting and passing points for all regularly scheduled trains. Delays or extra trains, however, necessitated more or less extensive rearrangements in meeting points by the train dispatcher, and the transmission of revised train orders by telegraph (or telephone) to operators located along the line, for delivery to the crews of the trains affected. In some instances these operators had telegraph or telephone duties exclusively, but at many points the train-order work was light enough to be added to the duties of the station agents. It follows that a large percentage of the men eligible to the Order had other work in addition to the use of the telegraph or telephone, and the natural tendency was for the union to extend its jurisdiction to cover non-telegraphers who did work otherwise similar to that assigned to telegraphers. Thus “exclusive” or non-telegraphic station agents came eventually to be claimed as members. At the same time there was a gradual extension of the eligibility rule to cover all employees who had a part in the operation of mechanical or electrical devices governing train movements.

There are probably few branches of the railroad service which have been more widely affected by far-reaching changes in methods of operation than have the Telegraphers. Aside from the adaptation of the telephone to the requirements of the railroad service, most of the important developments have been improvements in the methods of controlling train movements such as block signal-

ling, interlocked switch and signal installations in terminal areas, "remote control," and so on.¹

The first important advance in railroad operating methods was the establishment of the block-signal system to supplement the train-order system already described. The earlier block-signal installations were of the "manual" type; that is, the railroad line was divided up into sections or "blocks" of varying length, dependent on traffic conditions; the movement of trains through these blocks in either direction was then controlled by signals operated manually from block stations or "towers" at the end of each block by "block operators" who were in touch with each other, and with the train dispatcher, by wire. A train would be held at the beginning of a block by a "stop" indication of the signal until a preceding or opposing train had "cleared" the block. This method did not substitute a mechanism for the "human factor," but it did reduce the number of train stops to receive train orders, and materially increased the safe train speed and traffic density. The manual block system was expanded rapidly prior to 1905, and more slowly thereafter until 1915, when approximately 67,000 miles of line (about 26 per cent of the mileage of the country) had been so protected.

It was even then outmoded for roads of comparatively heavy traffic density by the automatic signal system, in which the indications were controlled without human intervention by electrical track circuits, designed to give a train passing through a block protection against following trains in double-track operation, and front-and-rear protection on single track. This eliminated the need for block operators to manipulate the signals themselves under normal conditions but did not obviate the need for occasional towers to handle the train orders still necessary under unusual conditions, and to control switches, at busy sidings, junctions, and cross-overs. By 1930 about 60,000 miles of line had been equipped with automatic signals.

In a few sections of the country the "staff" system has been used instead of visual signals to accomplish the same purposes. The staff is a keyed bar received by the engineer at one end of a block as authority to proceed, and is surrendered at the other end for a similar staff governing the next block. The staffs fit in the staff machines in such a way that while the staff governing a particular

¹ Many of these developments in the methods of controlling train movements, and other technological changes affecting the railroad telegraphers are described, and their effects analyzed, in "Displacement of Morse Telegraphers in Railroad Systems," *Monthly Labor Review*, May 1932, pp. 1017-28.

section is in the possession of one train crew no staff authorizing a conflicting movement can be removed from the machine at the other end of the block. The telegraphers employed in operating the staff machines and handing up the staffs to the train crews are called "staffmen." The system is not extensively used outside the snowshed territory on the western coast.

Since the War the most important development has been the experimental adoption of "train movement by signal indication" outside of terminal areas, in which it was already well established. The purpose is the complete supersession of train schedules and written train orders by directions given to the train crews by signal indications along the route. The signals are of the "controlled manual" type—that is, capable of being manipulated by electrical or mechanical means from a distant point so as to direct the movement of the train, but so controlled by track circuits and relays that the operator cannot set the signals to authorize two conflicting train movements at the same time. Such installations have been common in city railway terminals, junction points, and the like, for many years, but have been made possible for main-line use only through the recent development of intricate but very reliable selector mechanisms. It is now possible for an operator at a control table at some central point to follow the movements of trains over many miles of line as indicated by moving lights on a visual train graph, and throw the switches and set the signals along the line by electrical control, so that trains may meet and pass without train orders; frequently even without a stop. The train crews no longer rely on written orders but run by the signals, "take siding indicators," and so on, the switches being thrown automatically to accommodate the movements indicated. The remote-control operator works directly under, and shares much of the responsibility of, the train dispatcher. This development, known as "centralized" or "remote" control, is one of the most dramatic developments of the past decade. It is still impossible to predict the degree to which its extension will prove desirable. It has thus far proved most advantageous in single-track territory where the traffic density has reached the point of serious interference with efficient operation. It promises a material speeding up of operation and may thus indefinitely postpone the necessity of expensive double tracking.

In terminal areas the movement of trains is usually controlled in about the same way from one or more "towers," under the charge of a "train director" or "tower director." The actual manipulation of the switch and signal levers in the "interlocking machine" is

done by "towermen" or "levermen," some of whom may also have telegraphic duties. Another typical development of recent years that has affected men in this branch of the service is "automatic interlocking" at grade intersections of two or more lines of railroad. Formerly signals and derailing switches under the control of towermen or "interlockers" were relied upon to protect the train which had the right of way against an opposing movement before it had cleared the interlocked zone. Under the automatic system the first train to reach the zone has right of way and actuates an electrical track circuit which sets the signals and derails to prevent any conflicting movement by a train on the other line. Such a system is probably best adapted to intersections with light traffic, where discrimination in awarding the right of way to trains of different classes is not important.

The handling of railroad business messages and commercial traffic over the railroad wires gives employment to several classes of telegraphers. "Telegrapher-clerks" are frequently employed in general and division offices, and at larger points the operators may work under the direction of an "office manager." Interoffice business is usually handled over special wires or trunk circuits, but that destined for stations out on the line must normally pass to the line wires through the "relay" office. The operators handling this message work are called "relay operators" and need to have greater skill as operators than the men on the line.

In the past twenty-five years the telephone has materially changed the character of the communications work. More recently the Teletype, Morkrum, Multiplex, and similar automatic printing telegraph machines have been introduced on some roads in place of highly skilled operators on trunk circuits between offices, and at some other points where the duties are largely telegraphic. The two or three operators usually required in each office—a "puncher," a telegrapher on the receiving machine, and a telegrapher-mechanic in charge of the equipment—need not have the same training as the men displaced. Thus far printer installations have been made on about thirty of the roads with which the Order has agreements; as in the case of remote control it is impossible yet to estimate the extent to which additional printer installations can profitably be made.

In the telegraph and station service, as in the movement of the trains themselves, much night work, and work on Sundays and holidays, is unavoidable. Many offices must be operated continuously, on three "tricks" (shifts) of eight hours each, with one

or more men on duty each trick. The trick beginning in the morning is usually called the first trick, and is preferred not only because of the better hours, but because it ordinarily carries some authority over the men working the other tricks, and therefore may command a better rate of pay. At other places the exigencies of the train schedule may be such as to make a two-trick office feasible; in such cases one or other of the operators assigned to the post may be "called" outside of hours if needed. There are, finally, several thousand one-trick offices in the country, usually at small stations where a single employee may be, simultaneously, the ticket, freight, express, Western Union agent, and baggage master, with a wide range of supplementary duties.

PART I. TRADE UNION HISTORY

CHAPTER I
THE FORMATIVE YEARS

I. *Antecedent Organizations*

EFFORTS to establish trade unions among railroad and commercial telegraphers date back at least to the Civil War. The first recorded attempt was the formation of a short-lived National Telegraphic Union in 1863. Three years later a number of Western Union employees established a more militant secret organization known as the Telegraphers' Protective League, which quickly attained considerable strength, particularly in the cities. On January 1, 1870, it declared a disastrous strike against the Western Union Company in protest against wage reductions and the discharge of union members; the company countered with an offer of amnesty to all who would forswear the League and return promptly to work. Within a few days wholesale desertions led to the collapse of the strike and the dissolution of the organization.¹

Subsequent efforts to revive union activity made little headway in the face of blacklisting and other forms of intimidation until the phenomenal rise of the Knights of Labor in the early '80's. In 1882 the Brotherhood of Telegraphers of the United States and Canada, known also as District 45 of the Knights of Labor, was organized with John Campbell as District Master Workman. The new organization expanded rapidly, taking in both men and women, so that by August 1883 it boasted 150 lodges in the principal cities of the country, with a membership estimated at 18,000 out of about 22,000 eligible employees, of whom perhaps two-thirds were railroad operators.²

The Brotherhood appeared at a time when dissatisfaction with existing conditions was acute. Wage rates had been falling steadily since the early '70's, and despite the parallel downward trend of prices the employees were restive under repeated reductions. The average monthly wages of commercial and railroad operators in

¹ *Journal of the Telegraph*, III (1870), pp. 37-45, 60; *Telegrapher*, XXXI (1914), p. 1498; U.S. Sen. Comm. on Ed. and Labor, *Relations of Labor and Capital*, I, p. 116.

² U.S. Sen. Comm. on Ed. and Labor, *Relations of Labor and Capital*, I, pp. 101-15, 152-3, 189-99; II, pp. 56-7.

1883 were said to be about \$54 and \$39 respectively, but there were extreme variations in rates from class to class in the service and from place to place, wages in the smaller towns being very low. Women doing the same work as men received lower wages. According to union spokesmen the prevailing wages were insufficient for family maintenance, so that the older men were forced to seek other occupations, and the younger were encouraged in a vagrant life.³

Although the aggressive movement of the Western Union and other telegraph companies for wage reductions was an important grievance, the hard-boiled refusal of the companies to consider individual grievances or discuss general issues with the union committees, and widespread discharges on account of union membership, intensified the dissatisfaction.⁴ Even before organization was completed high feeling against the Western Union Company led to the presentation of general demands, including a 15 per cent increase in wages, the eight-hour day, overtime payment for Sunday service, and equal pay for men and women doing similar work.⁵ Following the emphatic refusal of Western Union officials to take up the issues with the committee or submit them to arbitration, a strike was called on July 19, 1883, which involved from 8,000 to 10,000 commercial operators.⁶

The strike was obviously premature and the leadership, though bold, was far from sound. The Brotherhood had devoted its scanty resources largely to extension of its membership, so that when the strike came it was virtually without funds. Nevertheless "to strengthen the strike and make it more vigorous, and to discomfit Jay Gould and the Western Union Telegraph Company," it declared that it had hundreds of thousands of dollars at its command. This pretense was of little avail; with a membership of raw recruits and an empty war chest the Brotherhood could not survive a fight to the finish.⁷

The failure of the strike was at the time interpreted as conclusive evidence of the futility of aggressive unionism in the telegraph service, and attention was diverted to non-protective associations. The inclusion of both commercial and railroad operators in the

³ U.S. Sen. Comm. on Ed. and Labor, *Relations of Labor and Capital*, I, pp. 102-20, 134-56, 172-7, 191-5, 224-35.

⁴ *ibid.*, I, pp. 114-15, 129, 168-9, 180-2, 223-4.

⁵ *ibid.*, I, pp. 102, 122-9, 157-69; II, pp. 52-3.

⁶ *ibid.*, I, pp. 105, 181-5, 190; II, p. 57-8.

⁷ *ibid.*, I, pp. 820-1.

same organization also came to be regarded as impractical because of the dissimilarity of their interests and working conditions.⁸

2. *The Order of Railway Telegraphers as a Fraternal Organization 1886-91*

Two years after the collapse of the Brotherhood of Telegraphers Ambrose D. Thurston began the publication of the *Rail Road Telegrapher*. Through the columns of this small weekly he advocated the organization of a fraternal order among railway operators. By the following spring the project had attracted sufficient attention to warrant the calling of a convention to carry the plan into effect.⁹ On June 9, 1886, delegates from a number of roads, mainly west of the Mississippi, met at Cedar Rapids, Iowa, and after some discussion agreed to form a secret organization, the Order of Railway Telegraphers of North America.¹⁰ The constitution provided that only telegraphers who were or had been employed in the railroad service should be eligible for membership. A strong anti-strike clause was adopted providing for the summary expulsion of any member who used his influence to create a strike. The previous experience with strikes had been disastrous, and for the time at least the leaders were willing to discard the weapon as useless. They undoubtedly felt, also, that a non-striking organization would encounter less serious opposition from the railroad officials. On the other hand they had high hopes of improving wages and working conditions by restricting the supply of operators in the market and at the same time improving the quality of their service. To this end the indiscriminate teaching of telegraphy by members was forbidden.¹¹

As a means of building up the new organization paid organizers were extensively employed, despite a very high ratio of expense to revenue from initiation fees and dues, and their efforts were reflected in a growth in membership from about 2,250 in March 1887 to about 9,000 in March 1889.¹² In the following year, however, the affairs of the Order reached a crisis. It was financially impossible to continue the intensive organizing campaign; at the same time withdrawals were increasing as the members found few

⁸ *Telegrapher*, XIX (1902), pp. 983, 987.

⁹ *ibid.*, VI (1890), pp. 330-1; XXXIII (1916), pp. 816-17.

¹⁰ *ibid.*, XXIII (1906), pp. 260, 752-3; XXVII (1910), pp. 1349-53.

¹¹ *ibid.*, VI (1890), pp. 90, 190-1, 309-11, 390, 465; XXIII (1906), pp. 752-3; XXVII (1910), pp. 1349-53.

¹² *ibid.*, VI (1890), p. 210; XVI (1899), p. 729; XXII (1905), pp. 398-9.

concrete advantages in union membership and lost interest in its purely fraternal features. An insurance department, set up by the first convention as a drawing card, had failed to command support and was abandoned.¹³ Moreover, as the passage of time dimmed the memory of the strike in 1883, interest in protective unionism revived within the ranks of the Order, even though the conservative element was still powerful enough to push through an even more stringent anti-strike clause in the convention of 1890. The organization of a rival militant union, the Brotherhood of Railway and Commercial Telegraphers, together with widespread reports of discrimination against members of the Order by railroad officials brought matters to a climax. The retention of the anti-strike policy was almost impossible under these conditions; the Order could not hope to maintain its strength unless it was prepared to do something to protect its members against discrimination.¹⁴

3. *Early Expansion as a Protective Union, 1891-94*

The report of Grand Chief Thurston to the 1891 convention of the Grand Division clearly reflected the changing temper of the organization. Even as late as the previous year he had declared his satisfaction with the results of the existing policy, but he now reversed his position and advocated the reorganization of the Order as a full-fledged trade union similar in structure and activities to the older train and engine service Brotherhoods. The step ran counter to his inclinations, he said, but was made imperative by conditions facing the Order, particularly the discrimination encountered by members on many roads. The members looked to the organization for protection against injustice and expected through it to gain recognition as a craft. The effort to secure these ends by conciliatory methods had not succeeded; the adoption of more vigorous tactics remained the only alternative to dissolution. By transformation into a "protective" union the Order could also qualify for participation in plans for joint union action which were then being considered by the four train and engine service organizations on many roads.¹⁵ Thurston's recommendations commanded strong support, and the constitution was amended by a vote of 98 to 20 so as to make the Order a protective organi-

¹³ *Telegrapher*, VI (1890), pp. 147-8, 210, 230-1, 250-2, 310-14; XIV (1897), p. 533.

¹⁴ *ibid.*, VI (1890), pp. 10, 130-1, 150, 189-91, 309-11, 330, 411, 430-1, 451.

¹⁵ *ibid.*, XXXIII (1916), pp. 1171-6.

zation. To avoid possible legal difficulties the name was changed to the Order of Railroad Telegraphers of North America.¹⁶

The reorganization took place at an auspicious moment. The years 1890-93 were generally prosperous, so that the employers were able to make some concessions to the demands of their employees for improved wages and working conditions. As the earlier bargaining efforts of the Order began to yield concrete results its prestige within the craft was enhanced and new recruits were attracted to its banners; the membership increased from 8,300 in 1891 to 15,300 in 1893. This expansion was stimulated both by the aggressive policy of the Order itself and by the current discussion of the projected offensive and defensive alliance of all the crafts in the transportation service.

Tradition has it that the first victory of the Order was the winning of an agreement on the Atlantic & Pacific Railway in December 1891, following a brief walkout. The first important schedule was conceded a few weeks later by the Denver & Rio Grande. With rapidly mounting enthusiasm the operators throughout the country hastened to enroll under the aegis of the Order, and to draw up demands for presentation to their employers. The next two years were marked by almost unparalleled union activity in all parts of the country, but especially in the West and Southwest. Agreements were secured by the Telegraphers' committees on about twenty-five different roads, among which the Gulf, Colorado & Santa Fe, the Union Pacific, the Missouri Pacific, the Frisco, the Northern Pacific, the St. Louis Southwestern, the Chicago & Eastern Illinois, the Queen & Crescent, the Baltimore & Ohio, and the Chesapeake & Ohio were the most prominent. It was estimated that 5,000 men received wage increases of about \$350,000 under the terms of these agreements.¹⁷

The efforts of the committees were not, however, uniformly successful. As was perhaps inevitable when enthusiasm was running high, there was a great deal of hasty, ill-considered and confused action; demands were sometimes drafted and committees sent in to the management while the employees on the roads concerned were still being "lined up"; under such circumstances union discipline was little more than a word.¹⁸ It is probable that the

¹⁶ *ibid.*, XVI (1899), pp. 303-4; XXIII (1906), p. 260; XXXIII (1916), pp. 1176-7.

The name was later shortened by dropping the phrase "of North America."

¹⁷ *ibid.*, IX (1893), pp. 47-8; XV (1898), pp. 622-3; XXIII (1906), pp. 751-8; XXIV (1907), pp. 423-4.

¹⁸ *ibid.*, IX (1893), pp. 559-60, 31, 242-3; XX (1903), pp. 1607-8.

officials on some roads were alienated by what seemed to be the confused demands and undisciplined actions of a mob; on others they were little disposed to deal with the union under any conditions. It is therefore scarcely surprising that in the two years 1892-93 the Telegraphers became involved in strikes on six roads—the Gulf, Colorado & Santa Fe, the Burlington, Cedar Rapids & Northern, the Rock Island, the Chicago & North Western, the Central of Georgia, and the Lehigh Valley—or that in practically all of them the outcome was disappointing. The experience in these strikes had a marked chastening effect on the spirit of the Telegraphers and brought into sharp relief the inherent handicaps to which they were subject, as well as the deficiencies in organization and discipline which were to be expected in any fledgling union. One of the most serious sources of weakness was that the members of the Order on any particular road were dispersed over the entire line, with one or two men, but rarely more than three, at each office. They were therefore out of touch with each other or with their leaders save by the company wires; even the most carefully guarded passwords were not complete protection against false or misleading information and instructions while schedule negotiations were in progress. Thus on two roads—the Gulf, Colorado & Santa Fe and the Chicago & North Western—the operators went out in response to fake strike orders which were circulated at a time when feeling was very high, but while negotiations were still in progress. Further dealings were impossible until service had been restored; the effect was not only to demoralize the Telegraphers themselves but also to embarrass the activities of their committees by giving the union an appearance of irresponsibility. On the Gulf, Colorado & Santa Fe an agreement was soon concluded, but on the Chicago & North Western the committee was not so fortunate.¹⁹

Another weakness in the armor of the Telegraphers, likewise due in large part to the isolation of the individual members, was disclosed in the Burlington, Cedar Rapids & Northern and Rock Island strikes of 1892. On both roads the managing officials met the overtures of the union representatives by canvassing the operators individually and inducing a considerable number to accept alternative proposals (in effect repudiating their committees). In each case the management then challenged the authority of the committee to speak for a majority of the employees on the road.

¹⁹ *Telegrapher*, VIII (1892), pp. 492-3, 509-10; IX (1893), pp. 285-6; *Railroad Gazette*, XXIV (1892), p. 789, XXV (1893), p. 412.

On the Rock Island the officials demanded that the committee submit the names of its constituents in support of its claim. This the committee feared to do lest the men named be blacklisted. On both roads the Telegraphers took up the gage of battle, and a substantial percentage of the employees responded to the strike call. The Cedar Rapids strike was finally settled through the mediation of E. E. Clark of the Order of Railway Conductors, but the Rock Island strike ended in a clear-cut defeat for the Telegraphers.²⁰ In this, as in other strikes of the period, the operators proved to be lacking in staying power. This was probably due in the main to the fact that they were green troops, but under any circumstances the isolation of the individual employees exposed them peculiarly to the influence of misinformation, persuasion and intimidation, and at the same time made extremely difficult the maintenance of union morale.²¹

The Lehigh Valley strike of 1893 was possibly the bitterest of this entire period. This dispute, in which the four train and engine service Brotherhoods were also involved, grew out of the refusal of the railway officials to receive a joint committee of the five unions seeking the restoration of working rules which had been in force prior to the separation of the Lehigh Valley from the Philadelphia & Reading. The strike, marked by some violence and disorder, was finally terminated by a compromise settlement proposed by the state boards of mediation of New York and New Jersey. This called for the restoration of the rules in question, the reemployment of strikers in filling vacancies, non-discrimination on account of union membership, and the right to take up grievances through committees of employees.²²

This group of strikes came at the crest of a wave of union enthusiasm which had seemed destined to sweep everything before it, under the favorable conditions of 1891-93, but even before their sobering effects had been fully realized the recession set in. As the country entered the long depression which followed the crisis of 1893, many railroads found themselves in financial straits or passed into receivership. Wage reductions averaging 10 per cent for all classes of employees were enforced throughout the country, and the unions, so far from being able to secure improved condi-

²⁰ *Telegrapher*, IX (1893), pp. 26-7, 46-7, 460-2, 482-3, 553-6; X (1894), pp. 156-60; *Railroad Gazette*, XXIV (1892), pp. 928, 950, 969.

²¹ *Telegrapher*, IX (1893), p. 26.

²² *ibid.*, IX (1893), pp. 501-2; X (1894), pp. 153-5; *Railroad Gazette*, XXV (1893), pp. 853, 864-5, 890, 930; New York State Board of Mediation and Arbitration, *Annual Report*, 1893, pp. 13-16.

tions for their members, were hard pressed to muster strength for defensive action. Naturally the "boomer" element in union membership melted away. In the early months of 1893 the Telegraphers had boasted a membership of approximately 18,000; by 1895 their numbers had been reduced to a scant 5,000.

On a number of roads which were in receivership—the Northern Pacific, the Union Pacific, the Santa Fe, the Oregon Railway & Navigation, and the Wabash—the Telegraphers and the four train-service Brotherhoods became involved in litigation growing out of wage reductions initiated by the receivers without consultation with the union committees. The most important of these cases grew out of an injunction issued by Judge Jenkins of the Federal District Court at Milwaukee forbidding a strike of the five organizations on the Northern Pacific against wage reductions announced by the receiver. The injunction was held in reserve until just prior to the date set for the strike—January 1, 1894—and was supplemented by another enjoining the members of the joint committee, the chief executives of the five unions, and the national organizations themselves, from striking or ordering a strike. The case was taken on appeal to the United States Circuit Court of Appeals in Chicago.²³ The decision, written by Justice Harlan, placed definite restrictions on the scope of the injunction. In prohibiting the employees from quitting the service, with or without notice, so as to cripple the property or hinder the operation of the railroad, the original injunction was held to be too broad, inasmuch as the employees had a right to strike for improved conditions or better wages so long as they did it without violence or intimidation.²⁴

In the Union Pacific case, although the wage reductions proposed by the receivers were approved by the District Court at Lincoln, Nebraska, and a sweeping order issued against concerted quitting of work, judges in other federal jurisdictions took exception to the initiation of reductions without opportunity for negotiation by representatives of the employees. The case was taken on appeal to the Circuit Court at St. Louis. Judge Caldwell of the Circuit Court sustained the contention of the employees that notice and opportunity for discussion of the reductions should have been afforded them, and directed the resumption of direct negotiations pending further hearings. Later he modified the very broad injunction against combined action which had been issued by the

²³ *Telegrapher*, X (1894), pp. 218-19, 921-4; *Railroad Gazette*, XXVI (1894), pp. 12-13, 140, 161, 268, 689-90.

²⁴ *Arthur v. Oakes*, 64 Fed. 310 (1894).

lower court, and refused to sanction the reduced wage scale. Anticipating such a decision, the two sides had got together and prepared a tentative wage scale for submission to the court. Following the decisions in these two cases there was very little complaint of arbitrary action by receivers or of the use of the injunctive process against the organizations in the transportation service.²⁵

The unfavorable business conditions after 1893 were sufficient to account for a severe recession in union membership, but the Telegraphers were also adversely affected by other circumstances, especially the rise of the American Railway Union in 1893-94 and the development of bitter dissension within the Order itself.

The American Railway Union had been organized in June 1893, under the leadership of a former secretary-treasurer of the Locomotive Firemen, Eugene V. Debs, with the avowed object of uniting all groups in the railroad service in a single industrial union. Although it drew most of its support from the railroad shop crafts and the less skilled employees, the new program had a considerable appeal for men engaged in train movement as well. Reports that officers and members of the Dallas, Texas, local of the Order had succeeded to the A.R.U. late in 1893, and that officers of the local division at Kansas City also occupied official positions in the rival union suggest that the losses of the Telegraphers may have been substantial.²⁶

The Pullman strike put a severe strain on the loyalty of members of the Order. Their sympathies were with the strikers, but the grand officers steadfastly refused to sanction sympathetic strikes in violation of union law and existing contracts.²⁷ Despite the caution of their leaders the operators on some roads were disposed to take a hand. On the Louisville & Nashville, for example, they became involved in an outlaw sympathetic strike which disrupted their agreement and permanently alienated the management.²⁸ As a result of their experience with the A.R.U. the leaders of the Order emphasized still further the importance of strict union discipline and the impracticability of industrial unionism in the railroad service, on the ground that a single organization covering such a wide variety of crafts would inevitably be unwieldy, its

²⁵ *Telegrapher*, X (1894), pp. 209-20, 303-4, 344-5, 349-51; *Railroad Gazette*, XXVI (1894), pp. 91, 109, 123-4, 161-2, 271.

²⁶ *Telegrapher*, IX (1893), pp. 458-9, 478-9.

²⁷ *ibid.*, X (1894), pp. 641-2, 683-91, 735-6, 766-7, 819.

²⁸ *ibid.*, XXXV (1918), p. 315.

leadership lacking in responsibility, and internal friction between the different classes almost unavoidable.²⁹

The strength and prestige of the Order was also adversely affected during 1893-94 by bitter dissension within its ranks, due in large measure to personal rivalries, but accentuated by the disappointing experience in the strikes of 1892-93. D. G. Ramsay, who had succeeded A. D. Thurston as grand chief in 1892, was re-elected at the Toronto convention of 1893, following an investigation of his official conduct, but this did not silence the opposition. His suspension of the charter of Division 2 at Omaha late in July 1893 on grounds of insubordination and violation of union law was made the basis of a demand that the grand executive committee call a special session of the Grand Division to try a long bill of charges against him and his fellow grand officers. This demand was refused. The Omaha division then proposed to take the dispute into the courts, but a truce was finally arranged by which the controversy was held over until the Denver convention of 1894. Secret hearings lasting four days ended in Ramsay's acquittal of the charges lodged against him, but in the ensuing contest for the chieftainship he was defeated by Walker V. Powell by the slender margin of 59-56. The change of administration gave an opportunity for the internal struggle to die down, and a period of stabilization set in.³⁰

4. *Stabilization, 1895-1901*

As late as 1901 the Order had less than two-thirds as many members as it had boasted in 1893, but it was in every respect a much more substantial organization. The prolonged depression trimmed away the mushroom growth of the earlier years, leaving a core of seasoned and devoted veterans as a basis for subsequent expansion. Schedule negotiations were naturally suspended, and some contracts previously in force were abrogated, or allowed to fall into the discard, as members dropped out during the unfavorable years in the middle '90's. The remaining membership was for the most part concentrated on about a score of roads, principally in the Central and Western territory, where contractual relations were generally maintained. During the entire period of depression and recovery the Order was slowly consolidating its strength and adapting itself as far as possible to the peculiar requirements of

²⁹ *Telegrapher*, X (1894), pp. 1053-8.

³⁰ *ibid.*, IX (1893), pp. 261-2, 303-4, 325-7, 389-95, 434, 480-1; X (1894), pp. 69-71, 512, 545-9, 595.

the craft. The adoption of the system division plan of organization in 1895 made the railroad system the basic structural unit as well as the usual bargaining unit. This proved to be a generally satisfactory solution to the long-standing problem of building up strong local organizations among members who were kept widely scattered by the nature of their work.⁸¹ The inauguration of the Mutual Benefit Department in 1898 was likewise designed to promote union solidarity, by giving the members an additional interest in the organization through the insurance which they were required to carry.⁸² The admission of non-telegraphic levermen to membership in the Order in 1897 was another important step, significant in that it presaged the later extension of the union jurisdiction and influence far beyond the limits of the key and sounder.⁸³

During this entire period the prestige of the Order was materially enhanced by the close relationship which was maintained with the older and more influential train and engine service Brotherhoods. Official provision for joint action by any or all of the five organizations was first made in the Cedar Rapids Plan of federation, adopted in 1893. Under this plan the various union committees on any railroad could, if they so desired, establish a joint or federated board for the cooperative handling of grievances and other issues. Such boards were set up on a number of roads, and proved of advantage in resisting wage reductions in 1893. This experience with voluntary federation led in 1897 to the drafting of the Peoria Plan, which made joint action mandatory on all organized roads. So disappointing was the experience under this plan that it was abandoned by general consent in January 1900. There were some roads, however, on which joint action had proved thoroughly satisfactory, and on which there was a demand for its continuance. To make this possible the Cedar Rapids Plan was revived in June 1901. Within a few months system federations, to which the Telegraphers were party, were established on a number of roads.⁸⁴

With the beginnings of business revival in 1896-97 the Order once more began to extend the scope of its influence. The morale of the entire organization was immeasurably stimulated, and its recovery accelerated, by the winning of a schedule on the Canadian Pacific in the fall of 1896, following a short strike. The Canadian

⁸¹ See below, Chap. v.

⁸² *Telegrapher*, XIV (1897), pp. 533-6, 879-88, 964; XV (1898), pp. 3-4, 12, 77, 974; *Convention Proceedings*, 1897, pp. 34-6.

⁸³ See below, Chap. xii.

⁸⁴ See below, Chap. vii.

Pacific System Division, No. 7, had been established in 1895. Within a year it boasted more than 1000 members. Almost immediately the general committee took up a number of pending grievances, along with a demand for certain improvements in working conditions and the restoration of wage rates, which had been cut in 1895. When Vice-President Pierson arrived to assist the committee he found it in a militant frame of mind after months of fruitless negotiations. At that juncture the company attempted to compel the train dispatchers to withdraw from the organization. Pierson and the committee regarded this as an overt act, and countered with an immediate declaration of a strike, even though the grievances had not yet been taken up to the highest officials of the road, and despite the requirement of the union law that a strike be first approved by the chief executive of the Order.

The strike began September 28, 1896, and within a day or two became general over the entire line from St. John to Vancouver. Confronted by a *fait accompli* President Powell decided to overlook the breach of union law and threw the resources of the union behind the strike. At the same time the officers of the train and engine service Brotherhoods on the Canadian Pacific intervened as mediators. After delicate and extended negotiations they secured an agreement by which the management reinstated strikers not charged with other offenses, recognized the committees of the Order, and authorized them to carry their grievances directly to the five general superintendents of the road instead of taking them up first with the division officials, as was previously required. The strike ended on October 11, and agreements were quickly established on each of the five operating regions of the road.

The successful outcome of this strike had a profound effect on union morale, coming as it did at the end of a long period of depression and struggle against adverse conditions. It was widely hailed as showing that a strike of Telegraphers could be successful, although as a matter of fact the report of the conciliators showed that the hasty action of calling the strike in violation of union law and without appeal through the prescribed channels had materially increased the difficulty of bringing about a settlement. Nevertheless the agreement gave the Order a foothold in Canada, and was quickly followed by the scheduling of other Canadian roads.⁸⁸

Another case which contributed to the prestige and confidence

⁸⁸ *Convention Proceedings*, 1897, pp. 11-16, 75-6; 1899, pp. 56-7; *Telegrapher*, XI (1895), p. 166; XIII (1896), pp. 341-7, 507, 517-20; XIV (1897), pp. 19-27; XV (1898), pp. 25-7, 272; *Railroad Gazette*, XXVIII (1896), p. 724.

of the Order was the Grand Trunk arbitration of 1898. When the general committee on this road undertook negotiations regarding an extended set of grievances, including wages and working conditions, seniority, and union recognition, the management canvassed the individual operators to ascertain the union strength. Scattered discharges and local stoppages followed. At this juncture the railway officials proposed arbitration, and an agreement to that effect was signed on December 23, 1898. About a month later the arbitrators returned an award favorable to the Telegraphers, based upon the terms of the Canadian Pacific schedule, the acceptance of which brought an apparently hopeless situation, from the union standpoint, to a favorable conclusion.⁸⁶

Inspired by these successes the Telegraphers on other roads became active once more, and during 1898-99 at least sixteen new or revised contracts were negotiated. Among the roads now scheduled for the first time, aside from the Canadian Pacific and the Grand Trunk, were the Oregon Railway & Navigation, the Missouri-Kansas-Texas, the Baltimore & Ohio Southwestern, the Cincinnati, Hamilton & Dayton, and the Long Island. In May 1899 Walker V. Powell, president of the organization, reported that the operators on at least sixteen additional roads were organized and ready to move for schedules, and that on a number of others they were proposing revisions of wage rates and working conditions.⁸⁷ However, the movement did not materialize in the proportions anticipated, largely because of less favorable business conditions and the unsuccessful outcome of strikes on the Southern and the Santa Fe in 1900.

Hasty action and rash leadership had been evidenced in a number of earlier instances, but was most clearly exemplified in the Southern and Santa Fe strikes of 1900. The Southern trouble followed some months of negotiations, during which the railway officials were charged with refusing to receive a committee of employees and discharging committeemen on trivial grounds. Powell went to the assistance of the committee, and authorized a strike on April 12, 1900, after his own efforts to secure a settlement had proved unavailing. The management contended that the leaders of the strike were irresponsible, that they had raised few if any definite issues and had refused to take up their case through the channels regularly accepted by the other organizations. Reports

⁸⁶ *Railroad Gazette*, XXXI (1899), pp. 89, 123; *Telegrapher*, XVI (1899), pp. 8-9, 19, 89-90; *Convention Proceedings*, 1899, pp. 63-7.

⁸⁷ *Convention Proceedings*, 1899, pp. 38-40, 48-67.

as to the effectiveness of the strike conflicted, but even the leaders admitted that many of the members scabbed. Powell proved lacking in balance and indulged in personal attacks on railway officials which reacted unfavorably on public opinion and destroyed any hope of an amicable settlement. After four weeks of increasingly ineffective struggle the strike was called off in admitted defeat, and the road was posted for boycott.⁸⁸

The reverberations of the Southern strike had not died away when trouble broke out on the Santa Fe. During July 1900 the schedule on the eastern lines was revised, and in November a brief walkout resulted in the extension of the rules to cover the lines west of Albuquerque and an improvement in the wage scale. The Gulf, Colorado & Santa Fe committee then went after a revision of its own schedule. It soon reached a deadlock with the management, which proposed the adoption of the rules already in force on the Santa Fe proper and the arbitration of the wage issue, but insisted on the removal of a large number of station agencies from the schedule. The committee, assisted by Vice-President Pierson, wanted to fight, but M. M. Dolphin, the acting executive of the Order, held out for a conciliatory policy. The management, however, seemed more inclined to withdraw concessions already offered than to amplify them, and Dolphin finally gave in to the demand for a strike on the Gulf lines, even though it was obvious that it could succeed only if supported by the Telegraphers on the entire Santa Fe system. The strike, which began December 6, 1900, soon extended to the Santa Fe proper, which the railway officials charged was in violation of the existing agreement on the latter. Sentiment among the rank and file was divided as to the justification of the strike, and some of the local officers actively encouraged men to remain at their posts. The confusion was increased by a fake message sent out December 10 over the initials of the Santa Fe general chairman to the effect that the road had agreed to arbitrate and that the men should return to work. Six days later the general chairmen of the train and engine service Brotherhoods attempted to conciliate the strike, but their overtures were rejected by the railway officials. Soon afterwards the strike was called off "for prudential reasons," and the Santa Fe was placed on the unfair list.⁸⁹

⁸⁸ *Convention Proceedings, Special Session, 1900*, pp. 27-9, 55; *Telegrapher*, XVII (1900), pp. 347-59, 366, 427, 442; *Railroad Gazette*, XXXII (1900), p. 304.

⁸⁹ *Convention Proceedings, 1901*, pp. 18-28; *Telegrapher*, XVII (1900), pp. 983-4; XVIII (1901), pp. 4-6, 92-3, 201; XIX (1902), pp. 53-4; XX (1903), pp. 918-19; *Railroad Gazette*, XXXII (1900), p. 825.

The defeat of the Order in the Southern strike brought to a head an internal conflict which had been growing in bitterness since 1897. Powell was in many respects a shrewd and able leader but temperamentally unable to brook opposition. His régime was characterized by constant conflict with his fellow officers. In 1898 he clashed violently with the grand secretary and treasurer, H. B. Perham, on a question of fiscal policy, in which he was supported by a puppet board of directors. At the convention of 1899 he made a determined effort to secure the affirmation of his own power and the elimination of Perham, but failed in the latter. Perham persisted in his refusal to accept orders which he deemed to be unconstitutional violations of his own responsibility as an officer of trust, and in June 1900 Powell charged him with insubordination. The board of directors set August 27 for a hearing of the charges, but Perham secured a restraining injunction, charging a conspiracy to divert the funds of the Order. At the same time popular dissatisfaction with the current régime, which had been accentuated by the mishandling of the Southern strike, crystallized in a demand for a special session of the Grand Division to investigate the actions of the grand officers, try charges against any or all of them, and enact legislation to safeguard the interests of the Order.

On petition of more than 25 divisions a special session was convened in St. Louis on October 8, 1900. While the delegates were engaged in the preliminary investigation it was rumored that Powell had secured an injunction against their action. Instantly a resolution suspending him from office was adopted, and the following afternoon set for the trial of charges against him. Powell contended that the charges were illegally preferred and refused to appear, but the trial went on and ended in a vote for his expulsion from the Order. A subsequent agreement was reached with him which terminated the pending legal proceedings on both sides. Following the decision in Powell's case two members of the board of directors and the second and third vice-presidents were removed from office. Perham, on the other hand, was completely vindicated. The first vice-president, M. M. Dolphin, claimed the presidency under the existing law governing succession in office and was permitted to serve out the unexpired term on sufferance of the now powerful group that had ousted Powell.⁴⁰ The ill-fated

⁴⁰ *Convention Proceedings*, 1897, p. 94; 1899, pp. 24-5, 47-8, 88-100, 130; *Special Session*, 1900, *passim*; *Telegrapher*, XVII (1900), pp. 171, 882-3; XLV (1928), pp. 532-3.

Santa Fe strike blasted any hope which he may have cherished of retaining the office, and in 1901 Perham was swept into the presidency with an overwhelming majority.

CHAPTER II
UNION EXPANSION, 1901-17

I. *The Extension of Union Influence, 1901-07*

THE new grand officers came to the helm of the Order as a new era in its history was beginning. It then had about 10,000 members, enrolled in 30 system divisions and 42 local divisions in the United States and Canada. Although this was but a fraction of the 50,000 or more eligible employees, the union's strength was for the most part concentrated on 30-odd roads, on most of which agreements were also in force. In the years following 1900 conditions were in the main more favorable to union growth than they had been during the '90's. The upward trend in prices and living costs turned the attention of Telegraphers, like other craftsmen, to unionism as a means of securing compensatory increases in wages. At the same time the general prosperity of the period made it possible to secure some concessions from the railroads. The consequence was an unparalleled expansion in union strength and membership which continued without serious check until the panic of 1907. By the end of 1903 the membership of the Order had doubled; by December 1907 it had mounted to 37,500—almost four times the strength at the beginning of 1901.¹

Two roads—the Santa Fe and the Southern—were already on the unfair list when Perham took over the leadership of the Order in 1901. Feeling that the Santa Fe case had been bungled, he was inclined to withhold aggressive action, but was finally led by continued discrimination against union members to restore the road to the unfair list. It remained practically unorganized until the period of federal control. Better success attended the efforts of the Telegraphers on the Southern, however, and contractual relations were resumed early in 1906.²

In December 1901 the agent-telegraphers on the Chesapeake & Ohio scored a victory in a strike against the Adams Express Com-

¹ For detailed membership figures see Table I, p. 65. At the same time the number eligible to membership also increased greatly, partly as a result of increased employment, and partly because of the extension of the union jurisdiction to additional classes of employees.

² *Convention Proceedings*, 1903, pp. 18-19; 1905, p. 19; 1907, pp. 11, 13, 17.

pany, which they served as joint agents, after the general committee had found itself unable to settle a dispute over the method of computing commissions on express business and other issues. The railroad company remained neutral and refused to permit substitutes to displace the agents who were on strike. This was of great practical advantage to the union, inasmuch as the express business at the smaller stations was insufficient to warrant the employment of separate agents. The express company accordingly came to terms with the general committee and recognized its right to deal for the joint agents. In 1904 this experience was duplicated in a strike against the Southern Express Company on the Norfolk & Western.⁸

The success of the Order in these and other cases, and its rapid expansion, which was accomplished largely through the extension of the organization to roads not previously well organized, naturally aroused a new wave of enthusiasm and confidence, so that for a time the rank and file threatened to get out of hand, with extravagant ideas regarding union objectives and modes of obtaining them. There was much talk, by a vociferous minority, of a nation-wide strike for the "eight-hour day and the \$80 minimum" (per month). The development of a highly militant spirit was, however, abruptly checked by the Missouri-Kansas-Texas and St. Louis Terminal strikes of 1904.

In November 1903 the general committee on the Missouri-Kansas-Texas attempted to secure the adjustment of a series of long-standing grievances but could get comparatively slight satisfaction. Further negotiations, assisted by the grand officers, were met with the statement that current financial conditions made additional concessions impossible. In view of the situation Perham and the committee decided to postpone further action, but their hands were forced by a demand for the recall of the general committee and the election of more aggressive representatives. Accordingly a strike ballot which described the situation was distributed on July 20, 1904. The returns favored a strike, and Perham fixed August 1 as the date. Further audience with the management could not be secured until after the strike had actually begun, and that conference had no result save an agreement to fight it out. In the beginning the strike was apparently fairly effective over the entire road, but as time passed the strikers were replaced or drifted back to work. An attempt to put the case before the higher officers

⁸ *Convention Proceedings*, 1903, pp. 12-14; 1905, p. 10; *Telegrapher*, XIX (1902), pp. 466, 508-9, 717-19; XXI (1904), pp. 448-9, 601-3.

of the road was ignored. In September 1904 the Order requested that the road be placed on the unfair list of the American Federation of Labor. This action was postponed for a time in order not to prejudice the position of other unions which had contracts with the road, but in June 1905 the executive council of the Federation authorized the boycott after an attempt to conciliate the dispute had been emphatically rejected by the general manager.⁴

The trouble with the St. Louis Terminal Railroad Association followed the discharge of eight operators who refused to handle traffic coming from the Missouri-Kansas-Texas. The management offered to permit the discharged men to apply for vacancies as they occurred and come back as new employees, but this was regarded as arbitrary by the committee, and practically the entire force of more than sixty operators went out on strike on August 6. Although service was seriously hampered for some time, the positions were gradually filled, and this strike, like the one out of which it grew, ended in failure. Following this defeat, both the Terminal, and the Missouri-Kansas-Texas, remained on the unfair list of the Order until that list was abolished in 1907.⁵

The sobering effect of the reverses suffered in the strikes of 1904 was reenforced, in the following year, by a lockout and strike on the Northern Pacific and Great Northern, then under common control. The Northern Pacific had once been fairly well organized, but the operators had drifted out of the Order after 1894, and no serious attempt to reorganize them occurred until 1900. Obstructionist tactics and the discharge or suspension of union committeemen retarded the union's progress, but finally an agreement was concluded in 1903. The committee subsequently complained that the general manager refused it audience to discuss alleged violations of the schedule, but the strike grew primarily out of the attempt to revise its terms. After protracted negotiations the dispute was referred to the national union. Armed with an affirmative strike vote the grand officers and committee resumed the negotiations with the general manager. On July 26 he submitted a counter-proposition, which the committee secretly decided to accept if the president of the road, to whom they appealed, would make no further concessions. The railroad officials, how-

⁴ *Convention Proceedings*, 1905, pp. 3, 13-15; *Telegrapher*, XXI (1904), pp. 1003-8, 1131-9, 1234-7, 1355-61, 1474-6; XXII (1905), pp. 9-12, 129-31, 399-402, 937.

⁵ *Telegrapher*, XXI (1904), pp. 1008-9, 1139, 1361-2, 1476-7; *Convention Proceedings*, 1905, pp. 15-16; 1907, p. 17; 1909, p. 24.

ever, professed to believe that the Telegraphers were attempting to stall for time until the crop-moving season, when a strike would be most effective. On July 31 they began discharging all operators on both roads who would not accept an alternative schedule which they had prepared. After waiting an additional day for a reply to their appeal the committee declared a strike which affected about 1,100 men on the Northern Pacific and 800 on the Great Northern. Railway officials interviewed the operators and their local officers, offering the rules already partially agreed to by the general committee, and in some instances wage increases greater than those originally demanded. Inadequate contacts between the strike leaders and the rank and file favored these tactics, and wholesale defections quickly destroyed the effectiveness of the strike. On August 19 the leaders declared the strike at an end, stating that if there were no discrimination against union members the incident would be considered closed. The ground lost on the Northern Pacific was in fact rapidly regained, and a schedule was reestablished in 1907, but the Great Northern was not effectively reorganized until after our entrance into the World War.⁶

Despite its poor success in the strikes of 1904-05 the Order made substantial progress in extending its influence throughout the period up to 1907. Its strength came to be much more widely distributed; it became in fact a national organization, even though in some sections of the country its committees were unable, or did not attempt, to secure recognition or agreements. Prominent among the roads which remained unscheduled were the Santa Fe, the Missouri-Kansas-Texas, the Great Northern, the Louisville & Nashville, the Big Four, the Pennsylvania, the Lehigh Valley, and the Philadelphia & Reading. On some of these roads many of the operators were members of the Order. On the Pennsylvania, for example, the Telegraphers' committees were even occasionally received by the railway officers for the discussion of grievances and other matters, although they possessed no formal agreement. These limited relations were ruptured in 1906, as a result of objections on the part of the management to national union "interference" in local affairs, particularly in the matter of training operators to facilitate compliance with current legislation limiting the hours of service of telegraphers.⁷ On some other roads, especially the Santa

⁶ *Convention Proceedings*, 1907, pp. 5-6, 100-1, 110-11; *Telegrapher*, XXII (1905), pp. 1054-9, 1169-74; XXIV (1907), pp. 1901-3; *Railway Age*, XL (1905), pp. 159-60, 192-3, 237.

⁷ See below, pp. 156-7.

Fe and the Louisville & Nashville, the managing officials not only did not care to deal with the organization but actively opposed any attempt to enroll their employees as members. In 1906 the Telegraphers started a drive to bring the Louisville & Nashville back to the fold, but wholesale threats of discharge, intimidation, and the forcible restraint of organizers by company police obstructed its progress. It was then decided to invoke a provision of the Erdman Act of 1898, until then practically unused, which forbade blacklisting or discrimination against railway employees on account of union membership. Indictments were brought against the company and certain of its officials, but for the most part they were dismissed by the trial courts on the ground that the law was unconstitutional. The hope that this section of the Erdman Act could be used against hostile employers was finally dashed by the decision of the Supreme Court holding the law unconstitutional in *Adair vs. U.S.*,—a case arising out of the discharge of a locomotive fireman by William Adair, master mechanic on the Louisville & Nashville.⁸

2. *Reaction and Revival, 1907-13*

Following the panic of 1907 the Telegraphers were put on the defensive against widespread unemployment and unfavorable wage readjustments. There was naturally some recession in union membership, even though the organization was on the whole in a much better position to hold its ground than in any previous depression. It adopted the policy of resisting any reduction in wages, either on account of the financial situation or because of the reduction in hours called for by laws enacted in nearly a dozen States in 1906-07, or by the federal Hours of Service Act of 1907. In fact the hours legislation facilitated the union program inasmuch as it compelled a relative increase in the demand for operators. Fortunately the depression proved to be of comparatively short duration, so that the resisting power of the organization was not actually put to a searching test.⁹ Its success in staving off general wage reductions owed a great deal to a precedent established on the Southern Railway in March 1908. General wage

⁸ *Telegrapher*, XXIII (1906), pp. 917-21, 1229-39, 1389-92, 1542-51, 1699-1705; XXIV (1907), pp. 10-11, 161-3, 667-70; XXV (1908), pp. 547-51; *Convention Proceedings*, 1907, pp. 18-20; 1909, p. 14.

Adair v. United States, 208 U.S. 161 (1908).

⁹ *Convention Proceedings*, 1909, reports of grand officers; *Railway Age*, XLV (1908), pp. 192, 284, 309; XLVI (1908), pp. 894-5; XLVIII (1910), p. 981.

reductions for all classes of employees had been proposed by the leading Southeastern roads. On the Southern Railway all of the organized crafts entered into an agreement to act jointly in resisting any reduction, and this case came to be regarded as a test case by the disputants on other roads. Early in March the federal mediators were called into the case, and on April 1 an agreement was concluded to maintain the current rates until July 1, 1908, with the understanding that if business conditions had not by then materially improved the case might be reopened for a readjustment of wages. On a few roads the Telegraphers' schedules were abrogated and wages reduced, but in general the committees were successful in preserving or restoring their agreements, and the Order survived the depression without serious losses.¹⁰

By the end of 1909 the Telegraphers were once more on the up-swing, although the growth in union membership was slower than before, and it was not until 1913 that the number of members (39,000) surpassed the peak established in 1907. Twenty-eight new subordinate divisions were established in the years 1908-13, although the total number of active divisions decreased from 128 to 119, largely as a result of extensive consolidations. The number of schedules in force was materially increased. The intensity of union activity is indicated by the fact that in the six years ending May 1, 1913, about 275 new or revised schedules were negotiated, with twenty-five or more express contracts in addition.

The growth of the Order during this period was affected by a complex of favorable and unfavorable factors. The upward trend in prices increased the pressure for wage readjustments, and so favored union growth. On the other hand the railroads were experiencing increasing difficulty in convincing the Interstate Commerce Commission that railway rate increases were justified; they were therefore reluctant to make any concessions to their employees which would increase their operating expenses. This made it difficult for the railroad unions to secure wage increases by collective bargaining and necessitated frequent resort to mediation and arbitration. At the same time, however, the individual employees saw the futility of expecting voluntary increases and turned to the unions as the only means of commanding improved conditions. The fact that the federal machinery for mediation and arbitration could be invoked only when a strike was actually threatened like-

¹⁰ C. P. Neill, *Mediation and Arbitration*, pp. 22-5, 46-7; *Convention Proceedings*, 1909, pp. 15-17; *Telegrapher*, XXV (1908), pp. 721-2; *Railway Age*, XLV (1908), p. 543.

wise put a premium on solidarity of action. The Telegraphers were also affected by conditions bearing directly on their own branch of the railroad service. Of these the most important were the federal legislation limiting the hours of service, and the introduction of changed methods of operation, especially the block-signalling system and the use of the telephone for handling train orders. These developments will be taken up in detail at a later point.¹¹

One of the striking developments after 1907 was the increasing resort to governmental machinery for the adjustment of labor disputes, both in the United States and Canada. In this country no effective use was made of the arbitration and mediation sections of the Erdman Act of 1898 until late in 1906. Early in the following year management of the Southern Pacific joined the Telegraphers in submitting a dispute to arbitration. The award was rendered April 6, 1907. The Telegraphers objected that on two points it went beyond the issues submitted, and took an appeal to the federal courts as provided in the law. The opinion of the circuit court was satisfactory to neither side, and a further appeal was taken to the higher courts. This procedure proved thoroughly unsatisfactory to the employees, because the application of the favorable sections of the award was held up pending a final decision on the few points of difference. Finally the irksome delay was ended by a compromise settlement outside of court.¹²

In 1908 a serious dispute arose between the Telegraphers and a number of the western roads concerning the application of the federal Hours of Service Act. On the Rock Island an agreement was finally reached, with the assistance of the federal mediators, to let the matter rest pending a judicial interpretation of the law. This precedent was generally followed on other roads on which the issue had become acute.¹³ Thereafter the Telegraphers had constant recourse to mediation and arbitration in the course of strongly contested schedule negotiations, especially those in which important concessions were being sought for the first time. The high point was reached in 1910, when there were five settlements by arbitration, two by mediation, and one case—on the Gulf & Ship Island—in which a strike followed the refusal of mediation by

¹¹ See below, pp. 193-5, and Chap. XII.

¹² *Telegrapher*, XXV (1908), pp. 69, 144, 438-9; *Convention Proceedings*, 1907, pp. 7-8; 1909, p. 13; C. P. Neill, *Mediation and Arbitration*, pp. 12, 44-5, 56-7.

¹³ *Convention Proceedings*, 1909, pp. 10-11, 72; *Railway Age Gazette*, XLV (1908), pp. 636, 685.

the management.¹⁴ The Telegraphers gained materially in prestige by their inclusion within the scope of the law (which applied only to employees engaged in the movement of trains) as well as by the facilities which it offered for the adjustment of disputes which might otherwise have been difficult to settle amicably. They found, however, that the law could not be used as a means of securing recognition on roads which were unwilling to receive or deal with the union committees. In 1909, for example, and again in 1912 the general committee on the Pennsylvania requested the assistance of the federal mediators after attempts to secure conferences for the discussion of grievances had failed. On both occasions the management declined the services of the mediators on the ground that no interruption of commerce was threatened, although on the latter occasion it began preparations for a strike. At neither time, however, did the committee deem its position sufficiently strong to press the issue of recognition to the point of open hostilities.¹⁵

In Canada the Telegraphers had access to the machinery for the mediation and investigation of labor disputes set up by the Canadian Industrial Disputes Investigation Act of 1907. During the years 1907-13 about a dozen cases were submitted to boards of conciliation and investigation. In 1910 the management of the Grand Trunk Railway refused to accept the findings of a board, as it had a right to do under the terms of the law. In the face of a strike threat it finally agreed to submit the issues to arbitration, and in October 1910 an award satisfactory to the Telegraphers was returned. In a dispute with the Canadian Pacific in 1912 the Telegraphers in their turn rejected the report of a board of conciliation and investigation by an almost unanimous strike vote. Renewed direct negotiations led in the end to a direct settlement which was more favorable than the terms recommended by the board. In the entire period there was no strike on a Canadian road in which the Telegraphers were involved.¹⁶

Another development of this period, of which great expectations were at first entertained, was the organization of the Railroad Employees' Department of the American Federation of Labor in 1908. It was launched by representatives of the Shop Crafts, the Telegraphers, and some other railroad organizations affiliated with the A. F. of L. President Perham of the Telegraphers was chosen temporary chairman, and continued to head the department until

¹⁴ *Convention Proceedings*, 1911, pp. 14, 16-17, 109.

¹⁵ *ibid.*, 1909, pp. 13-14; 1913, pp. 15-21. See below, pp. 156-60.

¹⁶ *ibid.*, 1911, pp. 17-18, 96-101; 1913, pp. 137-9, 142-3.

1912. It was predicted that the organization of the department would facilitate joint action by the affiliated unions in organizing campaigns, in pushing legislative programs, and in adjusting grievances, although no definite procedure for the latter was laid down. The constitution authorized the affiliated unions to form system departments or federations on individual roads, but this was not mandatory. Later by-laws placed the executive power of the system federations in the hands of a committee consisting of the general chairmen of the affiliated unions on each road, and prescribed rules to govern the employment of joint organizers and the handling of grievances.¹⁷

The results achieved by the department fell far short of the expectations of its founders—expectations which led the Telegraphers, in their 1909 convention, to renounce all other forms of federation (including their participation in cooperative agreements with the train and engine service Brotherhoods) in favor of affiliation with the department.¹⁸ Even as late as 1911 only twenty-one system federations had been chartered. Although the department was instrumental in effecting the settlement of disputes on a few roads, and in organizing campaigns on some others, Perham officially opposed the adoption of a militant policy. He took the position that as federation became universal, mass pressure would make strikes unnecessary. The Shop Crafts ultimately became dissatisfied with such a limited and visionary program, and soon after the outbreak of the shopmen's strike on the Harriman lines in 1912, a rump convention of the Shop Crafts organized a new federation of federations. The serious danger of conflict between the new federation and the department was eliminated by merging them both in a completely reorganized Railway Employees' Department, which, with its constituent system federations, became an active agency for collective bargaining. Perham took no part in this wholesale reconstruction, and referred the question of adherence to the new department to the 1913 convention of the Order. Inasmuch as the new structure was designed primarily to meet the needs of the Shop Crafts, and required the cession of considerable power to the officers of the department, the Telegraphers elected to remain outside.¹⁹

¹⁷ *ibid.*, 1909, p. 18; 1911, pp. 18-20; R.E.D., *Constitution*, 1909, 1911, 1912.

¹⁸ See below, p. 134.

¹⁹ *Convention Proceedings*, 1911, pp. 18-20; 1913, pp. 21-31.

3. *The Early War Stimulus to Union Growth*

By 1913 the Order had more than recovered the ground lost in 1907-08, and was growing steadily, though not spectacularly, in membership and influence. Slackened business activity in 1913, and the sharp recession which followed the outbreak of the World War in 1914 resulted in extensive unemployment and retarded schedule negotiations. Nevertheless the Order weathered these adverse conditions without substantial losses; indeed it exhibited an unusual degree of stability and maturity. As the effects of the railway rate increases of 1914-15 and the war-time business recovery began to be felt, union activity was further accelerated. After 1915 the rapid rise of prices became an increasingly important factor. Under these influences union membership mounted from 39,000 at the beginning of 1913 to 46,000 at the close of 1917; active subordinate divisions of the union were established on many roads not previously well organized, and the percentage of union membership on others was built up. In 1917 the roster included 100 system, and 27 local, divisions. In June of that year President Perham was able to report that the unprecedented total of 14 new, and 113 revised, schedules had been negotiated since the 1915 convention. The Order was probably weakest in the East, although there were some important carriers elsewhere on which it was unable to gain a foothold—among them the Santa Fe, the Great Northern, and the Louisville & Nashville.

In their dealings with their employers the Telegraphers continued to bargain on a system basis, although a strong minority favored imitating the regional movements of the train-service Brotherhoods. This does not mean that schedule negotiations on different roads were conducted in isolation. On the contrary there was an increasing tendency on the part of the general committees to line up behind certain definite objectives, and then allow the issues to be fought in test cases on those roads where the prospects of success seemed brightest. One such case which had a wide influence was the New York Central-Nickel Plate arbitration of 1916. In this instance the general committees on the eastern and western lines of the New York Central and the Nickel Plate agreed to act in concert, after having made no progress individually with pending schedule negotiations. The Signalmen, who had been refused recognition, also joined forces with them. The roads began to prepare for a strike, but after intervention by the United States Board of Mediation agreed to arbitrate the issues. The arbitration

award gave the Telegraphers a wage increase of from 8 to 10 per cent and inaugurated an important change in the method of calculating their pay.²⁰

By the end of 1916 the general committees on a large percentage of the organized roads were demanding substantial wage increases and important changes in basic working rules. Although they were for the most part acting independently of each other, the unity of interest was greater than ever before. In the Chicago territory the general committees on the Illinois Central, the Burlington, the Milwaukee, the Rock Island, and some others had presented almost identical demands, including a 20 per cent increase in pay, the eight-hour day, vacations with pay, and the twenty-six-day basic month, which had already been granted in the New York Central-Nickel Plate award. The Rock Island case, which came to a head first, was finally referred to arbitration by a board of six arbitrators, it being generally understood that the award would dispose of similar issues on a large number of other roads. The award, rendered on October 31, 1917, gave the Telegraphers a 13 per cent increase in wages, a shorter working day, a vacation rule, and the twenty-six-day month. Following this, settlements were made on many other roads, directly or by mediation, on substantially similar terms.²¹

In this entire period of intense union activity, characterized by high tension on both sides and the very frequent polling of strike votes, there was but one road on which hostilities actually broke out—the Missouri-Kansas-Texas. The operators on this road had finally been reorganized in 1913. In January 1914 they secured a schedule in a conference held after a lockout of union members had been declared and while preparations for a strike were in progress. Late in 1916 the company abrogated this schedule in favor of one of its own drafting, and refused to receive the Telegraphers' committee. In view of the international situation it was decided not to contest the issue, but in March 1917 trouble was precipitated by the wholesale discharge of union members after the general committee had requested a conference to discuss accumulated grievances. On April 9 the Board of Mediation tendered its services, but could not persuade the management to receive the committee. The strike was called ten days later, after about 230 men had been discharged and the services of the mediators again

²⁰ *Convention Proceedings*, 1917, pp. 9-10, 160-1.

²¹ *ibid.*, 1919, pp. 11, 186-91; *Telegrapher* (1916), p. 1724; XXXIV (1917), pp. 1707-9, 1746; XXXV (1918), pp. 9-13.

declined on the ground that no interruption of service was threatened. The unprecedented volume of schedule negotiations then in progress, and the new problems raised by our entrance into the War, prevented the concentration of the field forces of the Order on the Missouri-Kansas-Texas strike and militated against its effectiveness. It continued officially for several months without bringing the management to terms, and was finally converted into a boycott. In the spring of 1919 a new group of managing officials recognized the general committee and conceded a favorable agreement. Thereafter amicable relations were quickly restored.²²

On the Canadian roads schedule negotiations were largely held in check after the outbreak of the War until the rapid rise of prices in 1916-17 made wage readjustments imperative. In 1917 a wage case on the Canadian Pacific finally went to a board of conciliation, and its report, rendered October 2, served as a basis for settlement on the other Canadian roads. This was practically the only case in Canada which was not settled by direct agreement from 1914 to the beginning of federal control, after which the rulings of the United States Railroad Administration were generally applied.²³

The passage of the federal Hours of Service Act in 1907 encouraged the Telegraphers in a persistent effort, stretching over the next ten years, to secure legislation which they thought would improve the position of their craft. Their experience with their legislative program was disappointing in the extreme. Without material success they urged the mandatory extension of the manual block-signalling system, the relief of station agents from handling United States mail, the limitation of the use of telephones by trainmen, and the amendment of the Hours of Service Act to establish the eight-hour day for all operators and remedy the defective wording which made possible the use of the "split trick." Measures covering the last two objectives did command public support outside the union, and twice reached the floor of Congress with a favorable report from the House Committee on Interstate and Foreign Commerce. In 1912 Congress adjourned without final action on the telegraphers' eight-hour measure. In 1916 it was pending again when the train service Brotherhoods began the

²² *Telegrapher*, XXXIV (1917), pp. 905-10, 1069, 1334; XXXVI (1919), p. 1543; *Convention Proceedings*, 1915, pp. 125-7; 1917, pp. 7, 153; 1919, p. 10; U.S. Board of Mediation and Conciliation, *Report*, 1913-19, p. 47.

²³ *Convention Proceedings*, 1915, pp. 8, 110-15, 118; 1917, p. 123; 1919, pp. 23-5, 151-4.

nation-wide movement which finally resulted in the passage of the Adamson Eight-Hour Law.²⁴

The Telegraphers did not have any part in the concerted movement nor in the conferences with President Wilson which preceded the passage of the Adamson Act. Nevertheless the law applied to all employees actually engaged in the operation of trains, and did not specifically include or exclude telegraphers and others handling train orders. The Telegraphers, whose own measure had been lost in the shuffle, contended that they were covered by the Adamson Act, citing Mr. Adamson himself in support of their position. The commission appointed to investigate the operation of the law admitted the Telegraphers to its hearings and included them in the forms used for reporting to it. The railroads on the other hand refused to extend the application of the law to any class not involved in the original eight-hour movement. The Attorney General of the United States accepted this interpretation and declined to prosecute cases referred to him by the organization for violation of the act.²⁵

The failure of the Telegraphers to participate in the dramatic achievement of the eight-hour day, either through the Adamson Act or by separate enactment, gave a tremendous impetus to the opposition to the Perham régime within the Order. This was exemplified in a bitter attack on Perham launched by a fellow grand officer, L. W. Quick, just before the 1917 convention. Quick charged that the president was personally responsible not only for the failure of the Adamson Act to cover the Telegraphers, but also for the breakdown of the close relationship which had formerly existed between themselves and the train and engine service Brotherhoods. He alleged also that Perham had made no serious attempt to establish the Order on the Pennsylvania, the Santa Fe, and other non-union roads, despite extravagant organizing expenditures. Perham replied that inasmuch as previous conventions had debated and voted down the use of the national concerted movement as impracticable for the Telegraphers they could not have participated in the movement which produced the Adamson Act. He added that the Telegraphers' eight-hour measure had been pending before Congress when the Brotherhoods' movement was just getting under way.²⁶

²⁴ See below, pp. 124-5, 171-2, 192-7, 243-5.

²⁵ *Convention Proceedings, 1917*, pp. 30-8; 1919, pp. 34-7; *Telegrapher*, XXXIII (1916), pp. 1337-45; XXXIV (1917), pp. 247, 311-14, 1196-8.

²⁶ *Telegrapher*, XXXIV (1917), pp. 900-5.

After a prolonged and stormy session of the Grand Division, which reflected the prevailing dissatisfaction with the trend of recent events, Perham was reelected to the presidency by a fair margin, while his assailant, Quick, was defeated in his contest for reelection as grand secretary and treasurer. Although this amounted to a personal vindication of Perham there was manifest a strong sentiment in the convention in favor of the adoption of the methods and program of the train and engine service Brotherhoods, and the restoration of closer relations with them. However, the railroads passed into federal control before any material change in the policy of the organization could be effected.²⁷

²⁷ *Convention Proceedings, 1917*, pp. 194, 200, 222-3, 225-8, 230-1, 238-40, 260-1.

CHAPTER III

THE PERIOD OF FEDERAL CONTROL, 1918-20

I. Factors Favorable to Union Growth

WHEN the railroads passed into federal control on December 28, 1917, the Order of Railroad Telegraphers, with a membership of about 46,000 out of the 77,000 eligible employees, was easily the strongest of the "miscellaneous" organizations¹ in the railroad service. It enjoyed recognition on perhaps three-quarters of the railroads of the United States; in Canada its position was even stronger. Favored by the unprecedented conditions of war-time operation the Order initiated more than 28,000 new members in the year 1918 (although the net gain was only 20,000), and continued to increase more slowly thereafter until the closing months of 1920, when it had a membership of 78,000, or 96 per cent of the eligible employees.

This astounding growth was due partly to current economic conditions, and partly to the favorable attitude of the government. The sharp upward trend in prices and costs of living turned the attention of workers everywhere to trade unionism as the means of securing compensatory wage increases. Moreover the increased demand for telegraphers to assist in the movement of a record tonnage of industrial products, war materials and troops, at a time when the supply of competent men was being reduced by entry into military service, materially improved the bargaining position of the Order and its ability to obtain results for its members.

Even before its entry into the World War the government had been on friendly terms with labor, and it at once recognized the trade unions as the only existing agencies through which to secure the cooperation of the mass of the workers in increasing the production of essential commodities and services. Where the government became the direct employer, as it did on the railroads, it not only assured the employees of freedom from discrimination

¹ Among the organizations in the miscellaneous divisions are the Clerks, Maintenance of Way Men, Signalmen, Train Dispatchers, Telegraphers, and a few others of minor importance.

on account of union membership but also dealt with the union representatives on all issues affecting the employees. Under these conditions it was obviously to the advantage of the individual to exercise his freedom to affiliate with the union in his craft.

The friendly attitude of the Railroad Administration was directly evidenced in the creation of the Division of Labor on February 9, 1918, to handle the labor relations on all roads under federal control, and the selection of W. S. Carter of the Brotherhood of Locomotive Firemen as director. This and other later appointments gave the union leadership a prominent part in the functioning of the Railroad Administration and redounded to the advantage and prestige of the unions.² On February 21 the Director General of Railroads announced, in General Order No. 8, that³

"No discrimination will be made in the employment, retention, or conditions of employment of employees because of membership or nonmembership in labor organizations."

This opened the way for the extension of the Order to roads previously unorganized, such as the Santa Fe, the Missouri-Kansas-Texas, the Reading, the Lehigh Valley, the Louisville & Nashville, the Pennsylvania, and the Lackawanna. Within a few months self-sustaining divisions had been established on all of them.⁴

2. *Methods of Handling Issues with Employees*

The machinery developed during federal control for handling issues with the employees not only profoundly affected the prestige and strength of the railroad unions but also placed the dealings with them on a national basis. Although this involved no significant changes in the procedure of the four train and engine service organizations, it required far-reaching readjustments in the methods of the Telegraphers, the Shop Crafts, and others whose negotiation prior to the War had been conducted almost exclusively with the individual railroad system.

One of the important factors in the decision to inaugurate federal operation of the railroads had been the critical labor situation which had grown up during 1917 as a result of the financial inability of the railroads to grant wage increases commensurate with the increasing costs of living. The Railroad Ad-

² Walker D. Hines, *War History of American Railroads*, pp. 154-5.

³ U.S. Railroad Administration, *Bulletin No. 4 (revised)*, p. 168.

⁴ *Convention Proceedings*, 1919, pp. 27, 43-5, 49-53; 1924, p. 40; *Telegrapher*, XXXV (1918), pp. 887-9, 932.

ministration, with less restricted resources at its command, immediately prepared to deal with the wage issue. On January 18, 1918, the Director General announced the appointment of a Railroad Wage Commission, under the chairmanship of Franklin K. Lane, to make a general investigation of the wage situation and the needs of the employees. This body, usually referred to as the Lane Commission, began hearings on January 28, 1918, at which the officers of the various unions presented requests for increased wages and general modifications of working rules. On April 30 the commission rendered a report to the Director General which served as the basis of General Order No. 27, giving general wage increases to all classes of railroad employees.⁵

As a means of dealing more intimately with the specific terms of employment and conditions affecting different classes of employees, General Order No. 27 also created a permanent Board of Railroad Wages and Working Conditions, with six members—three to represent the railway officials and three to speak for the employees. The fourth vice-president of the Order, J. J. Dermody, was named as one of the three employee members. Any organization or group of employees which was dissatisfied with its wage rates or working conditions was expected to take up its case with the board, which, after hearing the testimony of both employees and railroad officials, was to submit a report to the Director General to assist him in drafting an appropriate order covering the issues. As a consequence all basic issues were taken up on a national scale in the first instance, and very little bargaining was carried on locally as regards the terms of employment. After wage rates or basic rules had been established by the Director General the general committees on each system ordinarily sought to have them incorporated in the schedules, although the conditions established in the wage orders became effective whether this was done or not.⁶

In the application of the general orders of the Railroad Administration to the conditions on particular roads the appearance of large numbers of sincere differences of opinion between managing officials and union committees in addition to the usual individual grievance cases was inevitable. Disputes of this character, frequently termed "secondary" because they involve the interpretation

⁵ Walker D. Hines, *War History of American Railroads*, pp. 159-63; *Convention Proceedings*, 1919, pp. 17-18.

⁶ U.S. Railroad Administration, *Bulletin No. 4 (revised)*, p. 220; *Convention Proceedings*, 1919, pp. 18-20.

of an already existing rule or condition, did not come within the jurisdiction of the Wage Board, but were eventually taken care of by two-sided "boards of adjustment," created by agreement between the regional directors of the railroad and the officers of the unions. The first such board, subsequently known as Board of Adjustment No. 1, had been set up for the four train and engine service organizations even before the appearance of the first wage order, and was officially recognized in General Order No. 13, March 22, 1918. Board of Adjustment No. 2, covering the six Shop Crafts, was established by General Order No. 29, on May 31. Board of Adjustment No. 3, covering the Telegraphers, Clerks, Switchmen and Maintenance-of-Way Men, was created by General Order No. 53, on November 13, 1918.

As the board was set up in each case by agreement between the regional directors and a group of unions, the system of adjustment presupposed the full utilization of the union machinery for the settlement of disputes before reference to the board. Although cases arising on unorganized roads, or involving unorganized employees, were frequently referred to the appropriate board by the director of the Division of Labor, such cases did not go automatically to the board. This placed a premium on union membership and facilitated the extension of the Order as well as the other unions, on unorganized or partially organized roads.⁷

3. *Adjustments in Wage Rates and Working Rules, 1918-19*

When the Lane Commission commenced its hearings in January 1918, Perham was one of the first union executives to appear. On behalf of the telegraphers throughout the country he presented a request for a 40 per cent increase in wages and a number of important concessions in basic rules, including the eight-hour day, the application of the twenty-six-day month wherever it was not yet in force, and general relief of agents from the handling of United States mail. On May 9, 1918, a pirated copy of the Lane Commission Report appeared. It aroused some misgivings on the part of the Telegraphers, which were in large measure confirmed when the terms of General Order No. 27 were made known sixteen days later.⁸ It carried a graduated scale of increases for all employees who had been receiving less than \$250 in December 1915,

⁷ U.S. Railroad Administration, *Bulletin No. 4 (revised)*, pp. 340-3; Walker D. Hines, *War History of American Railroads*, pp. 155-9.

⁸ *Telegrapher*, XXXV (1918), pp. 123-8, 301-12, 426-32, 577-87, 723-37; *Railway Age*, LXIV, pp. 156, 253-4, 302, 411-14, 466, 1219, 1325-30.

so designed as to give the largest percentage of increase to the lower-paid workers. The Telegraphers objected to the terms of General Order No. 27, because it did not deal with most of the requested changes in basic rules, and because the selection of 1915 as the base for computing the wage increases deprived them of the benefit of the substantial increases secured on many roads during the intensely active years of 1916-17. This also destroyed all adjustments of inequalities in wages as between positions which had been worked out during the same period.⁹

Although Perham expressed the dissatisfaction of his organization in a formal protest to the Director General he nevertheless directed the general committees to seek the incorporation of the terms of General Order No. 27 in their schedules. This was quite distasteful to many committees and to the rank and file, and an independent movement favoring more aggressive action began to loom up. On June 14 the general chairmen in the Chicago territory met at the call of the first vice-president, W. T. Brown, and resolved to carry their claims to the Director General. Similar meetings occurred in the South and East. This stimulated Perham to request a rehearing before the Board of Railroad Wages and Working Conditions and to call the general chairmen to a conference in Washington on July 8 to formulate a plan of action.¹⁰

On August 5, 1918, the Wage Board began hearings on the requests drafted by the general chairmen's conference, which included (1) minimum hourly rates of pay of 60c for telegraphers, 80c for train directors, and \$1.20 for train dispatchers, (2) improvements in working conditions, such as a basic day of eight hours for agents and telegraphers and six for dispatchers; punitive rates for overtime and Sunday service; vacations with pay; relief from handling mail; and the twenty-six-day month; (3) recognition of the right to represent train dispatchers and non-telegraphic agents; and (4) a standard contract to cover service rendered by agents to the American Railway Express Company. Perham admitted that the Order was asking for a great deal that it would not have obtained from the railroads themselves but urged that the adoption of standardized rates and rules would aid in eliminating constantly recurring grievances. He explained that the wage rates established by General Order No. 27 had netted the

⁹ Walker D. Hines, *War History of American Railroads*, pp. 160-3; U.S. Railroad Administration, *Bulletin No. 4 (revised)*, pp. 198-221; *Convention Proceedings*, 1919, pp. 28-9, 122-4, 141-2.

¹⁰ *Convention Proceedings*, 1919, *loc. cit.*

Telegraphers only about 13 per cent over the average rates prevailing when it went into effect, and that they were also unsatisfactory because they ignored all adjustments of inequalities made since December 1915. He supported the demand for a further increase by evidence of withdrawals from service and threats of unauthorized strikes.¹¹

The record of the hearings indicates that the Telegraphers' case suffered by the extravagance of their claims and by inadequate preparation of the case. For example, Perham was asked during his examination what increase in earnings would result from the proposed 60c minimum rate and the proposed changes in rules. He estimated that it would be between 50 and 60 per cent, but when pressed for definite evidence he was compelled to admit that this was "merely a random calculation" and that the organization had no data on which an estimate might be based.¹²

The hearings ended soon after the middle of August, but no action was taken by the Director General until almost three months later. Meanwhile the rank and file became more and more impatient. An announcement on September 13 that train dispatchers had been classified as officials (which was in effect an adverse decision on the Order's claim to jurisdiction over the dispatchers) aroused misgivings as to the decision on other issues. By the end of October the Telegraphers in the South and in the St. Louis territory were threatening to go out on strike in defiance of the grand officers if a settlement were not promptly forthcoming. Director General McAdoo finally issued a warning that a settlement was being prepared but could not be issued before November 14, the date set for the strike, and that to go on strike at that time would be a very serious mistake. Less than a week later he issued an order, Supplement 10 to General Order No. 27, which established revised wage rates and certain basic rules for telegraphers and agent operators. Supplement 11, covering non-telegraphic or exclusive agents appeared a few days later.¹³

Although Supplement 10 granted an increase in wages of 13c per hour, and a minimum hourly rate of 48c, together with the basic eight-hour day and time and one-half rates for all service in excess of eight hours, as well as other important improvements in working

¹¹ *Telegrapher*, XXXV (1918), pp. 1005-7, 1137-1206, covers a large part of the testimony for the organization in this proceeding.

¹² *ibid.*, XXXV (1918), pp. 1169, 1185, 1193-6.

¹³ *Convention Proceedings*, 1919, pp. 28-9, 79-81, 122-5; *Telegrapher*, XXXV (1918), pp. 1536-7; *Railway Age*, LXV (1918), pp. 865-6, 916-17; U.S. Railroad Administration, *Bulletin No. 4 (revised)*, pp. 261-7.

conditions, it nevertheless aroused a storm of protest on all sides. This was due in part to the abolition of vacations with pay, but mainly to the separate treatment of the exclusive agents. This it was feared would drive a wedge between the two classes and play into the hands of a rival organization, the Order of Railroad Station Agents, which was then making a bid for the station service employees. The situation was even worse because extravagant rumors had gone out during October as to the nature of the pending settlement. The clamor for a general strike burst forth anew, in the face of which Perham ordered the general committees to incorporate the provisions of the Supplements in their schedules. The general chairmen ignored his orders, and having taken the bit in their teeth, assembled in Washington to draft an independent plan of action. On December 5, a subcommittee of seventeen interviewed the Director General and so impressed him with the gravity of the situation that he requested the Wage Board to rehear the case immediately. At the same time he warned the membership in a telegram addressed to Perham that it would be "unfortunate" if the grievance were not placed before the board without a strike.¹⁴

In the rehearing, which began four days later, the Telegraphers confined themselves almost entirely to detailed objections to Supplements 10 and 11, while members of the board displayed a critical attitude toward the testimony presented. Chairman Sines, himself a labor member, took up the demand for a 60c minimum hourly rate and pointed out that it would involve increases in rates of pay for specific positions ranging from 42 per cent on the Southern Pacific to 410 per cent on the Western of Alabama. In its simplest terms, he said, the 60c minimum would give an average increase of about 40c per hour. He concluded:¹⁵

"It is so ridiculous and so nonsensical that it is laughable, and it is just such things, if you will pardon me for saying so, that are presented to wage boards, no matter how kindly disposed they may be from the standpoint of laboring men, which take the force out of any arguments that you may present to us."

For the Telegraphers, however, the paramount issue was, not the wage question, but the treatment of the exclusive agents under a separate supplement, with its adverse implications as to the jurisdictional claims of the Order. On this vital point the Railroad

¹⁴ *Convention Proceedings*, 1919, p. 123; *Telegrapher*, XXXV (1918), p. 1536; *Railway Age*, LXV (1918), pp. 1010, 1060.

¹⁵ *Telegrapher*, XXXV (1918), pp. 1536-62; XXXVI (1919), pp. 10-18.

Administration altered its position. On December 28, a new order, Supplement 13, was substituted for Supplements 10 and 11, retroactive in its application to October 1, the effective date of the previous orders. It definitely placed the exclusive agents within the scope of the Telegraphers' schedules; and it gave these agents the benefit of more favorable terms of employment than were accorded them in Supplement 11, particularly as regards overtime and the substitution of the hourly for the monthly basis of payment, with a minimum of 48c per hour instead of \$95 per month.¹⁶ Although Supplement 13 fell far short of the claims of the Telegraphers they found its terms acceptable, on the whole. The clamor for a general strike quickly died out, and the general committee at once undertook to have its provisions incorporated in existing schedules or embodied in signed agreements on roads hitherto unscheduled.

In the course of the movement to secure signed agreements on previously unorganized roads the Telegraphers proposed to the Railroad Administration the adoption of a number of rules not included in Supplement 13. In accordance with the practice of the administration these were finally submitted to a joint committee consisting of seven conferees appointed by the regional directors of the railroads and seven named by Perham. On the basis of the recommendation of this committee, reviewed by the Wage Board, the Director General on May 7, 1919, issued Supplement 21, containing a set of standard rules for unscheduled roads. Although the carriers affected were principally small roads and terminal companies with from five to fifty operators, several large roads, including the Pennsylvania, the Louisville & Nashville, and the Santa Fe were also affected.¹⁷ On a number of roads to which Supplement 21 applied the managements refused to incorporate its terms in a signed agreement or even to discuss its application with the general committees. Finally the dispute was taken to the Director General, who instructed W. T. Tyler of the Division of Operation to handle the case. On August 13 Tyler stated officially that it was the policy of the Railroad Administration to sign agreements with the organizations and instructed the federal managers

¹⁶ *Telegrapher*, XXXVI (1919), pp. 1-30; U.S. Railroad Administration, *Bulletin No. 4 (revised)*, pp. 268-74. Certain small non-telegraphic agencies were excluded from the operation of Supplement 13, but friction arising over the adjustment of their wages and hours finally led to the issuance of Addendum No. 2, December 10, 1919, which gave them a rate of 48c per hour and punitive overtime for service beyond eight hours within a twelve-hour spread.

¹⁷ *Convention Proceedings*, 1919, pp. 12-17; *Telegrapher*, XXXVI (1919), pp. 599-601.

of the roads to do so, incorporating the terms of Supplement 21 and other local rules as agreed upon. This cleared the air and resulted in the establishment of schedules on practically all the previously unorganized roads save the Pennsylvania, on which the presence of a dual organization complicated the situation.¹⁸

4. *The Convention of 1919*

On May 12, 1919, the Grand Division convened in St. Louis for what promised to be an even stormier session than that of 1917. Perham's failure to assume a position of aggressive leadership in the struggle for a revision of the terms of General Order No. 27 during the summer and fall of 1918 had roused popular opposition to a fever heat and had even resulted late in December in a demand for his suspension and a special session of the Grand Division to elect a new leader. The appearance of Supplement 13 allayed the opposition somewhat but did not obviate a struggle for control. The first vice-president, W. T. Brown, who had for some time been at odds with Perham, appeared to be his most serious rival but was nosed out on the first ballot by E. J. Manion, the fifth vice-president. On the second ballot most of Brown's support swung to Manion and swept him into the presidency by a vote of 376 to 277.¹⁹

With a brief but graceful farewell, in which he pled for internal harmony and full support for his successor, Perham concluded his eighteen years of leadership in the Order. During that time he had had a large hand in the development of an almost bankrupt organization, with a handful of members, into a solidly organized and influential union. Toward the end he was increasingly criticized for excessive caution and for clinging to an antiquated system of collective bargaining on individual railroads in preference to the plan of concerted movements developed by the train and engine service Brotherhoods. Nevertheless his cautious leadership stood the organization in good stead during its adolescent years, when a more aggressive policy might have borne little fruit save a series of disastrous strikes, and his position on the feasibility of concerted action for the Telegraphers had not yet been shown to be mistaken.

¹⁸ *Convention Proceedings*, 1921, pp. 12-13; see also p. 157 below.

¹⁹ *Convention Proceedings*, 1919, pp. 78-80, 116-30, 326-7, 333-5; *Telegrapher* XXXV (1918), p. 1537.

5. *The 1919-20 Wage Movement*

The ascendancy of Manion was in part due to the fact that he alone had prepared a definite program to put before the convention. His proposals naturally called for further revision of wages and working conditions, but they also included the development of machinery for dealing nationally on the issues, and recognized the necessity of greater standardization of wage rates and working conditions if this were to be done.²⁰

Soon after the close of the convention he inaugurated the new program by summoning a conference of general chairmen, at which the objectives of the Order were discussed and a tentative standard or national schedule formulated. The national schedule committee, as it came to be called, then authorized Manion to select a sub-committee to assist in putting the proposals in final form, and to choose another committee of seven, one from each regional director's territory, to take part in presenting the case to the Wage Board. The demands as finally formulated covered eight major issues: the standardization of wages, plus an additional horizontal increase; the standardization of the working rules; extra pay for Sunday and holiday service; vacations with pay; full relief from handling mail; a universal commercial telegraph commissions rule; and the inclusion of the train dispatchers in the schedule. Warned by previous experience, the staff of the organization devoted much time to the compilation of statistical and other supporting evidence, so that it was not until late in November that the case was ready for submission to the Wage Board.²¹

The Telegraphers were slower in getting their movement under way than some of the organizations, and when their proposals reached the Wage Board early in December 1919 the end of federal control was at hand. In accordance with the usual practice the working rules proposed by the Order were referred to a joint committee composed of seven representatives of the regional directors and seven named by the union. On January 20 this committee reported to the Wage Board that it had agreed on certain rules but that others were still at issue. The Director General declined Manion's suggestion that he appoint a special committee to expedite the negotiation of the proposed national schedule, and no recommendations were made by the Wage Board until it was too late to take action. Thus federal control expired without

²⁰ *Convention Proceedings, 1919*, pp. 196-7, 307-8.

²¹ O. R. T., National Schedule Committee, *Minutes*, September 1-9, 1919; *Convention Proceedings, 1921*, pp. 6-8; *Telegrapher*, XXXVI (1919), pp. 1200-1.

the establishment of a national agreement for the Telegraphers.²²

Even more serious obstacles beset the efforts of the organization to put through its proposals for the standardization and upward revision of wage rates. The Director General had declared in April 1919 that the war cycle of wage increases had been concluded, and that subsequent adjustments would be made only to correct inequalities or because of post-war developments. However, as prices continued to rise rapidly, practically all of the organizations were by July demanding compensating increases, amounting in the aggregate to more than \$800,000,000. The Shop Crafts were particularly insistent that their demands be given immediate consideration. The Director General, backed by President Wilson, took the position that the war-time grant of power under which the Railroad Administration was operating did not justify concessions in wages which would vastly increase the operating deficits of the railroads and necessitate either governmental appropriations or increased railway rates, without congressional sanction. Accordingly President Wilson proposed, on August 1, that Congress create a special tribunal to deal with the wage question whose decision would bind the Interstate Commerce Commission to grant compensatory increases in rates. Congress, however, already had on its hands the controversy as to the disposition to be made of the railroads, and declined to accept the responsibility for the wage settlement; the chairman of the Senate Committee on Interstate Commerce advised the President that he had full authority, under the law, to advance both railway wages and rates if he deemed it necessary.²³

This left it squarely up to the administration to deal with the unwelcome wage problem, whose paramount importance was more and more insistently urged by the union representatives. They contended that railway rates and earnings, if not entirely irrelevant to the issue, should not be allowed to dominate the determination of wages, and that if, after a fair wage had been fixed, an operating deficit were incurred it should be met by congressional appropriation. They emphatically disapproved the machinery proposed by the President to handle the issue (a tribunal including some public representatives, with final power to fix wage rates) and urged that the existing Wage Board be authorized to take up their demands

²² *Convention Proceedings, 1921*, pp. 7-8.

²³ Walker D. Hines, *War History of American Railroads*, pp. 172-5; *Railway Age*, LXVI, LXVII, *passim*.

at once.²⁴ Nevertheless, President Wilson announced on August 25 that no increases would be granted at that time but that a vigorous drive would be made to reduce the costs of living. If this program failed to effect an improvement in the purchasing power of wages within a reasonable period it would, of course, become necessary to make a wage readjustment. Accordingly the Director General restricted the authority of the Wage Board to the consideration and adjustment of alleged inequalities in rates as between classes or groups of employees.²⁵

In view of the circumscribed authority of the Wage Board the Telegraphers attempted to disguise their wage program as a request for the readjustment of inequalities. They asked, in the first place, that a standard classification of all positions be adopted, with fixed differentials to compensate for differences in responsibility, difficulty or other variations in conditions; and second, that the rates of pay on the Southern Pacific, perhaps the most favorable in the country, be taken as the basis for standardization. It was estimated that this alone would raise the average hourly rate for the whole country from \$.5575 to \$.6418; for good measure, however, an additional increase of 17c per hour was proposed for all positions.²⁶

When the hearings before the Wage Board began, on December 4, it promptly ruled out the general 17c increase but went on with the equalization issue. On this point the consistency of the Order's program was questioned, inasmuch as in the previous year Perham had opposed the disturbance of existing differentials. Manion replied that a change in policy had occurred. Dermody, a member of the Board, came to the rescue and pointed out that the 60c minimum previously requested would in fact have gone far in producing uniformity of rates. The sincerity of the union demand for the elimination of inequalities was also attacked by representatives of the railway officials, on the ground that the union had insisted, a short time before, on a strict application of a contested interpretation of Supplement 13 on certain roads despite the fact that it was generally admitted to create additional inequalities.²⁷

The Order's case on inequalities was based mainly on a showing of differences in pay for men doing similar work, even on the same

²⁴ *Telegrapher*, XXXVII (1920), pp. 2-10.

²⁵ *Railway Age*, LXVII (1919), pp. 403-9.

²⁶ *Telegrapher*, XXXVII (1920), pp. 2-10; *Convention Proceedings*, 1921, pp. 8-9.

²⁷ *Telegrapher*, XXXVII (1920), p. 5.

road, rather than on alleged discrimination in the treatment of the telegraphers as a whole or in part in comparison with other classes of employees. The Board, however, finally dismissed this part of the case also, on the ground that the inequalities shown were not of the sort contemplated by the instructions of the Director General. As precedent it cited his decision of October 31, 1919, refusing to sanction the readjustment of rates on the Missouri Pacific to equalize them with those prevailing on the Frisco.²⁸

The dismissal of their case by the Wage Board simply added the Telegraphers to the ranks of those who had already vainly demanded a readjustment of general wage rates. Early in February the Director General received the representatives of all the organizations in a conference to discuss the situation, but contended that he had no justification for granting wage increases of from \$800,000,000 to \$1,000,000,000 on the eve of the return of the roads to private operation. On the other hand the organizations felt that they had already experienced an unreasonably long delay. The prevailing tension was accentuated by the setting of strike dates by the Trainmen, the Shop Crafts, and the Maintenance-of-Way Men. The community of interest which the organizations had in the pending negotiations naturally led, on February 10, to an agreement by all save the Locomotive Engineers to act jointly in an offensive and defensive alliance. This did not curtail independent action by any union, but provided machinery for coordinated action whenever possible. The full forces of the combined organizations were at once thrown into a vigorous but unsuccessful drive to forestall the incorporation by Congress of unfavorable labor provisions in the act restoring the railroads to private control, and to complete the wage movement before the end of federal control.²⁹

The legislative trend in Congress had aroused serious alarm in union circles: the Cummins bill embodied a highly objectionable anti-strike clause, and the provisions for a reasonable return on the railway investment were not, in the eyes of the employees, matched by equivalent safeguards for their own wages and working conditions. The chief objection to the bill as finally drafted, however, was the creation of a tripartite Labor Board to pass upon railroad labor disputes. In principle the unions strongly advocated the continuation of the two-sided method of procedure exem-

²⁸ *Convention Proceedings*, 1921, pp. 8-9; *Telegrapher*, XXXVII (1920), pp. 2-10.

²⁹ *Telegrapher*, XXXVII (1920), pp. 281-94; *Railway Age*, LXVIII (1920), pp. 44, 383, 536-9.

plified by the Board of Railroad Wages and Working Conditions, and deprecated the ability of the neutral public members of the proposed Labor Board to deal intelligently or fairly with a tremendous variety of complex issues. They also emphasized the practical dangers of the further delay which would almost inevitably result if the pending wage issues were left for settlement by the Board. Strong memorials were addressed to Congress and the President, but were ineffective in securing the amendment or veto of the Esch-Cummins bill. On February 28 it became law.⁸⁰

No better success attended the efforts to push through a settlement of the wage issue before the termination of federal control on March 1, 1920. Negotiations with the Director General soon reached a deadlock, and it was necessary for President Wilson to take a hand in the extremely tense situation which followed. On February 13 he addressed a note to the committee of union executives in which he conceded that a wage readjustment could not be postponed indefinitely without a more definite reaction in prices than had yet occurred, yet went no further than to pledge his influence to secure the immediate functioning of any machinery which might be set up by law to deal with labor disputes, or the prompt creation of a voluntary tribunal if none were provided by law. The union executives hailed his recognition of the need of a wage readjustment and approved the canons suggested as a basis for settlement, but reiterated their fears as to the disastrous consequences of delay. Once more they vainly urged that a joint committee be appointed by the unions and the Railroad Administration with full power to negotiate an immediate settlement. At the same time they summoned a conference of the general chairmen of all the organizations to meet in Washington to discuss the future course of union action.⁸¹ Immediately following the passage of the Esch-Cummins Act the President addressed a letter to the union chiefs deprecating their fears of delay and antagonism on the part of neutral members of the forthcoming Labor Board. At the same time he called for the appointment of a joint conference committee of union and railroad executives, to discuss the union demands. Thus federal control came to an end leaving the concerted wage movement still unsettled.⁸²

⁸⁰ *Telegrapher*, XXXVII (1920), pp. 302-10, 441-5; *Railway Age*, LXVIII (1920), pp. 539, 639-41, 719-21.

⁸¹ *Railway Age*, LXVIII (1920), pp. 530-5; *Telegrapher*, XXXVII (1920), pp. 296-301.

⁸² *Telegrapher*, XXXVII (1920), p. 310.

6. *The Canadian Situation, 1918-20*

The situation of the Order in Canada from 1918 to 1920 was in most respects similar to that which prevailed in the United States. Early in August 1918 the Canadian Railway War Board, which had been created to secure the war-time coordination of the railways of the Dominion, entered into an agreement with the four train and engine service Brotherhoods, the Telegraphers, and the Maintenance of Way Men to apply the appropriate provisions of the wage orders of the United States Railroad Administration on the Canadian lines. A single adjustment board, known as Canadian Railway Board of Adjustment No. 1, was created to deal with all secondary issues and grievances involving the six organizations. No counterpart of the Board of Railroad Wages and Working Conditions was necessary. The agreement was to remain in force until the end of the War and to continue in effect thereafter until terminated on thirty days' notice from either side.³³

The initiation of the movement for a national schedule and the upward revision of wage rates in the United States in September 1919 was followed by a similar movement in Canada, but this was also held up pending the outcome of a governmental attempt to reduce the cost of living. It was not resumed until March 1, 1920. Final settlement was delayed until after the issuance of Decision 2 by the Railroad Labor Board, when an increase of approximately 13c per hour was generally applied on the Canadian roads.³⁴

7. *The Results of Federal Control*

There is perhaps no railroad organization which derived more substantial permanent gains from federal control than did the Order of Railroad Telegraphers. A greater part of the war-time gains in membership and recognition were retained despite the adverse conditions of the following years. Most of the important improvements in basic working rules and conditions were likewise preserved, and a much greater degree of standardization of the terms of employment was secured. The universal application of the basic eight-hour day was one of the greatest permanent gains of the War.

Likewise of great importance were the changes in procedure forced on the organization by the exigencies of federal control.

³³ Canada, *Labour Gazette*, XVIII (1918), p. 618; XXI (1921), pp. 668-72; *Convention Proceedings*, 1919, pp. 23-5, 171-5; 1921, p. 117.

³⁴ *Convention Proceedings*, 1921, pp. 105-9.

The sudden substitution of national for local collective dealing naturally produced a great deal of confusion for a time, but that was followed by the development of more systematic methods of formulating and prosecuting a definite union program. A much greater degree of coordination of local and national action was also brought about. And, finally, the conditions which existed at the termination of federal control brought all the "standard" organizations into a program of cooperative action such as had not been dreamed of since the eighteen-nineties.

CHAPTER IV

MAJOR MOVEMENTS SINCE THE WAR

I. *The 1920 Wage Movement*

PROMPTLY after the passage of the Transportation Act President Wilson requested the roads and the unions to appoint a joint conference committee to take up the long-standing wage issue. On March 22 fifteen company conferees, under the leadership of E. T. Whiter of the Pennsylvania, and seventeen union representatives, led by B. M. Jewell of the Railroad Employees' Department, began direct negotiations on the union demands.¹

The union conferees made two important proposals in addition to their demand for wage increases of slightly more than a billion dollars. They urged that three national adjustment boards, similar to those established during federal control, be set up by joint agreement, as authorized by the Transportation Act. They requested also that all the rulings of the Railroad Administration affecting the terms of employment (including the national agreements) be made permanent. On March 30 Whiter replied that the executives' conferees had not been granted authority to discuss the latter proposals and therefore could not take them up. At the same time he broke off negotiations on the wage issue with the statement that:²

"Consideration of your requests and the bases upon which they are predicated has convinced our conferees that there is no intermediate ground which could be reached that in itself would not represent an aggregate sum so great as to be beyond the possibility of our reaching a settlement.

"To study all angles of the subject exhaustively would require a long time, and notwithstanding any points which might develop in your favor, the railroads could not assume the responsibility of adding such a burden to the costs of transportation, excepting with the full knowledge and consent of the public through its representatives, and we must, therefore, decline to grant your requests, and let the matter be disposed of as provided in the Transportation Act."

¹ *Telegrapher*, XXXVII (1920), pp. 440-53; *Railway Age*, LXVIII (1920), pp. 975, 1066.

² *Telegrapher*, XXXVII (1920), p. 453.

A rather heated interchange of amenities followed, but these did not alter the position of the railway executives. The failure of this attempt to settle the issues by collective bargaining left no alternative save the submission of the case to the Railroad Labor Board created by the Transportation Act. The selection and confirmation of the personnel of the Board was accordingly expedited, and on April 16 it took up its labors.³

In presenting its case to the Labor Board the Order withdrew all its earlier proposals for changes in general working rules, except the request for punitive overtime rates for all service on Sundays and holidays. The request for standardization of wage rates on the Southern Pacific basis, plus a horizontal increase of 17c per hour, was reiterated.⁴ As the hearings before the Labor Board dragged along, the union executives expressed grave fears that further delay would provoke extensive and possibly disastrous outlaw strikes. On June 2, B. M. Jewell vainly pleaded that the Board grant a temporary award of 18c per hour for all classes pending a final decision. As the weeks passed with no hint of the outcome the tension approached the breaking point; "vacation" strikes broke out on many roads. Finally President Wilson intervened and urged the Board at least to announce a tentative decision. Two days later it replied that a decision, effective from May 1, would be handed down by July 20.⁵

In its decision⁶ the Labor Board stated that the urgency of action precluded any investigation of alleged inequalities in previous wage orders, and that it was simply awarding increases which would preserve existing differentials as between individuals and classes. It ruled also that the working conditions established during federal control should continue in force after September 1, 1920 (the date to which they were extended by the Transportation Act), until it had an opportunity to examine them on their merits. The wage increases granted fell considerably short of the demands of the various classes. They ranged from 5c to 18c per hour, amounting, in the aggregate, to about \$600,000,000 a year. The Telegraphers received a flat increase of 10c per hour, excepting agents at

³ *Telegrapher*, XXXVII (1920), pp. 454-6.

⁴ Association of Railway Executives, Conference Committee of Managers, *Statements in Railroad Wage Hearings*, (May 17-June 4, 1920), pp. 2-6, 166-74, 202, 208, 210-11.

⁵ *Telegrapher*, XXXVII (1920), pp. 3-6, 558-78, 815-22; *Railway Age*, LXVIII (1920), pp. 1311-15, 1360-1, 1417-18, 1471-2, 1577-8; LXIX (1920), pp. 13-14; *Convention Proceedings*, 1921, pp. 10-11, 28-9.

⁶ Decision 2, I R. L. B. 13, July 20, 1920, effective May 1, 1920.

small non-telegraph stations, whose increase was only 5c. No action was taken either on the Telegraphers' proposal for the standardization of wage rates or their requested overtime rule for Sunday and holiday service. The Telegraphers protested that the increases given them fell short of those given to other classes, and that the failure of the Board to take up their case for the standardization of rates perpetuated a highly unsatisfactory state of affairs. However, they were unable to obtain a rehearing. The acceptance or rejection of the decision was referred to the membership, but a very light response in the strike vote indicated that the rank and file were satisfied to take what they had got, so further objections were dropped.⁷

2. *The Movement for Wage Reductions and Changes in Working Rules, 1921-22*

The appearance of Decision 2 marked the high tide of prosperity for the Order. It then had a membership of over 78,000 out of a possible 80,000; it enjoyed almost universal recognition and unprecedentedly favorable working conditions. But this position could not long be maintained. Before the end of the year falling prices and adverse business conditions were compelling railway executives to seek drastic reductions in operating expenses. All classes of employees were confronted with the twin spectres of unemployment and wage reductions. The pressure on the unions was exceptionally strong because of the widespread belief that the downward trend in prices, and of course wages, would be long continued. The situation was changed, adversely to the organizations, in another respect. They could no longer look to a friendly government for a helping hand in time of need. The government had surrendered the direct power to determine the conditions of employment on the railroads when it returned them to private control, and its attention was now concerned with more absorbing problems than the placation of labor. Moreover, after the accession of the Harding régime in 1921 the unions had no claim at all on the party in power.

The first move of the railroad executives was a demand for the modification or abrogation of the working rules and conditions established during federal control, which had been extended indefinitely in force by the Labor Board in Decision 2. The railroad executives contended that these rules, particularly those incor-

⁷ *Convention Proceedings, 1921*, pp. 10-11; *Telegrapher, XXXVII* (1920), pp. 940-5, 1283; *Railway Age, LXIX* (1920), pp. 135, 139.

porated in the national agreements with the Shopmen, the Clerks, the Signalmen, and two or three other organizations, grossly interfered with efficient and economical operation. They proposed therefore that the Labor Board terminate the existing agreements and leave the drafting of new working rules to direct negotiation on the individual railroads. Only by such "decentralization" of labor relations, they declared, could they restore efficiency in operation and proper discipline.⁸

There were many evidences of a truculent spirit on both sides. The railway officials had but recently recovered a free hand in the management of their properties, and were little inclined to brook union "interference." General Order No. 8, with its prohibition of discrimination, was no longer in force, and executives hostile to the unions were free to give battle if they chose. The union spokesmen on the other hand vehemently assailed the railway executives' sweeping proposals for the "deflation" of the war-time gains of labor, and their fervent endorsement of "decentralized" relations with their employees, as a thinly veiled attack on the existence of the organizations themselves. On January 31, 1921, the hearings on the carriers' requests for the modification of existing working rules, which had begun three weeks earlier, were interrupted dramatically by General W. W. Atterbury, the chairman of the labor committee of the Association of Railway Executives. He appealed to the Labor Board to avert a catastrophic collapse of the railway financial structure by setting aside at once all working conditions established during federal control and restoring those in force in December 1917, subject to direct negotiation on the individual roads. In addition, he asked that it authorize the carriers to reduce the wages of unskilled labor to the rates prevailing in each locality. He stated that if this were done no demands for reductions in the wages of other classes of employees would be made for at least ninety days.⁹ The Labor Board, however, sustained the indignant protest of the employees that it could not pass on the rules and working conditions without a hearing, and that the wage request was out of order because

⁸ A. R. E., Conference Committee, *Statements*, II (January 10-18, 1921), pp. 2-6; IV (February 2-3, 1921), pp. 11, 22-110, 135-6; *Railway Age*, LXX (1921), pp. 199-202, 317-19; *Telegrapher*, XXXVIII (1921), pp. 525-32; *Convention Proceedings*, 1921, pp. 28-30.

⁹ A. R. E., Conference Committee, *Statements*, IV (February 2-3, 1921), pp. 8-9.

no attempt had been made to settle the issue directly with the employees concerned.¹⁰

On the other hand, B. M. Jewell proposed, for the organizations, that the issue as to working rules be referred to a joint conference committee for negotiation, as had been the custom during federal control, and that only points not settled directly be left to the Board; that adjustment boards be set up to expedite minor cases; and that the wage issue for unskilled employees be taken up in a single proceeding. These proposals were flatly rejected by the railway executives.¹¹

On April 14, 1921, the Labor Board announced that the disputed national agreements would expire on July 1, 1921, and that new agreements should be negotiated on the individual railroads. It also set up certain basic principles to be observed in these negotiations.¹² The position of the Telegraphers under this decision was at first uncertain. Their rules and working conditions had been vigorously attacked before the Board, but their status differed from that of the organizations possessing national agreements in that their schedules were drawn directly with the employing railroads, and notice of desire to amend the schedules had not, generally speaking, been served on their general committees. On May 31, 1921, Manion requested the Board to rule on the question, pointing out that the train and engine service organizations, whose contracts were similarly negotiated, had been excepted from the application of the decision. On June 25 the Labor Board issued a favorable interpretation.¹³ As a result the conditions established by the orders of the Railroad Administration, and incorporated in the schedules by direct agreement remained in effect except in so far as the carriers individually took up the revision of the schedules in the regular course.

Even before Atterbury's appeal to the Labor Board to grant the railroads relief from their burdens, a few roads, including the Atlanta, Birmingham & Atlantic, the Missouri & North Arkansas, and the Erie, had announced wage reductions without reference

¹⁰ *Railway Age*, LXX (1921), pp. 317-19, 363-7, 397-8.

¹¹ *ibid.*, LXX (1921), pp. 411, 451-4, 549, 579, 723-6.

¹² Decision 119, II R. L. B. 87, April 14, 1921.

¹³ Interpretation No. 4 to Decision 119, II R. L. B. 610. Even where the rules were incorporated in direct agreements only after pressure had been brought to bear on the carriers by the Railroad Administration the contracts were regarded as remaining in force pending service of notice of desire to revise or cancel. See the Reading case, p. 160 below. The failure of the Order to secure a national agreement ultimately proved to be an asset. *Telegrapher*, XXXVIII (1921), pp. 771-2.

to the Labor Board, on the ground of financial inability to pay the prevailing rates. The receivers of the first two roads refused to concede the jurisdiction of the Labor Board, raising a legal issue which the Board did not elect to have adjudicated. On both roads the standard organizations, including the Telegraphers, went out on strike against the reductions and in protest against the disregard of the procedure laid down in the Transportation Act. The strikes were maintained, officially at least, for several years, without gaining the point primarily at issue.¹⁴ On the Erie the Telegraphers affected by the reduction ultimately secured a decision from the Labor Board to the effect that the terms of the Transportation Act had been contravened, and that the amounts deducted from wages should be made up.¹⁵

In March 1921 a general movement for wage reductions began. Notice was served on the general committees of all the organizations on most roads and, after perfunctory conferences, the issues were referred to the Labor Board. On April 18 the Board began its hearings, and in Decision 147, June 1, 1921, it announced a general wage reduction of about \$400,000,000 for all classes of employees. The reduction bore most heavily on unskilled labor, amounting to about 18 per cent, as compared with a general average of 12 per cent. The Telegraphers received a horizontal cut of 6c per hour, or approximately 9 per cent.¹⁶

Neither side was satisfied with the decision. The railway executives contended that the increases granted in 1920 should have been wiped out entirely, while the organizations were in no mood to take a licking lying down. The general chairmen of standard unions, convened in Chicago on July 1 to pass on the decision, almost unanimously refused to accept the decision on their own responsibility and referred the question to their members. The Telegraphers' representatives decided to model their procedure on that of the train and engine service Brotherhoods. Accordingly they directed President Manion to sound out the attitude of the

¹⁴ *Telegrapher*, XXXVIII (1921), pp. 121, 237, 552-3, 929-31, 1068-70, 1287-91; *Railway Age*, LXX (1921), pp. 207, 319, 411-12, 454, 520, 548, 724-5, 834, 1036; *Convention Proceedings*, 1921, pp. 31-2; 1924, p. 15; 1927, p. 62; Decision 121, II R. L. B. 103, April 15, 1921.

¹⁵ *Telegrapher*, XXXIX (1922), pp. 17, 1055-9; Decision 1286, III R. L. B. 833, October 26, 1922.

¹⁶ *Railway Age*, LXX (1921), pp. 549, 709-10, 810-11, 846, 902-3, 938, 988-90, 1075-6, 1113-16, 1173-4, 1259-62, 1278; *Telegrapher*, XXXVIII (1921), pp. 33-4. For the text of the decision see II R. L. B. 133, June 1, 1921. The small non-telegraph agencies were reduced 5c per hour, or the entire amount granted in the 1920 increase.

railway executives as to further reductions in wages and changes in working rules, in order to assist the rank and file in reaching a decision on the immediate reduction. The reply of the railway officials was, in most cases, to propose still further reductions.¹⁷

Practically all of the organizations found their members overwhelmingly in favor of striking against the decision of the Labor Board. On October 11 the union executives met to discuss the situation. It had been assumed that an offensive and defensive alliance would be formed to prosecute the strike, although the leaders of the four Brotherhoods had not committed themselves to general cooperative action. Now they definitely refused to bind themselves to hold out for a joint settlement. This announcement so greatly altered the situation that the other union executives decided to resubmit the issues to their members on the individual roads. In the end the Telegraphers alone elected to go on, even though there was no assurance that the train and engine service Brotherhoods would admit them to cooperative action in a general strike. The final plans set October 30 as the strike date for the members of all five organizations on the first group of roads, and provided for the progressive extension of the strike to other groups of carriers in the ensuing days.¹⁸

Five days before the strike was to begin, the Labor Board intervened. It informed the representatives of the two sides that pending controversies over working rules would be disposed of for each class of employees before giving further consideration to wage adjustments. It pointed out that hearings on the disputed Shop Crafts' working rules had just begun, so that the Brotherhoods' apprehensions of immediate additional reductions were premature. It added a rather empty warning that both sides must conform to the procedure set up by the Transportation Act, and that violation of a decision of the Board would deprive the offending party of the right of appeal and forfeit its rights in preexisting contracts. With this virtual assurance that further reductions would not be considered for several months, and with an eye on the rather unfavorable trend of public opinion, the union leaders withdrew the strike orders.¹⁹

¹⁷ *Railway Age*, LXX (1921), pp. 1201, 1254, 1305, 1335-7, 1389, 1438; *Telegrapher*, XXXVIII (1921), pp. 770-4; *Convention Proceedings*, 1924, pp. 5-6.

¹⁸ *Convention Proceedings*, 1924, pp. 5-6; O. R. T., *Circular Letters*, July 27, August 13, 1921; *Memorandum to General Chairmen assembled at Chicago*, October 21, 1921; *Strike Instructions*, October 24, 1921 (MSS).

¹⁹ *Memorandum in re Docket 845*, II R. L. B. 767, October 25, 1921; *Decision 299*, II R. L. B. 328, October 29, 1921; *Telegrapher*, XXXVIII (1921), pp. 1411-13.

Despite the action of the Board, the railway executives on most roads served notice of further wage reductions on the general committees of the different organizations, including the Telegraphers, and also proposed sweeping changes in working rules for the latter, whose schedules had not been abrogated by Decision 119. On December 3, 1921, Ben W. Hooper, vice-chairman of the Labor Board, publicly corrected "misleading statements" that the Board had averted the threatened strike of the Brotherhoods in October by promising an indefinite postponement of further action on the wage issue. The Board, he said, had completed the tremendous task of revising the Shop Crafts' working rules. Its doors were now open to all comers. Early in February it announced that hearings on the wage issue would begin on March 6, 1922. In the meanwhile it proceeded to dispose of pending controversies over working rules for other crafts, including the Telegraphers.²⁰

On March 3, 1922, the Labor Board handed down Decision 757, covering the working rules of the Telegraphers. In certain respects it made unfavorable changes—particularly as regards split tricks and overtime—but it left the scope of the agreement and many of the basic rules unchanged, and in addition included some rules which had not previously been standardized.²¹ The Order took exception to the unfavorable sections of the decision, but for the time the wage hearings which were just beginning dwarfed all other issues.

The Telegraphers found their inclusion in the hearings on the carriers' demands for further wage reductions particularly galling because the Brotherhoods, with whom they had been associated in the threatened strike of 1921, were not cited to appear. Instead, the carriers had moved to resume direct negotiations with them—a step which promised to keep them from participating in any trouble which might follow a further reduction for the Shop Crafts and other organizations. This contrast led Manion vehemently to protest the inclusion of the Telegraphers in the proceedings. He insisted that no wage decision affecting them should be rendered until after the existing inequalities had been ironed out and an equitable wage classification introduced. He again pointed out that the dealings and contracts of the organization had always been on a system basis, and had not been superseded by a national agreement. He stated that the general committees on each road were

²⁰ *Telegrapher*, XXXVIII (1921), pp. 1384-5, 1411; XXXIX (1922), pp. 207-12; *Convention Proceedings*, 1924, pp. 4-8.

²¹ III R. L. B. 156, March 3, 1922.

free at any time to negotiate a wage settlement on any terms satisfactory to themselves, and had, in fact, done so on a number of roads. He argued finally that the proposed reductions were not properly before the Board because they had never been taken up in conference with the general committees.²²

The brunt of the carriers' attack, in fact, was not directed at the Telegraphers, and when further reductions were announced by the Labor Board in May 1922, they were exempted pending further consideration of the question of inequalities. On July 1 the Shop Crafts declared a nation-wide strike against the reductions given them. During the summer and early fall their struggle held the center of the stage. As a result it was not until December 1922 that the Labor Board again took up the Telegraphers' case, and then it simply announced a resolution, previously adopted, to take no further action until alleged inequalities had been disposed of.²³ With the case thus left in suspense there was constant danger that it might be reopened at any time. Its retention on the docket also hampered the renewal of direct negotiations at a time when signs of business recovery were beginning to appear. In fact the general committees on a score or more of roads, including the Chicago & North Western, the Union Pacific, the Missouri Pacific, the Wabash, the Norfolk & Western, and the Southern, were able, during the closing months of 1922, to negotiate direct settlements which definitely established the existing rates of pay, made some changes in local working rules, and withdrew pending disputes before the Labor Board. Early in February 1923 Manion accordingly requested the Board to remand the wage question for direct negotiation on the several roads. The granting of this request shortly afterwards paved the way for still more extensive settlements by direct negotiation.²⁴ Thus in the end the Telegraphers were able to share with the train and engine service Brotherhoods the distinction of passing unscathed through the 1922 drive for wage reductions and preserving, by collective bargaining, some part of the concessions secured in 1920.

²² *Telegrapher*, XXXIX (1922), pp. 96-9, 180-1, 286-7, 389-400; *Convention Proceedings*, 1924, p. 9.

²³ *Telegrapher*, XXXIX (1922), pp. 607, 668, 929-33, 1131. See Decision 1698, IV R. L. B. 213, March 13, 1923, which quotes its resolution of December 7, 1922, on Docket 1300.

²⁴ *Telegrapher*, XXXIX (1922), p. 1131; XL (1923), pp. 7, 112-13, 115, 189, 257-9; Decision 1698.

3. *The Resumption of the Union Offensive, 1923*

With the danger of wage reductions averted, the attention of the organization turned to the grievances growing out of the unfavorable changes in working rules effected by the decision of the Labor Board of March 3, 1922. Certain of the rules, particularly those regarding overtime and split tricks or intermittent service, were ambiguous, and received a wide variety of interpretations by the managements and general committees seeking to apply them. After making a survey of the situation Manion petitioned the Labor Board for an interpretation of the disputed rules. A hearing was granted on October 16, 1922.²⁵

Before a decision had been rendered, however, the improving business outlook led the union officers to the conclusion that favorable modifications of the rules might be secured by direct negotiation, and in March 1923 the vice-presidents of the Order prepared a tentative set of standard rules which was used by the general committees as a basis for direct negotiations. The action of the Labor Board in remanding the wage question resulted in the coupling of a request for wage increases with the rules proposal on many of the roads. Where it proved impossible to reach a direct agreement on all points the disputed issues were referred to the Labor Board.²⁶

On November 22, 1923, the Labor Board rendered a favorable decision, No. 2025, on disputes over wages and rules involving more than forty-five railroads. The overtime and intermittent service rules were modified to meet the demands of the Order, and other basic rules were left unchanged. The perennial request for overtime for Sunday and holiday service was again denied. While no general wage increase was authorized, the wage rates on some roads were raised to conform with those prevailing on comparable carriers, thus accomplishing a measure of territorial standardization. The adjustment of inequalities on the individual systems was left to the joint action of the general committees and railway officials who were to distribute such increases as were granted.²⁷

Subsequent controversies over wages and working rules coming up from other roads were disposed of in the next few months in a

²⁵ *Convention Proceedings, 1924*, pp. 7-8; *Telegrapher*, XXXIX (1922), pp. 922-7, 1026-7.

²⁶ *Telegrapher*, XL (1923), pp. 759-73; *Convention Proceedings, 1924*, pp. 11-13.

²⁷ IV R. L. B. 739, November 22, 1923, effective November 16, 1923; *Telegrapher*, XL (1923), pp. 1175-80; *Convention Proceedings, 1924*, pp. 11-13.

series of seven or eight decisions which continued the process of levelling up wage rates and extended still further the application of favorable basic rules.²⁸ By the middle of 1924 the battle to retain the favorable working conditions secured during federal control had definitely been won, and the trend in wages was distinctly upward; wage adjustments had been made on more than eighty roads, and the average hourly rate had been raised by about 3c, from \$.5933 to \$.6233.²⁹

4. *The Atlantic Coast Line Strike*

Perhaps the greatest difficulty in securing substantial wage readjustments was encountered by the Order in the Southeastern territory. The general committee on the Southern had tied itself up in a three-year agreement in the fall of 1922; as a consequence it could not initiate a movement, nor were the committees on the other roads able to make appreciable headway. On the Atlantic Coast Line the general committee, after reaching a deadlock with the management, took its case to the Labor Board, but encountered two successive adverse decisions.³⁰ In the second decision, that of June 26, 1925, the Labor Board did recommend the local adjustment of certain inequalities. The management, however, refused to grant more than $\frac{3}{4}$ c per hour, the lump sum to be used in eliminating inequalities. The committee contended that this was utterly inadequate, particularly in view of rising living costs on the Florida divisions of the line, which were affected by the current land boom, and demanded more substantial concessions. Rankling under the earlier adverse decisions, it refused to join in submitting the dispute once more to the Labor Board. The carrier then made an *ex parte* submission. After a preliminary hearing on October 9, the Board sent three of its members to Wilmington, North Carolina, to investigate the situation. At a hearing held on October 12 Manion urged these members of the Board, sitting as Bureau No. 1, to undertake mediation at once to prevent the outbreak of a strike. The Bureau, however, elected to prosecute the investigation in Florida, and simply advised the submission of the dispute to the full Board. This the general committee declined to do, and after further conferences with the management had proved fruitless the strike began on October 19, 1925.

²⁸ Decisions 2115, 2374, 2434, 2557, 2686, 2836, 3266, 3767.

²⁹ *Convention Proceedings*, 1924, pp. 14-15; *Telegrapher*, XLI (1924), pp. 642-4.

³⁰ Decisions 2025, IV R. L. B. 739, November 22, 1923; 3767, VI R. L. B., June 26, 1925.

The company at once concentrated on the key men in an effort to disrupt the strike. A "company union" was organized and the officials promptly took up with it the grievances of the men. The strike on the north end of the line collapsed after three local chairmen had been won over and had urged their constituents to return to work. The men on these divisions were less seriously affected by the situation in Florida, and accordingly more easily influenced by individual promises and pressure. The strike in Florida and on the western end was comparatively strong to the last, but was crippled by the death of two of the vice-presidents and the serious illness of a third, which left it with an inadequate staff of leaders.

During the course of the strike the general committees on other Southeastern roads, which had until then been unable to make any progress, were able to secure concessions. Early in November the Seaboard conceded an increase of about 4 cents per hour. On December 10 the Atlantic Coast Line itself was constrained to give a similar increase to its company union committee. Had this settlement been offered the Telegraphers in October it is doubtful if a strike would have been declared. Thereafter the strike quickly declined in effectiveness, but was not called off until March 15, 1926.⁸¹

5. *The Return to Mediation and Arbitration under the Railway Labor Act, 1926*

In 1926 the régime of the Labor Board came to an unlamented end, with the passage of the Railway Labor Act to supersede the labor provisions of the Transportation Act of 1920. The experiences of the railroad unions with the Labor Board in 1921-22 had confirmed them in their opposition to the existing law; it was not until 1926, however, that they were successful in their efforts to secure the passage of a more satisfactory measure. The new act reestablished machinery for the mediation and arbitration of labor disputes on the railroads similar to that which was in operation before the War, with supplementary provisions for compulsory investigation.⁸² Under this act the services of the mediators have been invoked in a comparatively large number of cases affecting the Telegraphers. There have also been nine or ten arbitration proceedings. The Baltimore & Ohio arbitration of 1927 was espe-

⁸¹ *Convention Proceedings, 1927*, pp. 55-62; *Telegrapher*, XLII (1925), pp. 1012-14, 1120-3, 1226-7, 1234; XLIII (1926), pp. 6-13, 116-19, 134, 226, 252.

⁸² *Convention Proceedings, 1927*, pp. 34-8; *Telegrapher*, XLI (1924), pp. 228-34, 325-7.

cially important because a particular effort was made by the union committee to secure vacations with pay for their constituents. The adverse decision of the arbitrators on the vacation question in this case disposed of the issue throughout the entire country for the time being. Even more important, in the long run, was the award in the New York Central case in 1928. This granted the Telegraphers one "relief day" per week, although without compensatory increases in pay. With this as a starting-point the organization initiated a nation-wide movement for the six-day week, which was just well started when the present depression began.

6. *The Canadian Situation, 1920-29*

The post-war readjustment in Canada was achieved with much less friction and ill-feeling than in the United States. By mutual agreement Canadian Board of Adjustment No. 1 was retained and proved a valuable agency for the adjustment of minor grievances.⁸³ Wage readjustments were made in close conformity with those effected in the United States, but changes in working rules were much less drastic. Following the announcement of the wage reductions of July 1, 1921, similar reductions, of about the same magnitude, were initiated by the Canadian roads on July 16. The unions protested that this violated the terms of the Industrial Disputes Investigation Act requiring thirty days' notice prior to a change in wages or working conditions, and secured the appointment of a board of conciliation. After hearing the case the board advised a resumption of direct negotiations. These ultimately resulted in an agreement, on October 8, to operate under the reduced rates of pay at least until February 1, 1922, and indefinitely thereafter pending notice of desire to negotiate on permanent rates. The board was left intact with authority to hear any further proceedings in the case. In January the organizations accepted the reduced rates as permanent, and in turn the railroads agreed to leave the existing working rules as they were.⁸⁴

Following the decision of the United States Labor Board on working rules for the Telegraphers on March 3, 1922, the Canadian roads also proposed similar changes in rules, the abolition of vacations with pay, and further wage reductions. The general com-

⁸³ Canada. *Labour Gazette*, XXI (1921), pp. 668-72; *Convention Proceedings*, 1921, pp. 114-15.

⁸⁴ *Convention Proceedings*, 1924, pp. 177-9; *Telegrapher*, XXXVIII (1921), pp. 1152-9, 1297-1300; XXXIX (1922), pp. 100-2, 388, 899; Canada, Department of Labour, *Annual Report*, 1922, p. 22; 1924, pp. 42-6.

mittees were convened to discuss the situation, and the Canadian Pacific committee was chosen to make the first stand. The services of a board of conciliation were requested but proved unnecessary; a compromise settlement was reached on August 18 by which the company abandoned a proposed intermittent service rule in exchange for concessions on certain other rules. Overtime payments for Sunday work were abandoned in some branches of the service, and the six-day week substituted, causing a reduction in monthly earnings which proved a source of some temporary dissatisfaction to the employees. A subsequent settlement on the Canadian National gave partial compensation for losses in earnings due to the abolition of Sunday overtime. With these two agreements as standards the other committees quickly concluded satisfactory settlements.⁸⁵

After this movement, which was mainly defensive, there was little further schedule activity until after the business recovery in 1926. The depression in Canada was perhaps more severe, and the recovery much less rapid, than in the United States, and the condition of the railroads closely reflected the general situation. By the fall of 1926, however, the committees were able to get under way again, and effected substantial improvements in their position in the two following years.⁸⁶

7. *The Order in the Contemporary Depression*

In 1929 the position of the Order was fully as strong as it had been at any time since the War. Its membership—about 63,000—was, to be sure, nearly 15,000 below the peak figures of 1920, but these losses were for the most part incurred in the depression years of 1921-22, as a result of permanent reductions in force rather than as a consequence of union disorganization on particular roads or a decline in the ratio of union membership to "scheduled positions" generally. In fact, with a few important exceptions—the Pennsylvania, the Atlantic Coast Line, the Reading, and the Delaware & Hudson—the Order was able to preserve its war-time agreements, and to maintain friendly relations even with roads such as the Santa Fe, the Louisville & Nashville, the Great Northern, the Lackawanna and the Central of New Jersey, which had been non-union prior to federal control. The failure of a strong up-swing in union membership to appear with the improv-

⁸⁵ Canada, Department of Labour, *Annual Report*, 1923, p. 15; *Convention Proceedings*, 1924, pp. 182-4, 189; *Telegrapher*, XXXIX (1922), pp. 388-99, 1002.

⁸⁶ *Convention Proceedings*, 1927, pp. 33, 386-7.

ing business conditions and increasing railway traffic after 1923 was largely due to the continued displacement of men as a result of improvements in methods of operation, including the installation of new signalling and train-control devices.⁸⁷

In February 1929 it was agreed, at a conference of general chairmen representing the membership on practically all the organized roads, to concentrate the forces of the union behind a drive for the six-day working week, with compensatory readjustments in wages, as a means of increasing employment. It was also agreed to attempt handling the negotiations with the carriers on a territorial basis. The proposals were submitted to the membership on each road, and by August 1929 a majority of the committees in each district had filed their requests with the carriers. The railroads as a whole declined to take up the issues in territorial negotiations, and it was therefore necessary to proceed system by system. The movement was well started, and many cases had been referred to mediation, when the onset of the present depression made it advisable for the committees to seek the suspension of further negotiations. On the Illinois Central, with which an agreement to arbitrate the issues—especially the compensatory increase in wages—had already been signed, the management would not concede the requested postponement. As the Telegraphers feared, the arbitration award set an unfavorable precedent by withholding any readjustment in wage rates to offset reductions in individual earnings because of the shorter hours.⁸⁸

In 1930-31 the main concern of the committees was to forestall any reopening of their schedules which might lead to adverse changes in wages or working conditions. The Order, as one of the standard railway labor organizations, was represented in the formulation of the unemployment program of the Association of Railway Labor Executives, and its attempts to put these proposals before the Association of Railway Executives. When requests for a general reduction in wages were finally filed with the committees of the different crafts, late in 1931, the Telegraphers in common with the others authorized the Association of Labor Executives, of which President Manion was a member, to represent them. The urgency of the need for general wage concessions overcame the railway executives' scruples against national dealing with the unions—particularly the shop and miscellaneous crafts—and the

⁸⁷ See below, Chap. XII.

⁸⁸ *Convention Proceedings*, 1930, pp. 8-10; *Telegrapher*, XLVIII (1931), pp. 792, 926-42.

conference committee, under the chairmanship of Daniel Willard, appointed to discuss the issues with the union spokesmen was given full power to negotiate a settlement. The outcome was an agreement, signed January 31, 1932, that for the ensuing year a 10 per cent deduction should be made from the wages of all railroad employees. It also stipulated that the carriers should do everything possible to maintain, or increase, the volume of employment. On December 21, 1932, the Willard agreement was continued for an additional nine months after extended conferences between the railroad representatives and the union chiefs acting as a sub-committee for the fifteen hundred general chairmen of the standard railroad organizations.³⁹

Since January 1932 there have been complaints among the operators on many roads of still further reductions in force, and little, if any, improvement in aggregate employment. A survey completed by the organization in June 1932 indicates that the level of employment was then approximately 20 per cent below the 1929 level.⁴⁰ For the time there is little that can be done through direct bargaining to improve the situation. The Telegraphers have taken an active part in pushing the program of the Association of Railway Labor Executives, looking to federal legislation in behalf of the shorter working week and other measures to deal with unemployment on the railroads. If this objective is not attained by legislative means the six- or five-day week will unquestionably be a major issue with the Telegraphers when business recovery makes feasible the resumption of direct negotiations.⁴¹

³⁹ *Telegrapher*, XLVIII (1931), pp. 953-4; XLIX (1932), pp. 7-10, 82-98; *New York Times*, December 22, 1932.

⁴⁰ Data furnished the author by union headquarters.

⁴¹ *Telegrapher*, XLIX (1932), pp. 160-6, 314-15, 394-5, 472-4, 550-2; L (1933), pp. 7-9.

MAJOR MOVEMENTS SINCE THE WAR

Table I. Union Membership, 1886-1930

YEAR	MEMBERSHIP AT BEGINNING OF YEAR	NEW MEMBERS	WITHDRAWN	INCREASE	NET LOSS
1886*		2,251			
1887*	2,251	2,855	1,000	1,855	
1888*	4,106	6,288	1,000	5,288	
1889*	9,394	2,256	2,426		170
1890*	9,224	2,653	3,515		862
1891*	8,362	5,149	951	4,198	
1892*	12,560	3,775	1,000	2,775	
1893*	15,335	1,512	7,458		5,936
1894	9,389	1,004	3,014		2,010
1895	7,379	1,495	4,078		2,583
1896	4,796	2,322	1,651	671	
1897	5,467	2,002	1,921	81	
1898	5,548	4,091	1,020	3,071	
1899	8,619	4,702	2,711	1,991	
1900	10,610	4,539	4,629		90
1901	10,520	4,814	4,995		181
1902	10,339	12,026	3,300	8,726	
1903	19,065	16,146	5,493	10,653	
1904	29,718	9,607	8,010	1,597	
1905	31,315	6,883	9,860		2,977
1906	28,338	9,869	6,983	2,886	
1907	31,224	14,221	7,923	6,298	
1908	37,522	7,764	11,093		3,329
1909	34,193	8,285	9,038		753
1910	33,440	11,214	8,016	3,198	
1911	36,638	9,539	9,376	163	
1912	36,800	10,628	8,275		2,353
1913	39,153	10,725	8,549	2,176	
1914	41,329	11,201	8,160	3,041	
1915	44,370	6,936	8,895		1,959
1916	42,411	9,839	6,822	3,017	
1917	45,428	9,039	8,349	690	
1918	46,118	29,245	8,525	20,720	
1919	66,842	18,934	10,629	8,305	
1920	75,147	11,683	8,696	2,987	
1921	78,134	5,135	11,691		6,556
1922	71,578	3,609	10,105		6,496
1923	65,082	7,295	5,940	1,353	
1924	66,435	6,048	7,352		1,304
1925	65,131	6,067	7,036		961
1926	64,162	5,992	6,493		501
1927	63,661	4,428	6,763		2,335
1928	61,326	4,326	5,597		1,271
1929	60,055	6,005	3,602	2,403	
1930	62,458				

* From 1886 to 1894 the figures are for the fiscal year beginning April 1; thereafter they are for the calendar year.

X4150j35:96.73

G3

53648

PART II. UNION ORGANIZATION AND METHODS

CHAPTER V
STRUCTURE

WHEN the Order of Railroad Telegraphers was launched in 1886 the railroad operators were almost completely unorganized, and there was not even a tradition of independent local organization in the craft to stand in the way of concentration of control in the national union,¹ as was the case in many of the older crafts in England and the United States. Instead, the pioneers, who were interested in the welfare of the craft as a whole, began with the organization of the national union and worked back from it to the employees on the individual railroads.

In structural outline the Order closely resembles the older train and engine service organizations which served its founders as models, with certain variations to accommodate it to the peculiar conditions of the telegraph and station service. The basic structural unit is the *subordinate division*, which covers all the members of the Order employed upon a single railroad system. The subordinate division is likewise the primary agency for collective bargaining, although the assistance of the national union is frequently invoked in adjusting differences with employers. The supreme authority is vested in the triennial convention of the *Grand Division*, consisting of delegates elected on the basis of relative membership strength by the subordinate divisions. The Grand Division has power to enact basic union law and amend the constitution; to pass on all questions of union policy; to elect the national officers to whom is entrusted the active administration, and to review their official acts.

In the more extended survey which follows there has been a constant effort to get beyond the descriptive to an analysis of the conditions which have affected the structural development of the union. Few organizations, in fact, more interestingly illustrate the operation of the evolutionary process in the development of social institutions.

¹ Strictly speaking the Order is an international union, since it has members both in the United States and Canada, but it is less awkward to refer to the central organization as the national union, or, in accordance with union usage, as the Grand Division.

1. *The Subordinate Divisions*

The constitution of 1886, drawing upon the practice of the older brotherhoods and the fraternal orders, authorized the organization of *local divisions* at terminals, junctions, division points, and other convenient locations throughout the country. Remotely situated or travelling members were, however, permitted to enroll directly with the national union.²

Local divisions were quickly organized in all parts of the country but demonstrated a high degree of instability: between 1886 and 1895 about 160 of the 255 divisions organized became defunct.³ This was partly due to flagging interest in the purely fraternal activities to which the Order confined itself prior to 1891, but it also reflected the failure of this form of organization to conform to the conditions of the telegraph service. The membership of a single division was frequently scattered over several hundreds of miles of line and often drawn from two or three different roads entering the city in which the division was located. It was impossible for all the members to leave their posts simultaneously to attend union meetings, and as a consequence the affairs of the local frequently drifted into the hands of a small clique of city members whose interests did not coincide with those of the men "out on the line." The inevitable result was dissatisfaction and loss of union strength.⁴ After the assumption of bargaining functions in 1891 the defects became still more evident. It was extremely difficult to get harmonious action between all of the locals in which the employees of a particular road might be enrolled; even where a group of locals was made up exclusively of the employees of a single road, and was tied together by a *joint protective board*, effective cooperation was hampered by the jealousies of local officers, the financial instability of individual locals, their unwillingness to surrender control of their funds to the system board, and the difficulty of keeping track of migratory members.⁵

The reform of the local division organization was in consequence a topic of constant discussion from 1891 to 1895. Three of

² *Telegrapher*, VI (1890), p. 391; XXIII (1906), p. 753; XXVII (1910), pp. 1350-2.

³ *ibid.*, XI (1895), p. 482.

⁴ The columns of the *Telegrapher*, both editorial and correspondence, from 1890 to 1895 were filled with discussion of these problems.

⁵ It was sometimes impossible for a protective board even to secure a list of the members employed on its own road, or to ascertain the union strength without a personal canvass. The difficulty of maintaining union discipline or coherent action is obvious.

the most important proposals were: (1) that the entire membership be transferred to the national union, which should then supervise the activities of protective boards or committees on each railroad representing all the members employed thereon; (2) the organization of state divisions with salaried officers and organizers; and (3) the organization of *system divisions*, each one covering all the members employed on a particular road. The last proposal had the advantage of embracing in a single division all the employees involved in the schedule negotiations with a given railroad, so that the basic structural unit would coincide with the normal unit for collective bargaining. After some experimenting with alternative solutions the system division plan was adopted by the convention of 1895.⁶

Although the new plan of organization was not mandatory it spread rapidly, and by 1900 there were thirty system divisions as compared with forty-two locals. An inspection of Table II will show that while both types increased in numbers during the years of rapid expansion in union membership from 1901 to 1903 the locals steadily lost ground thereafter. Frequently, local divisions were established as a temporary stage in the organization of an unscheduled road and subsequently merged in a system division. During the period 1900-30 seventy-five local divisions were transferred to system divisions, while but four system divisions reverted to the local plan. In April 1930 only ten of the one hundred nineteen active divisions remained on the local basis, and these covered only 1041 out of the 63,614 members of the Order.⁷ No road too large to be covered conveniently by a single local has been on the local basis since the War, so that the present local divisions are in fact system-wide in their membership.⁸

The past thirty years have witnessed not only the virtually complete transition to the system basis of organization, but also a tremendous shift in the size of the subordinate divisions. In 1901 the local divisions, with a membership seldom larger than two hundred, were still dominant. Of the seventy-seven "active" divisions at the time of the St. Louis convention of 1901 only forty-four were able to send delegations, and of these only twenty-four sent more

⁶ See *Telegrapher*, IX-XI (1893-95), for extensive discussion by union officers and correspondents of these and other proposed methods of division organization; *ibid.*, XXII (1905), p. 399.

⁷ *Convention Proceedings*, 1930, p. 396.

⁸ The roads covered by local divisions are all small. Division 44, New York, covers the Long Island; No. 52, Pittsburgh, the Pittsburgh & Lake Erie, and so on. During 1931 the number of locals declined to nine.

THE ORDER OF RAILROAD TELEGRAPHERS

Table II. Trends in Development of Subordinate Division Organization, Showing Relative Changes in Number of System and Local Divisions, by Years, 1900-1932

YEAR	NUMBER OF ACTIVE DIVISIONS			TRANSFERRED FROM SYSTEM TO	TRANSFERRED FROM LOCAL TO	DEFUNCT		NUMBER CHANGED	ORGANIZED	
	System	Local	Total	Local System	System Local	System	Local			
1900	30	42	72	—	—	4	—	—	2	—
1901	31	49	80	2	1	1	—	2	2	18
1902	40	76	116	—	1	2	1	1	1	41
1903	49	79	128	1	1	4	—	1	1	20
1904	57	61	118	1	1	18	—	1	5	10
1905	57	61	118	—	—	—	—	3	3	11
1906	61	53	114	—	—	4	—	3	4	4
1907	71	57	128	—	—	—	—	—	1	19
1908	75	56	131	—	—	1	—	1	—	9
1909	80	60	140	—	1	—	—	3	—	4
1910	78	56	134	—	2	4	—	2	—	2
1911	73	56	129	—	1	15	—	3	1	5
1912	77	42	119	—	—	—	—	—	1	3
1913	78	41	119	—	4	—	—	—	—	5
1914	83	37	120	—	1	4	—	—	—	6
1915	89	35	124	—	—	1	—	—	3	7
1916	94	28	122	—	—	6	—	—	2	7
1917	100	27	127	—	2	—	—	—	—	6
1918	115	19	134	—	1	7	—	1	—	19
1919	121	16	137	—	1	4	—	—	1	5
1920	126	16	142	—	1	—	—	—	2	6
1921	129	16	145	—	1	—	—	—	2	5
1922	129	16	145	—	—	1†	—	—	2	—
1923	128	14	142	—	3†	3	—	—	1	—
1924	—	—	136	—	—	—	—	—	2	—
1925	121	12	133	—	2†	2	—	—	—	—
1926	116	11	127	—	1†	4	—	—	—	—
1927	114	11	125	—	—	3	—	1†	1†	1
1928	111	10	121	—	—	1	—	—	—	1
1929	112	11	123	—	—	3	—	—	—	1
1930	108	10	118	—	—	—	—	—	—	—
1931	109	9	118	—	—	—	—	—	—	—
1932	103	9	112	—	—	—	—	—	—	—

* Division 176 never was actually organized.

† Transferred to the Grand Division or other Divisions, might almost be counted as defunct. This table is based on material drawn from two sources: the annual directory of subordinate divisions and the reports of the Grand Secretary and Treasurer. Discrepancies are largely due to differences in reporting dates, the division directory being issued in July of each year.

than a single delegate. It is probably safe to say that more than three-quarters of the union strength was in divisions of less than six hundred members; even as late as 1907 over 40 per cent was in divisions smaller than six hundred.⁹ By 1930, on the other hand, less than 10 per cent of the total membership belonged to divisions having less than two hundred members, and less than 25 per cent to divisions with less than six hundred, while more than 58 per cent of the union strength was in divisions ranging from eleven hundred to thirty-one hundred in strength. This trend toward larger divisions is shown graphically in Chart A, in which the voting strength of divisions of different sizes in the Grand Division is shown on a percentage basis. The larger divisions obviously dominate the organization.

The system division plan did not, of course, provide a solution for all of the union's structural problems. During the War divisions were established on many small roads previously unorganized, but in the post-war period it proved practically impossible to maintain effective organization where only a handful of men were employed; the shrinkage in the number of divisions since 1922 is largely due to this factor.¹⁰ Another difficulty with the system division plan, encountered at the outset, was the loss of interest among the members which in some places followed the elimination of the local division meetings, with their opportunities for personal contacts, discussion of union policy and politics, and the upbuilding of group spirit. As an offset the union has constantly urged upon the division officers the necessity of holding regular meetings at convenient points on their respective roads to preserve something of the fraternal spirit.

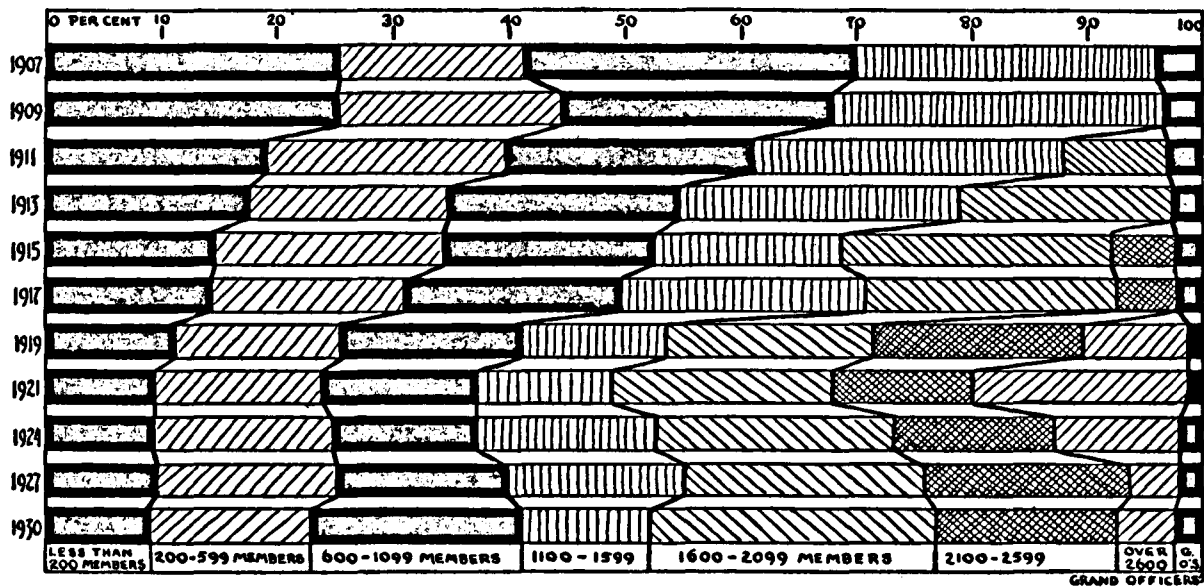
THE GENERAL COMMITTEE

On every organized road, whether covered by a system or local division (or even where the members are enrolled directly in the Grand Division) a *general committee* is periodically elected by the membership to handle their relations with the management and administer the internal affairs of the union. Triennially the territory on each road is subdivided by the existing general committee into electoral districts of approximately one hundred members

⁹ *Convention Proceedings, 1901*, pp. 57, 79, 96.

¹⁰ The financial aspects of the problem are treated in Chap. VI. See below, pp. 98-102.

*Chart A. Distribution of Union Membership Among Large and Small Subordinate Divisions as Indicated by Relative Voting Strength in the Grand Division, 1907-1930.**



* Voting strength in the Grand Division is only a rough index of the actual distribution of membership, especially in that it exaggerates the proportion in small divisions with less than two hundred members. The small division is entitled to one delegate whether it has fifteen members or 199.

each,¹¹ following which a delegate and alternate to the Grand Division are chosen by popular vote in each district. At the same time the chairmen of the local boards of adjustment are elected. They constitute the general committee and themselves select the *general chairman* and *general secretary and treasurer*, usually, but not necessarily, from their own number. On a large road the general committee, consisting of from five to forty local chairmen may, if it desires, delegate a part or all of its authority to a smaller and less unwieldy subcommittee.¹²

The powers of the general committee include: (1) internal administration, and the making of local by-laws not inconsistent with the constitution and statutes of the national union; (2) the review of charges against union members or local officers involving issues of union law or discipline, on which further appeal may be taken to the national union; and (3) representation of the membership in dealing with the management regarding the terms of employment and in handling appeals on individual grievances or claims which a local board of adjustment has been unable to settle with the local railway officials.¹³

The laws governing the subordinate divisions have been subject to constant revision by the Grand Division, but mainly as regards details. One of the most important forward steps was the development of a system of conducting the elections of local chairmen and delegates by mail, with all the ballots canvassed by a single election committee for the entire road. This enabled every member to take part in the union elections regardless of isolation.¹⁴

Another important development which had made substantial headway on the larger roads by 1907 was the payment of regular salaries to the general chairmen to enable them to devote full time to the organization. There is little doubt that this has facilitated the better performance of the important duties of the office. The general chairman, as the executive and administrative officer of the organization on the road, is the normal link between the national officers and the membership of the division; he is also the direct spokesman for the employees in dealing with the management.

¹¹ The number of electoral districts is based on the voting strength of the division (the number of delegates to the Grand Division to which it is entitled) which is one delegate for less than 200 members, 2 for 200-299, 3 for 300-399, and so on. There may be any convenient number of local chairmen's districts.

¹² *Constitution, 1930, Statutes, Sec. 35-39.*

¹³ *ibid.*, 1930, Sec. 40-43.

¹⁴ *Constitution, 1930, Statutes, Sec. 36; Convention Proceedings, 1903, pp. 139-40; Telegrapher, XIV (1897), p. 782.*

When placed on a full-time basis he is enabled to keep in closer touch with the rank and file, to assist local chairmen in adjusting grievances, and to assume greater responsibility for the organizing activities. There have naturally been frequent suggestions that such an important office should be filled by direct election; in 1897 the statutes were, in fact, amended to provide for direct election but the experiment was short-lived. The preference for indirect election rests on the assumption that the local chairmen will be swayed less by personal popularity than the members at large and that their own experience with the official work of the Order fits them better to judge the qualifications necessary for a successful general chairman.¹⁵

THE DEGREE OF SUBORDINATE DIVISION AUTONOMY

Under the union law the conduct of subordinate divisions and officers both as regards internal affairs and their dealings with management is subject to review and supervision by the president of the Order who may, with the assent of the board of directors, remove division officers from their posts and suspend or "arrest"—*i.e.*, revoke—division charters for flagrant violation of union law. He may also receive appeals from decisions of general committees affecting individual members of the organization, and his approval must be secured for all letters or publications save those issued directly to their own members by officers or members of particular divisions. Similar approval must be secured prior to the submission of a tentative schedule to the management, and a strike may not legally be called without executive sanction. To prevent the arbitrary exercise of executive power the decisions of the president may be appealed to the board of directors and ultimately to the Grand Division.¹⁶

In practice, however, much of the control exercised by the national union has been but formal, and the subordinate divisions have been accorded a comparatively large measure of self-determination, particularly in bargaining with reference to their terms of employment. Before the War, both wage scales and working conditions varied widely from road to road, and not until federal control did the movement for standardization gain momentum. Since then there has been more of a tendency to outline union policy on a national basis, but there is little evidence that subor-

¹⁵ *Telegrapher*, XIV (1897), p. 450; XXIV (1907), p. 89; XXVII (1910), p. 377; XXIX (1912), p. 577; *Convention Proceedings*, 1903, pp. 133-4; *Constitution*, 1930, *Statutes*, Sec. 39-43.

¹⁶ *Constitution*, 1930, Art. IX, XII, XXIII, and *Statutes*, *passim*.

dinate divisions are required to fall in line against their will.

Possibly because the subordinate divisions have been allowed comparative freedom of action there have been few cases of conflict with the national officers; the break between Grand Chief Ramsay and the Omaha Division in 1894,¹⁷ and the controversy between the general committee of the eastern lines of the Pennsylvania and President Perham in 1907¹⁸ were exceptional cases in which the personal element was a substantial factor. The insurgent movement against Perham's leadership in 1918, in favor of a more aggressive policy, commanded such wide support throughout the organization that its leaders could discount the danger of serious disciplinary action by the Grand Division and indeed were themselves able to secure control in the following session.¹⁹ The sympathetic strike of the telegraphers on the Louisville & Nashville in 1894 is likewise practically the only instance of a strike called in contravention of the orders of the president.²⁰

2. *The National Union*

On all questions of union law, policy, and discipline the final authority rests with the Grand Division of the Order, made up of delegates elected by the subordinate divisions. The board of directors and the grand officers in whose hands rests the administration of the affairs of the Order are also elected by and directly responsible to the Grand Division.

A. THE GRAND DIVISION

The conventions of the Grand Division were held annually from 1886 to 1895, and biennially thereafter until 1921, when the interim was extended to three years. The Grand Division is composed of the past presidents of the Order, the current grand officers and directors, and the delegates representing the subordinate divisions. Under the present rule each division is entitled to one delegate for one hundred members or less, and an additional

¹⁷ See above, pp. 11-12.

¹⁸ In 1906 eighteen members of the general committee on the Pennsylvania, lines east, were suspended, and the charters of two local divisions arrested, because they continued to recognize L. K. Marr as general chairman following his expulsion by the Board of Directors on August 11, on charges growing out of his conduct in opposition to the Maryland eight-hour law. See *Convention Proceedings*, 1907, pp. 20-2.

¹⁹ See above, pp. 37-41.

²⁰ The Canadian Pacific strike of 1896 was begun on authority of Vice-President Pierson without executive sanction, but Powell accepted the *fait accompli*. One or two other strikes were precipitated by false strike orders. See p. 8.

delegate for each additional hundred members. A delegate must be a member of the division he represents, actively employed in the railroad telegraph and station service or in the service of his division. He must also have been in good standing for the three years preceding his election.²¹

The present rules governing representation are the fruit of a long process of evolution. Originally any member in good standing, whether actively employed in the railroad service or not, was eligible, and under the imperfect election system which then prevailed non-employees were frequently chosen to the exclusion of actively employed operators. The feeling of the rank and file "out on the line" that their interests were inadequately represented was reflected in a constitutional amendment adopted in 1903 requiring that delegates be actually employed in the telegraph and station service.²² Eligibility was later extended to members employed by subordinate divisions in order to include salaried general chairmen. The eligibility rules have also been markedly stiffened by raising the required period of continuous membership to two and later to three years.²³

Equally interesting changes have been made in the ratio of delegates to division membership. Originally the convention consisted of three delegates from each local division, one delegate for every twenty-five members attached to the Grand Division, the current grand officers, the past grand chief telegraphers, and anyone else who had served two consecutive terms as grand officer or delegate. This provision soon gave way to a rule which allowed each division one delegate for less than fifty members, two for fifty to one hundred members, and one more for each additional hundred or major fraction thereof, but retained representation in the ratio of one to twenty-five for members attached directly to the Grand Division.²⁴

Since each division had to bear the expenses of its own delegation those situated at a distance from the convention city, or lacking in funds, frequently had inadequate representation or none at all. In the absence of a rule permitting a single delegate to cast

²¹ *Constitution*, 1930, Art. III, IV.

²² *Telegrapher*, IX (1893), p. 260; XIV (1897), p. 87; *Convention Proceedings*, 1903, p. 124.

²³ *Convention Proceedings*, 1907, pp. 142, 158, 171, 173, 200-5; 1917, pp. 188, 206-7, 213-15.

²⁴ *Telegrapher*, XXVII (1910), p. 1352; XIV (1897), p. 87. In 1889 each division had two delegates and one additional if the membership was in excess of 100. See *Convention Proceedings*, 1924, p. 33.

the entire vote of his division, or some equivalent system, there was danger of sectional feeling and domination, which the expedient of holding successive conventions in different sections of the country could not entirely obviate. In 1903 and again in 1905 the grand secretary and treasurer, L. W. Quick, proposed that a national convention fund be created out of which to pay the expenses of the delegates, in order to assure more equitable representation to all divisions and geographical sections. To avoid prohibitive expense he proposed that the ratio of representation be changed to one in one hundred. In accordance with this suggestion the 1905 convention added a convention fund assessment of 50c to the annual dues and provided that out of the fund so created each delegate should receive \$5.00 per diem during the sessions of the Grand Division and 2c per mile travelling allowance.²⁵

Within a few years longer sessions of the Grand Division and much more generous per diem and mileage allowances became a cause of alarm. In 1919 the convention fund assessment was raised to \$1.00 per member per year,²⁶ but even this was insufficient, and in 1921 a prospective convention fund deficit of \$200,000 made some step to meet the situation imperative. Three alternatives presented themselves: (1) to reduce the mileage and per diem allowances; (2) to reduce the number of delegates by raising the ratio of representation; or (3) to increase the interval between conventions.²⁷

Obviously the proposal to reduce per diem and mileage allowances would not appeal strongly to the delegates, and internal political considerations made the second alternative also impracticable. In the 1921 convention there were approximately 755 delegates, of whom 72 represented small divisions having less than 200 members. A reduction in representation to one in two hundred would have cut the total number of delegates to about 414. This would have increased the voting strength of the 72 small divisions having but one delegate each from 9.7 to about 17 per cent, while the delegations of the larger divisions would have been more than cut in half, and their proportionate voting strength somewhat reduced. While such a shift in relative strength might not have vitally affected the larger divisions, it was not likely that they

²⁵ *Convention Proceedings*, 1903, p. 40; 1905, pp. 33, 42, 136-7, 155-6.

²⁶ In that year the per diem allowance was \$12, with a 3c mileage allowance; there were 660 delegates, the sessions lasted eighteen days, and cost about \$190,000, of which \$20,000 was chargeable to the general fund.

²⁷ *Convention Proceedings*, 1921, pp. 41, 351-2.

would find it acceptable. The change was also opposed on the ground that local chairmen and other division officers, frequently chosen as delegates, received the trip to the convention with liberal expense allowances as partial compensation for services to the members which were not otherwise substantially rewarded. The 1921 convention finally disposed of the problem by extending the interim between conventions to three years, so as to give a more extended period for the accumulation of a convention fund.²⁸

The first step in the organization of the Grand Division after convening is the election of the committee on committees. It in turn appoints the nineteen regular committees in which the bulk of the work of the convention is done. All proposed bills and resolutions are referred to the appropriate committee for consideration, and only those which are reported favorably or without recommendation come up in regular course for discussion on the floor of the convention. A measure rejected by the committee may, however, be taken up if a majority of the delegates support a motion to do so. Few measures are allowed to die in committee with neither an affirmative or negative report, nor is action often delayed; as a positive safeguard, however, the rules of order provide that any bill which has been in the hands of the committee two days or more may be brought to the floor on petition of 250 delegates.²⁹

Prior to 1900 the president of the Order had the power to appoint the personnel of the committees, and this power was effectively employed by Walker V. Powell to dominate the conventions and forestall attempts to dislodge him from the leadership. When his régime was terminated by the special convention of 1900 one of the most important reforms was the adoption of the present rule which reserves to the convention itself the important power of committee appointment.³⁰ Subsequent proposals to establish permanent committees or otherwise to limit the freedom of each convention to choose its own committees have been uniformly rejected. On the other hand the determination to prevent "inside" control of the organization or its domination by vested interests is evidenced in an amendment to the constitution adopted in 1915 barring any delegate from serving on more than one committee,³¹ and another adopted in 1927 providing that on no committee, including the committee on committees, should dele-

²⁸ *Convention Proceedings, 1921*, pp. 208, 210, 291-4.

²⁹ *Constitution, 1930*, Art. V, VI; *Special Rules of Order*, Sec. 24.

³⁰ *Telegrapher, XLV (1928)*, pp. 532-3.

³¹ *Convention Proceedings, 1915*, pp. 194, 223, 225.

gates holding positions as general officers of subordinate divisions constitute a majority.³²

The functions of the Grand Division fall under four general headings: (1) the enactment of basic union law; (2) the determination of union policy; (3) the adjudication of appeals from decisions of the president and board of directors; (4) the election of the grand officers and the review of their official actions, including the trial of charges brought against them for malfeasance in office.

In its legislative capacity the Grand Division gives consideration to proposed changes in the constitution as well as in the statutory law of the organization; a two-thirds vote is necessary to amend the constitution or statutes, while a straight majority is sufficient for the passage of other bills.³³ The number of measures introduced has varied widely from year to year, as has the number reaching enactment: in 1909 but 6 out of 90 bills were adopted, while in 1924, when the Mutual Benefit Department was being overhauled, 55 out of 200 were passed. On the average less than a fifth of the bills proposed are adopted. Of these a substantial number originate with the officers of the organization and represent the distillation of their experience with the day-to-day workings of the union. The great majority of the legislative proposals in the past twenty-five years has been concerned with such structural questions as: the government of the subordinate divisions; the organization and financial structure of the national union; the operation of the Mutual Benefit Department, and so on. Less than 30 per cent of them have dealt with the union machinery for collective action and bargaining, problems of union discipline, or the external relations and affiliations of the Order.³⁴

A majority of the resolutions proposed for consideration are also essentially legislative in character but somewhat broader in scope than the bills. These proposals range from the establishment of new union subsidiaries—such as a bank, a bonding company, an investment house, a pension fund, or a hospital association—to changes in union procedure, such as the extension of national financial support to the schedule negotiations of small subordinate divisions, or a change in the method of handling delegates' mail at conventions. Somewhat akin to these measures

³² *Ibid.*, 1927, pp. 316, 482, 484.

³³ *Constitution*, 1930, Art. XXIV.

³⁴ These figures are based on a detailed analysis of legislative proposals and action on them in conventions from 1900 to 1927.

are those which affect the relations of the Order to other unions, its jurisdictional rights, and its methods of action. Proposals of this sort range from the establishment of joint legislative boards to represent union interests before state and federal legislatures to federation, consolidation or cooperation with other unions, or the initiation of regional or national negotiations with the employers.

In some unions questions of policy as to the terms and conditions of employment constitute the principal agenda of the convention. The terms to be sought in collective bargaining may be definitely formulated; or national rules may be adopted which are binding upon officers and members alike without the sanction of a collective agreement. In the Order, however, such issues have seldom occupied the center of the stage—except, possibly, in the tumultuous War and post-war conventions of 1919 and 1921—and the Grand Division has usually refrained from passing upon such issues save in general terms. It has, on the contrary, left to the president a large measure of discretion in determining union policy. Resolutions have been frequently rejected by the committee on the ground that they would unduly limit the discretion of the president or have been amended so as to lay down a course of action to be followed “as far as practicable.” In 1921 the convention voted to strike rather than accept a pending wage reduction,⁸⁵ but no objection was raised subsequently to the executive withdrawal of the strike orders in accordance with similar action by the train and engine service Brotherhoods. Occasionally a special committee has been appointed to handle a particular issue with full power to act; in 1915 and 1917 such committees were authorized to negotiate on the commissions issue with the commercial telegraph companies, with the power (not exercised) to order the discontinuance of the service.⁸⁶ In 1917 a resolution was adopted which called for a concerted refusal to handle United States mail after January 1, 1918, but left each general committee free to decide whether or not to participate.⁸⁷ The reluctance of the Grand Division to lay down mandatory rules or abridge the discretion of the executive as to the practicability of a program of action has enabled the organization to escape the pitfall of commitment to a course which it lacked the economic power to follow through successfully.

⁸⁵ *Convention Proceedings*, 1921, p. 350.

⁸⁶ *ibid.*, 1915, pp. 182-3, 208, 210-11; 1917, pp. 200, 222, 224, 242-3.

⁸⁷ *ibid.*, 1917, pp. 199, 222, 224-5, 230-2.

Every convention has a small number of appeals from decisions of the president and board of directors to dispose of. Testimony is heard by a regular committee on grievances and appeals whose findings serve to guide the Grand Division in its action.³⁸ Probably the most spectacular of such cases were the Marr and Dolphin cases in 1907. These proceedings ended with the expulsion of L. K. Marr, a member of the board of directors and general chairman of the committee on the Pennsylvania, Eastern lines, as well as the suspension of a number of division officers and division charters on the road. M. M. Dolphin, former president of the Order, was also expelled at the same time.³⁹

The judicial functions of the Grand Division include in addition the trial of charges against grand officers of the union.⁴⁰ In 1893 an investigation by a special committee of the Grand Division into the official conduct of D. G. Ramsay, then grand chief, resulted in his exoneration of charges of malfeasance brought against him. The continuance of vigorous opposition to his régime and insistent demands for a special session to try the charges led finally to an agreement to try the case formally before the 1894 convention. The entire Grand Division heard the presentation of evidence, and in the end found him not guilty.⁴¹ A similar procedure was followed in 1897 when the grand secretary and treasurer, J. R. T. Auston, was removed from office.⁴² In 1900 the special convention again conducted a formal trial before the committee of the whole in hearing charges which the president, W. V. Powell, and H. B. Perham, the grand secretary and treasurer, had brought against each other.⁴³ Powell sought to have the progress of the trial enjoined, but was summarily suspended from office and the trial went on in his absence. In the end he was expelled and two members of the board of directors were removed from office. In December 1918 petitions for the calling of a special session of the Grand Division to consider the removal of President Perham were filed by the general chairmen of more than the necessary fifteen divisions. The board of directors questioned the authenticity of the petitions and furthermore took the

³⁸ *Constitution*, 1930, Art. VI, Sec. 5; Art. XII.

³⁹ *Convention Proceedings*, 1907, pp. 20-22, 45-7, 181-2, 195-8, 208-10.

⁴⁰ *Constitution*, 1930, Art. XXIII.

⁴¹ *Telegrapher*, IX (1892-93), pp. 261-2, 303-4, 325-7, 385-95, 434, 480-1; X (1894), pp. 69-71, 512, 545-9, 595.

⁴² *Convention Proceedings*, 1897, pp. 11-13, 61-2, 75-6; *Telegrapher*, XLV (1928), p. 532.

⁴³ See above, pp. 17-18.

position that with the regular session less than seven months away the holding of a special session would be an unwarranted expense, especially in view of a current deficit of \$28,000 in the convention fund. By the date of the convention the feeling against Perham had died down, and no charges were brought against him, but the constitution was amended, after extended debate, to provide that a special session *must* be called within thirty days if requested by the general committees of thirty-five divisions of the Order, a two-thirds vote of each committee being required.⁴⁴

The concluding business of each session of the Grand Division is the election and installation of the grand officers for the ensuing term. The officers are elected in turn, beginning with the president. In each case nominations are made from the floor, and a majority of all votes cast is necessary for election. If several candidates are nominated and no one secures a clear majority on the first ballot, the candidate who received the lowest number of votes is dropped from consideration on the following ballot. This process is continued through successive ballots until a clear majority is secured by a single candidate. This system of balloting on one candidate at a time prevents anyone from being carried into office as part of a slate, and makes each election turn on the merits of the individual.⁴⁵

B. THE GRAND OFFICERS

Between conventions the affairs of the organization rest in the hands of the national officers—the president, the grand secretary and treasurer, the six vice-presidents, and the five members of the board of directors. The president and grand secretary and treasurer are coordinate in rank and within their respective fields are responsible only to the board of directors and ultimately to the Grand Division. The vice-presidents have no independent authority, with the exception of the Canadian vice-president, but act under the direction of the president.

THE PRESIDENT

The president, known until 1897 as the grand chief telegrapher, is the recognized head of the Order.⁴⁶ He is the presiding officer of the Grand Division, with power to cast the deciding vote when a tie otherwise exists. He is responsible for the enforcement of

⁴⁴ See above, p. 41, *Convention Proceedings*, 1919, pp. 79-80, 224, 242, 247, 273, 298-9.

⁴⁵ *Constitution*, 1930, Art. VII.

⁴⁶ The presidential powers and prerogatives are delimited in Art. IX of the present constitution.

the laws of the Order and may call individuals or divisions to account for violating them. He passes upon applications for subordinate division charters and may, for cause, suspend existing charters with the approval of the board of directors. He may likewise suspend division officers from their posts but cannot deprive them of their standing in the Order nor their right to appear as delegates until after the Grand Division has passed upon their cases. In carrying out his duties the president may appoint deputy presidents to perform specific acts, and may employ local or travelling organizers when he deems it necessary.

In addition the president has broad powers in outlining the policy of the organization and directing its external relations. The terms of proposed schedules must receive his approval before submission to the management, and when conflicts arise his services as a peacemaker must be invoked. His sanction must be secured, likewise, before a strike may legally be declared. In case of a strike or lockout he is the recognized leader, with full power to disburse the protective fund as he deems necessary for the success of the strike. If a group of general committees elect to initiate a district or regional movement under the procedure authorized in 1927 he has the power to direct and supervise the entire program. It is not an overstatement to say that in every field of union activity save the fiscal administration the president is, for all practical purposes, the national union. He is in position to influence its destiny profoundly for weal or woe, and on his wisdom depends, in large degree, the maintenance of a union program which is within the economic limits of realization and which will not fritter away the strength of the organization in useless contests with the employers.

As is the case in many other democratic organizations, the president, as leader, is constantly in the limelight. Where success attaches to the union policy he is likely to receive much of the credit, but he may also suffer unmerited censure when conditions are adverse to the union, as seems to have been the case when Ramsay and Perham were successively under fire in 1894 and 1918. There is always the possibility that the able handling of a difficult case by a resourceful general chairman or vice-president may attract popular attention and result in the appearance of a formidable rival for office in the following convention. Although the president may be tempted to employ his power in such a way as to remove the subordinate from the center of the stage to a more innocuous assignment, there have fortunately been few cases

in which the power has actually so been used for partisan ends. Another source of political power open to the president is patronage. The removal of the right to appoint the committees of the Grand Division which Powell had utilized with telling effect to coerce his opponents in the later years of his régime,⁴⁷ eliminated one source of political domination, but the power of the president to employ organizers and deputies remains a potential force for the creation of a strong political machine.⁴⁸ The possibility of such manipulation and an occasional experience with it does not mean that jobbery has been rife or that the actions of the executive officers are regularly motivated by political considerations; in fact the record is remarkably free of evidences of the misuse of executive power.

THE GRAND SECRETARY AND TREASURER

The grand secretary and treasurer is the chief fiscal officer of the union, coordinate in rank with the president. In addition to the usual functions of such an office he also has full authority to examine the accounts of any subordinate division at any time, personally or through accredited deputies. This power, together with the rule of the Order that all division secretaries must be bonded and the bonds held in trust by the Grand Division, has almost entirely eliminated the losses and defalcations which were occasional sources of bitterness and disorganization in the early years.⁴⁹

Prior to 1900 the line of demarcation between the provinces of the president and the grand secretary and treasurer was not clearly defined, and the bitter struggle between Powell and Perham largely grew out of Powell's attempt to interfere in the fiscal administration. At that time the board of directors possessed only appellate power and so was unable to settle the controversy on its merits or lay down positive rulings to govern the two officers. Powell contended that the convention of 1897 had authorized him to outline the policy of the organization, and that Perham could appeal from his orders without insubordination only after complying with them. Perham refused on the ground that as a fiduciary officer he was bound to protect the interests of the membership as a whole. The board sustained Powell's view, but Perham still refused

⁴⁷ *Convention Proceedings, Special Session, 1900*, pp. 26, 45, 71-9, 81-4, 91-3; *Telegrapher*, XLV (1928), pp. 532-3.

⁴⁸ This was one of the charges brought against Perham in 1917 by L. W. Quick. See *Telegrapher*, XXXIV (1917), pp. 900-5.

⁴⁹ *Constitution, 1930*, Art. X; *Statutes*, Sec. 44.

to obey. The issue was not definitely settled in the convention of 1899, but in the special convention of 1900 Powell's theory of the supremacy of the executive was repudiated, and the independent status of the fiscal officer definitely established.⁵⁰

THE VICE-PRESIDENTS

Experience has shown that in the majority of cases it is necessary for subordinate divisions to secure the assistance of a grand officer in handling schedule negotiations or the adjustment of important grievances. Even while the Order was small the president was unable to meet all the demands upon his time, and two or three assistants were elected by the Grand Division.⁵¹ With the rapid expansion of the Order after 1900 the number of vice-presidents was increased to five, and in 1919 two more were added so as to have one for each of the seven operating regions established by the Railroad Administration. In 1924 the number was reduced to six.⁵²

The vice-presidents are directed by the constitution to devote their entire time to the interests of the Order, acting under the instructions of the president. When a case is turned over to the national union for adjustment a vice-president is regularly assigned to continue the negotiations to a settlement if possible. Each officer devotes his attention primarily to the general committees in a particular territory, and is constantly on the move from road to road, with incidental assignments outside his own territory when the situation demands. The vice-presidents are, in effect, the active field forces of the union.⁵³

Although independently elected by the Grand Division the vice-presidents are directly responsible to the president. In 1899 Powell sought to have the offices made appointive, on the ground that only thus could he secure subordinates who would efficiently carry out the policy of the organization. The convention authorized him to appoint the second and third vice-presidents, but itself elected the first vice-president, who then stood next in line of succession

⁵⁰ *Convention Proceedings*, 1899, pp. 24-5, 47-8, 90-9, 130; *Special Session*, 1900, pp. 1, 3-30, 32, 41-3, 71-9, 81-4, 91-5, 107-9.

⁵¹ Until 1895 there were usually three such officers—the Assistant Grand Chief Telegrapher, the Grand Senior Telegrapher and the Grand Junior Telegrapher. The number was temporarily cut to two as a means of economy from 1895 to 1897.

⁵² *Convention Proceedings*, 1905, 1913, 1919, 1924, *passim*.

⁵³ The present territories are Eastern, Southern, Canadian, Western, Southwestern, Pacific, but are not specifically assigned. The powers of the vice-presidents are delimited in the *Constitution*, Art. XI.

to the chieftainship. This gesture to the theory of executive responsibility was short-lived, however, and in the special convention of 1900 the offices were made elective once more. As a matter of fact comparatively few evidences of friction between the president and his staff officers are to be found in the subsequent record.⁵⁴ Until 1919 the vice-presidents had little share in the determination of the executive policy of the union, but E. J. Manion, on assuming the presidency, adopted the practice of convening them periodically at headquarters for the discussion of issues, policies and conditions as a means to greater coordination of union activity throughout the country.⁵⁵

The position of the third vice-president differs considerably from that of the other staff officers: he invariably serves as the head of the organization in Canada, and may exercise all of the powers of the president save the disbursing of the protective fund. Although formally elected by the entire Grand Division he is in fact chosen in a preliminary caucus of the Canadian delegates. This arrangement gives practical autonomy to the Canadian membership and has proved an effective antidote to nationalistic separatism in Canada.⁵⁶

THE BOARD OF DIRECTORS

The constitution of 1886 provided for the election of a grand executive committee of six members for a three-year term, two retiring each year. Since 1895, however, the board of directors has consisted of five members, two elected at one convention and three at the following. The directors do not give full time to their duties, but meet at least once a year to transact business. They ordinarily handle routine matters by correspondence.⁵⁷

The board possesses a number of specific as well as general functions: it audits the accounts of the grand secretary and treasurer, passes on the expense accounts, and holds the bonds of the grand officers. Appeals from decisions of the grand officers are taken to the board of directors, from whom further appeal may be taken to the Grand Division. The board also may investigate and take summary action in case of charges against grand officers, and reprimand or suspend them from office if negligence or fault

⁵⁴ *Convention Proceedings*, 1899, pp. 24-5, 130; *Special Session*, 1900, p. 1.

⁵⁵ *ibid.*, 1919, pp. 197, 297-8.

⁵⁶ *Convention Proceedings*, 1913, pp. 219, 249-50; *Constitution*, 1930, Art. IX, Sec. 14; Art. XI, Sec. 3.

⁵⁷ For the duties and powers of the Board of Directors see *Constitution*, 1930, Art. XII.

is found. It may fill all offices except those of the president and grand secretary and treasurer for the unexpired term; it may call a special convention to try charges against grand officers or handle other vital matters, and must do so at the request of thirty-five subordinate divisions. In the special convention of 1900, and in the general revision of the constitution from 1901-05 the board was specifically given full power to enforce the laws of the Order as they affect the work of the grand officers. This was intended to prevent a recurrence of the situation which existed from 1897 to 1900 when the board lacked the investigatory and disciplinary powers necessary to dispose of the controversy between the president and the grand secretary and treasurer.⁵⁸ The board of directors has been content strictly to construe its functions and has never employed its power to supervise the activities of the grand officers as a means of extending its control to the protective activities of the union or to the formulation of the union policies and program of action.

SUCCESSION IN OFFICE AND THE FILLING OF VACANCIES

Surprising difficulty has been encountered in developing an acceptable rule to govern the filling of vacancies in the offices of the president and grand secretary and treasurer. Prior to 1900 the first vice-president stood next in order of succession to the presidency. Under that rule D. G. Ramsay succeeded A. D. Thurston in 1892, and M. M. Dolphin claimed the office in 1900 following the expulsion of Powell. Dolphin was permitted to fill out the unexpired term, even though he did not have the support of the group which finally overthrew Powell, but in 1903 the law was amended to provide that a vacancy in the presidency should be filled temporarily by the grand secretary and treasurer, and that a special session of the Grand Division should be called within thirty days to elect a successor.⁵⁹ In 1907 a similar course was authorized in case of vacancy in the position of grand secretary and treasurer.⁶⁰

No necessity arose for the application of the rule until the death of C. B. Rawlins, grand secretary and treasurer, on October 7, 1920. President Manion at once took over the work of the office, and a few days later the board of directors authorized him to continue to administer both offices until the regular session of

⁵⁸ See above, pp. 86-7.

⁵⁹ See above, pp. 12, 17. Also *Convention Proceedings*, 1903, p. 129.

⁶⁰ *ibid.*, 1907, pp. 147-8, 179, 181.

the Grand Division, then not more than seven months distant, on the ground that a special session, with an already serious deficit in the convention fund, would be against the interests of the organization.⁶¹ In the following convention the directors recommended that the senior vice-president be made successor to the president, and that the board be authorized to appoint a grand secretary and treasurer to fill the unexpired term in case of vacancy, so as to eliminate the holding of costly special sessions of the Grand Division. The proposal was debated extensively but no acceptable alternative to the existing rule could be found.⁶² In 1930, however, an amendment was adopted which authorized the board of directors to appoint one of the vice-presidents to fill out the unexpired term of the president, and provided that the president should take over the office of the grand secretary and treasurer in case of vacancy, pending the appointment of a successor by the board.⁶³

C. OTHER MACHINERY FOR DETERMINING UNION POLICY

There was at one time some discussion of the use of the referendum as a means of ascertaining the will of the membership on particular issues, and it was, in fact, so employed on a few occasions. In 1897 the proposed Mutual Benefit Department was submitted to ratification by the individual members.⁶⁴ In 1905 and 1906 inconclusive results attended referenda held on a proposed special assessment to build up the protective fund, and a tentative federal licensing law for telegraphers.⁶⁵ Again in 1920 and 1921 the several general committees polled their members on the acceptance or rejection of wage orders of the Railroad Labor Board.⁶⁶ Experience has indicated, however, that on anything but the most burning of issues it is almost impossible to get a conclusive vote. At best it is a slow and inflexible device.⁶⁷ Even if it were practicable it is unlikely that any convention would sanction the referendum as a regular procedure which might in the long run reduce the importance of the Grand Division in the organic structure of the union.

⁶¹ *Convention Proceedings*, 1921, p. 62.

⁶² *ibid.*, and also pp. 215-16, 296, 328.

⁶³ *ibid.*, 1930, pp. 579, 586.

⁶⁴ *ibid.*, 1897, pp. 21-3; *Telegrapher*, XIV (1897), pp. 534-6, 964.

⁶⁵ *Telegrapher*, XXIII (1906), pp. 759-60; *Convention Proceedings*, 1905, p. 175.

⁶⁶ *Convention Proceedings*, 1921, pp. 10-11; 1924, p. 5.

⁶⁷ In 1921 a referendum of Canadian members on the continuance of Canadian Board of Adjustment No. 1 was held inadvisable because of the impossibility of getting an adequate vote. *Convention Proceedings*, 1921, pp. 114-15.

More or less informal territorial associations of general chairmen have appeared from time to time in the past thirty years, but they have never become an organic part of the union structure or developed well recognized functions. In 1903 a resolution authorized the general chairmen on roads west of the Mississippi to convene and formulate a plan of action to secure uniformity of schedules and certain improvements in conditions of employment.⁶⁸ This conference bore no tangible fruit, but similar conferences continued to be held occasionally for the discussion of mutual interests. Some degree of uniformity in demands resulted, but very little in the way of concerted action was achieved. In Canada the general chairmen worked together somewhat more closely than in the United States, but rarely did the conferences exercise any great influence upon union policy.⁶⁹

During the insurgent movement of 1918 in protest against the apparent inaction of Perham, the general chairmen for the first time appeared as an independent force in the organization, and were recognized by Perham as such when he called a national conference of general chairmen in Washington on July 8, 1918. The part which they played in securing the favorable modification of the wage orders of the Railroad Administration has already been described; their success in that case materially enhanced their prestige and power in the councils of the national union.⁷⁰

The plan of action formulated by Manion and adopted by the convention of 1919 recognized the general chairmen as best fitted to represent the interests of the members throughout the country in the drafting of standard rules and wage scales for submission to the Railroad Administration, and as the National Schedule Committee they became a temporary part of the formal union mechanism. In 1920 and again in 1921 the general chairmen were summoned to Chicago to pass upon decisions of the Railroad Labor Board. Since that time Manion has continued to convene the general chairmen periodically to consider current issues.⁷¹

The conferences have served as a means of securing a greater degree of standardization of procedure and objectives, and a better understanding of the general union policy. At the same time experience has indicated that differences in personal and local

⁶⁸ *ibid.*, 1903, p. 152.

⁶⁹ *ibid.*, 1905, p. 21; 1909, p. 70; 1911, p. 90; 1913, p. 119; 1917, pp. 109-10.

⁷⁰ See above, pp. 37-40.

⁷¹ See above, pp. 51, 54-5.

interests make it difficult to develop a common plan of action, either nationally or regionally, on any save the broadest of issues.

D. DEGREE OF NATIONAL UNION CONTROL

The centralization of power in the national union is to be explained not only on genetic grounds but by the conditions which affect the collective bargaining process. The need for national assistance in schedule negotiations and the support of the national protective fund in case of strikes is a permanent force for a strong national union. The subordinate divisions could not build up individual defense funds sufficient to cope with the economic power of their respective employers; at the same time the conditions do not make possible the use of the short snap strike with all the crafts acting in an offensive-defensive alliance, which in the building trades make the locals comparatively independent of the national unions and their defense funds. In the building trades all the crafts are in intimate contact with each other, and the short period of work on a specific job makes it imperative that each craft have its grievances settled immediately. This can best be secured by joint action on the job rather than through the representations of a national officer of the particular craft. Even outside financial support is less effective than swift concerted action. In the railroad service, however, the average employer is vastly more powerful, employing thousands of men scattered over hundreds or thousands of miles of territory. The relations of one craft to another are more impersonal, the grievances of one class do not immediately affect the others; the permanence of the job makes more leisurely negotiation feasible. Thus craft solidarity is not supplemented by a strong feeling of kinship between groups. Federation as attempted in the '90's broke down because the other unions were unwilling to go as far in supporting the grievances of a particular craft as the men affected thought justifiable. Co-operation as exemplified in existing cooperative agreements is subject to similar limitations, and there are few issues which affect all crafts sufficiently to draw them together for common action. The support of men of the same craft on other roads is far more important, and that support is best made effective through a strong national union.

Some limitations of the national union must, however, be recognized. The power to command rests ultimately on the ability to lead, and the formulation of national policies is futile unless gauged to the desires and abilities of the subordinate division.

Leadership of the first order, and a keen appreciation of the weaknesses as well as the strength of his organization, is demanded of the chief executive.

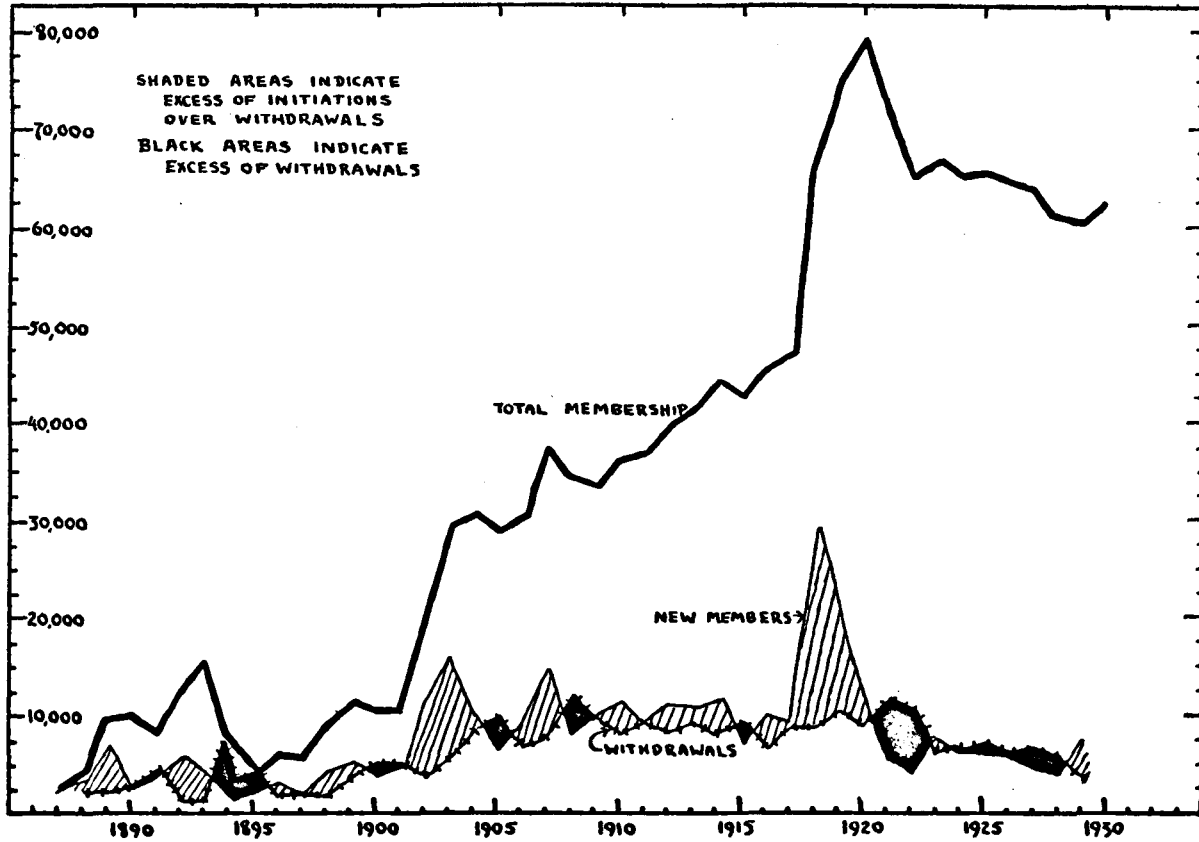
3. Problems of Union Organization

The strength of any organization is dependent, in large measure, upon its ability to attract and retain as members a large percentage of those who are employed in the service. In some respects the conditions in the telegraph and station service are unfavorable to union organization. A substantial group, particularly in the station service, are white-collar men, traditionally difficult to organize. However, the more fundamental difficulty is that many of the men, working on single-shift jobs, are isolated from contact with others in the service, so that the relationship of the individual to the organization is much more impersonal than that which usually grows out of day-to-day association with fellow-workmen on the job and in the local lodge. Not only is the fraternal element which serves to tide some organizations over periods of adversity largely lost, but also the strengthening of group loyalty and morale which continued association may give. The isolated employee is peculiarly exposed to persuasion or intimidation by railway officials because he has no group at hand to fall back on for encouragement and support, and he is open to deception because contacts with the external situation are difficult to maintain. The achievement of union solidarity under such conditions is obviously difficult.

There were comparatively few years, before the War, in which the withdrawals from the organization were less than 15 per cent of the total membership. In most years they went far toward cancelling the number of new members initiated. The turnover was far in excess of the annual flow into and out of the telegraph and station service, and was largely to be accounted for in terms of lapsed membership and subsequent readmission. The annual flow of members through the organization is graphically illustrated in Chart B below.

The Order has endeavored in a number of ways to deal with the very serious problem of turnover and its attendant expense. In the early days organizers were extensively employed by the national union on a salary-and-commission basis to secure new members and keep up the union strength on roads already organized, but after the field had been worked over the expense became prohibitive. Commissions were granted freely to local organizers

Chart B. Union Membership, Initiations, and Withdrawals, 1886-1930.*



until 1893, but thereafter the force was gradually curtailed and discontinued entirely in 1899. Instead greater responsibility for the maintenance of union strength was placed on the local officers, and as the payment of salaries to general chairmen became customary better results were so obtained. Prize contests open to members, officers and divisions were utilized with some frequency after 1906.⁷²

It is probable that one reason for affiliating with the American Federation of Labor in 1899 was the hope that this would be of some advantage in building up union strength, particularly in the poorly organized sections, and one of the avowed purposes of the formation of the Railroad Employees' Department in 1908 was to effect economies in organizing expenses for the affiliated unions. In neither case, however, were results of measurable significance obtained, and until recent years organizing expenses continued to be an important item in the national union expenditures.⁷³

As a means of cutting down the lapses of membership the Order has sought in every possible way to increase the number and strength of the ties binding the individual to it. In 1897 a system of fraternal insurance on the assessment plan was adopted by referendum vote, and membership in it was made compulsory for every physically qualified member. It was thought that the expectancy of benefits so built up would establish a permanent bond of interest in the organization.⁷⁴ It is difficult, of course, to determine the extent to which this objective has been realized. In an effort to extend still further the services of the union to its members the 1921 convention authorized the establishment of the Telegraphers' National Bank of St. Louis,⁷⁵ and in 1927 a Welfare Fund was set up to relieve exceptional cases of distress among union members.⁷⁶ A wide variety of other projects has been proposed; of which those most seriously considered were the creation of a union bonding company and the establishment of a union pension fund. In 1915 a voluntary pension plan was adopted but failed to attract sufficient support and in 1919 the contributions paid in were returned. At the same time, however, a special

⁷² *Telegrapher*, VI (1890), pp. 210-11; IX (1893), p. 262; XVI (1899), p. 993; XX (1903), p. 687; XXIII (1906), pp. 911-13.

⁷³ Railroad Employees' Department, A. F. of L., *Constitution, etc.*, 1909, Art. IV, Sec. 1.

⁷⁴ *Telegrapher*, XIV (1897), pp. 881-2, 884-8; *Convention Proceedings*, 1897, pp. 21-3.

⁷⁵ *Convention Proceedings*, 1921, pp. 35, 236, 303, 347.

⁷⁶ *ibid.*, 1927, pp. 317-18, 482, 485.

committee was appointed to employ an actuary and prepare a financially stable plan for consideration in 1921. In 1921 the plan proposed was adopted, but it likewise failed to secure sufficient support and in 1924 it was discontinued.⁷⁷ No other projects have yet attracted sufficient support to bring them before the Grand Division for serious consideration.

Supplementing efforts to increase the economic interests of the members in the organization, much attention has been given to strengthening the social and fraternal ties. Local chairmen are directed to hold regular meetings for their constituents wherever practicable.⁷⁸ In about a dozen cities Telegraphers' Clubs have been organized under the patronage of adjacent divisions, to provide an outlet for the social and political interests of the members. An effort has also been made to interest the wives and families of members by opening to them a section of the journal. In the late '90's a Ladies' Auxiliary was organized but has never attained substantial proportions.

In the past ten or fifteen years there has been a fairly definite drop in the rate of membership turnover. A larger part of the separations from membership are due to permanent removals from the service through death or disability, promotion outside the service, or technological change—all factors quite outside of union control. The forces making for instability otherwise seem to be operating with diminished vigor, while at the same time changing conditions tend to emphasize the economic value of membership and so supplement the force of the expedients developed by the union itself to hold its members.

One such factor is the apparent reduction in the amount of intimidation and discrimination since the War, and the more general recognition of the Order, both of which may have had a favorable psychological effect. Much more important, however, is the fact that the number of positions is no longer increasing, as it was until about 1920. Since 1910 there has been little new railroad construction, and improved methods of operation and labor-saving devices have more than kept pace with the growth of traffic. At the same time the seniority system has been almost universally applied, even on unscheduled roads, so that it is almost impossible for the drifter or "boomer operator" to secure a good job except under unusual circumstances. For an older man the loss

⁷⁷ *Convention Proceedings*, 1915, pp. 230, 235; 1919, pp. 238, 280; 1921, pp. 246-71; 1924, pp. 46, 90, 412, 414.

⁷⁸ *Constitution*, 1930, *Statutes*, Sec. 45.

of his position is a very serious matter. Consequently, it is more important than it formerly was for the individual to assure himself of the backing of the group, not only as a defense against arbitrary discipline but also as a protection against personal discrimination in the filling of vacancies for which he is eligible. He therefore turns to union membership for such a safeguard.⁷⁹ Another factor of possible significance is the now traditional method of distributing wage increases to the individual positions in a joint conference of union committeemen and railway officials. The non-union man is not denied a share in the increase but has no direct representation in the processes by which his rate is determined.⁸⁰

Whatever the relative importance of the different factors contributing to increased stability of union membership it seems clear that membership turnover is now a less serious element in the attrition of union strength than formerly; the threat of the future lies more in the processes of technological change.

⁷⁹ See below, Chap. XIII.

⁸⁰ See below, pp. 167-9.

CHAPTER VI
UNION FINANCE

IN THE earlier years of the Order's career the financial problem was second to none in importance. Union activities were with rare exceptions necessarily conducted on a hand-to-mouth basis. The union income fluctuated within wide limits as membership rose and fell with changing business conditions and varying union success, but even in prosperous years the immediate demands were too urgent to permit the accumulation of substantial reserves. Constant organizing activity was necessary not only to extend the sphere of the Order's influence but to maintain ground already gained. Union dues, on the other hand, had to be kept low lest they deter eligible employees from entering or remaining in the organization. In the years of depression which followed 1893 the membership and union income declined more rapidly than expenditures could be reduced, and the Order faced a veritable struggle for existence.

The turn of the century brought in an essentially different era. In the prosperous years which followed, the rapid expansion of membership lifted the organization from the ragged edge of bankruptcy and by spreading its overhead costs over a much wider base made possible the building up of substantial reserves. Wider organization and recognition tended to increase union solidarity, while greater returns from collective bargaining made possible a higher level of dues without an adverse effect on union membership. In the survey of divisional and national union finance which follows, an effort has been made to stress those phases which bear a vital relation to the effective functioning of the union in the service of its members, and to see, as far as possible, what has been the trend in the cost of such activities to the individual member.

1. Subordinate Division Finance

The dues of union members, levied by the subordinate divisions to which they belong, constitute the principal source of income for both the subordinate divisions and the national union. The constitution provides that the annual dues may be not less than \$12 for

men employed in scheduled positions, or \$8 for men not so employed, from which the subordinate division must remit \$6 to the national union. The initiation fee for new members, which may not be less than \$5, is also fixed and collected by the subordinate division; 75c of it goes to the national union. If its share of the membership dues and initiation fees is insufficient to finance its activities the subordinate division may levy supplementary assessments on its own members. It must meet its own operating expenses, pay the salaries of its general officers, and finance its schedule negotiations and other dealings with management. Until 1905 it had also to bear the expenses of its delegation in the Grand Division.¹

In the early days, when the local plan of organization was still dominant, a majority of the subordinate divisions were financed on a very slender margin. The membership was usually small, and the local officers served without regular compensation. The annual dues were kept low, and assessments or voluntary contributions provided a rather tenuous support for occasional schedule negotiations. Such a basis was far from satisfactory, and some of the more progressive divisions adopted the policy of increasing their dues considerably above the minimum so as to eliminate the necessity of levying assessments. The adoption of a higher level of dues was prerequisite to the employment of the general chairmen on a salary basis in the full or part-time service of their divisions.² It also enabled the divisions to undertake the regular revision of their schedules at intervals of not more than two or three years and to finance mediation or arbitration proceedings, or both, where a settlement could not be reached in direct negotiations. The divisions found by experience that the effect of the higher level of dues upon union membership was favorable rather than adverse because of the advantages derived by the members themselves from the greater stability and effectiveness of their local organization.³ The action of the Grand Division in increasing the minimum dues to \$7, then to \$8, and finally in 1913 to \$12, the present figure, reflected the general upward tendency. In recent years the dues have ranged up to \$20 per year, yielding an aggre-

¹ *Constitution*, 1930, Art. XVI.

² This practice made substantial progress from 1907 on, for reasons which have already been outlined.

³ The necessity for ample funds in conducting negotiations received frequent and emphatic recognition. See *Telegrapher*, XV (1898), pp. 968-9; XX (1903), pp. 121, 588-9; XXII (1905), pp. 537-9, 547; XXIX (1912), p. 425; *Convention Proceedings*, 1903, p. 78.

gate annual revenue of more than \$400,000 to the subordinate divisions themselves, out of which they have built up substantial property accounts and reserves in cash and securities. In 1912 the cash on hand and the value of property of subordinate divisions as reported to the national union amounted to \$2.43 per capita; by 1917 it was approximately \$3.20 per capita, and by 1929 it had increased to about \$8.01, or more than a year's local dues at the minimum rate.⁴

It is obvious that from a financial point of view the large divisions are in a much more favorable position than are the small, because few of the necessary expenditures vary directly with membership. It may require as long for the general committee on a small road to negotiate a wage settlement as it takes on a large system. With a large membership, also, the per capita cost of the salaries of the general officers, and the normal operating expenses may be materially reduced. With this point in mind it is worth while to examine the distribution of the subordinate divisions on the basis of relative membership. We have already seen that since 1901 the bulk of the union membership has shifted toward the larger divisions. Nevertheless in 1930 fully half of the divisions still had less than 200 members, and about two-thirds of them had less than 600. In other words, about three-quarters of the union members in 1930 belonged to large divisions, but over half of the divisions could still be definitely classed as small, with from 15 to 200 members each, and an aggregate membership of not more than 6000.⁵

It would be wrong to assume that no financial problems exist for the large divisions, but they are of less vital importance to the division itself and to the national union than those of the small divisions. During the War the Order was able to establish itself on a large number of small roads and terminal properties until then unorganized, but with the return to the less favorable conditions of private operation after 1920 many of these divisions began to disintegrate because the numbers on any single property were too few for self-sustaining organization. As a result the number of active divisions declined from 145 in 1921 to 119 in 1930.

Many proposals for the improvement of the financial position of the subordinate divisions, and particularly the small ones, have come before the Grand Division in the past twenty-five years, but

⁴ *Convention Proceedings*, 1913, p. 215; 1919, p. 248; 1930, p. 493.

⁵ Figures based on official roster of delegates as given in *Convention Proceedings*, 1901 and 1930.

few of them have been found acceptable to the majority. The most frequent suggestion has been that the Grand Division bear a part or all of the expense of a given case or class of cases. In 1907 and 1909 it was urged to assume the costs of the Southern Pacific arbitration of 1907 on the ground that this was a test case of national importance. This proposal was rejected, as was also the suggestion that the Grand Division assume the expenses of committeemen employed on grievance cases, and a request for financial assistance from the dissension-torn local organization on the Pennsylvania, Eastern lines. In 1917 a proposal that the president be authorized to extend loans to assist schedule negotiations by subordinate divisions was considered but did not reach a final vote.⁶

During the period of federal control, and throughout the life of the Labor Board, the existence of centralized machinery for handling major issues and unsettled grievance cases materially increased the necessary outlays of the divisions for representation, preparation of cases, counsel, and the like, and intensified the financial pressure on the smaller divisions. To relieve their difficulties the 1921 convention authorized the president to contribute such sums from the general fund as he deemed necessary to carry through the schedule negotiations of divisions financially embarrassed by their small size and unable to maintain negotiations independently. In the next three years \$4,266.50 was so distributed to seventeen divisions in amounts ranging from \$15 to nearly \$1,000, but averaging less than \$250.⁷ In 1924 a proposal that all divisions with less than 400 members be eligible to assistance from the general fund was amended to provide that the president might at his discretion extend aid to divisions whose dues were at least \$20 per year. From 1924 to 1930 the total outlays from the general fund in support of schedule negotiations, including those in behalf of members attached to the Grand Division, did not exceed \$7,500.⁸

It is obvious that to relieve the difficulties of the smaller divisions by transferring a part of their expenses to the Grand Division means that the members of the larger divisions must ultimately bear most of the costs. It is not surprising, therefore,

⁶ *Convention Proceedings*, 1907, pp. 160-4, 190, 196-200, 206-8; 1909, pp. 159, 173, 180, 197-8; 1911, pp. 155, 182-4; 1917, pp. 189, 206-7, 213, 215-6.

⁷ *ibid.*, 1924, pp. 16-17. The majority of the contributions were in 1921-22.

⁸ *ibid.*, 1924, pp. 365, 423-4; 1927, pp. 158-9. The financial statements do not completely distinguish between the two types of expenditure.

that such proposals should be looked upon askance by a majority of the delegates, or that concessions when made should be so guarded as to assure that the members of the smaller divisions shall themselves bear a substantial part of the burden. The extent to which the subordinate division may be subsidized is, in fact, definitely limited, and on the smaller roads the expense of maintaining the local organization is greater than it is worth to the national union. The employees on the smaller properties have not been surrendered without a struggle; where possible small divisions on subsidiaries of larger carriers have been merged with divisions on the parent lines; where merger has been impracticable the members have been transferred to the Grand Division and an attempt made to hold them together in that way. In general, however, the employees on the short lines are a "neglected class," simply because it is financially impossible to maintain strong organization among them.

2. National Union Finance

Under the present union law four distinct funds are set up for the financial administration of the diverse activities of the Order and the "Grand Division proportion" of the annual membership dues is distributed among them in fixed proportions, \$3 to the general fund and \$1 each to the protective fund, the convention fund, and *The Railroad Telegrapher*.

In the early days of the Order the receipts of the national union were not strictly differentiated and the funds in the treasury were expended as urgent need arose without regard for the purpose for which they were raised. Beginning in 1893 the receipts from protective assessments were utilized to meet current operating expenses; strikes, on the other hand, had to be financed out of general revenues and the returns from special assessments. Under the unfavorable conditions of 1893-95 it was impossible to balance the budget and an external debt of about \$9,000 was incurred which had not been entirely liquidated when the turmoil and strikes of 1899-1900 forced a renewal of borrowing to the amount of about \$10,000.⁹

In the general shake-up of 1900-01 provision was made for the strict segregation of the general and protective funds, and the per capita tax for each one was fixed at the present level in order to facilitate the building up of adequate reserves. For many years the operations of *The Railroad Telegrapher* continued to be handled

⁹ *Convention Proceedings*, 1903, p. 38; 1927, pp. 178-9.

through the general fund, but the trend of fiscal practice was constantly toward a clearer differentiation of accounts and the application of more scientific costing methods. Until 1917, for example, interest earned on balances of the several funds was credited to the general fund exclusively, while on the other hand administrative and clerical expenses and salaries were not accurately assessed against the other funds until a still later date.¹⁰

A. THE GENERAL FUND

As its name implies, the general fund is intended to cover the normal operating expenses of the national union. Its income is drawn principally from the \$3 per capita tax already referred to, but includes lesser amounts from other sources. It receives 75c from the initiation fee of each new member and \$20 for each new division charter issued. Neither of these have yielded substantial sums save in years of rapid expansion.¹¹ It also receives, in the case of members "attached" to the Grand Division, the equivalent of the subordinate division proportion of the annual dues, with which to finance schedule negotiations and other activities for these members. Prior to 1917 the general fund also benefitted substantially by interest earned on cash balances of the other funds, and until 1923 its nominal revenues were swelled by receipts from advertising in *The Railroad Telegrapher*, which ranged from \$2,100 in 1900 to \$31,000 in 1923.¹² Minor items include the proceeds of the sale of books and emblems, refunds, exchange, and the like. In addition contributions for special purposes are at times received and disbursed through the general fund, as in 1925-26 when approximately \$51,000 was raised by voluntary subscription to assist the Atlantic Coast Line strike in addition to the regular disbursements from the protective fund.¹³

Naturally the aggregate receipts of the general fund vary from year to year in accordance with membership. In 1901 they were approximately \$43,000, of which \$27,300 came from the per capita tax; in 1920 the total receipts were \$282,000, of which the per capita tax made up \$233,000, while in 1929 the respective amounts were about \$210,000 and \$183,000. The expenditures have been kept sufficiently within the annual income to make possible the

¹⁰ *ibid.*, 1919, p. 56; 1924, p. 35.

¹¹ *Constitution*, Art. II, Sec. 2; Art. XVI. Charter fees were formerly \$10 instead of \$20. In 1903 and 1918 the yield from initiation fees rose to nearly \$25,000, but normally it does not exceed \$5,000 to \$6,000 per year.

¹² *Convention Proceedings*, 1924, p. 70.

¹³ *ibid.*, 1927, pp. 128, 134.

accumulation of a reserve of about \$280,000, including investment in the headquarters building and cash on hand.¹⁴

While it is difficult to work out any thoroughly satisfactory classification of the expenditures from the general fund they may be roughly summarized under the following heads: (1) salaries of a) grand officers, b) clerical forces; (2) operating expenses, a) grand officers, b) national headquarters, c) legal advice and litigation, d) publicity, e) miscellaneous; (3) organizing costs; (4) outlays in behalf of negotiations; (5) costs of affiliation with the American Federation of Labor, the Canadian Trades and Labor Congress, and the Association of Railway Labor Executives, and so on.

It is scarcely necessary to review in detail all of these expenditures, but it may be worth while to discover if possible the trends in those groups which regularly absorb a large proportion of the per capita tax and in a sense constitute the overhead costs of the organization. Most important among these are the salaries of the grand officers and their expenses; the salaries of the clerical force; and the general expenses of maintaining the union headquarters. Considerable importance attaches also to the movement in such items as organizing costs, pensions, and grants from the welfare fund. To aid in the interpretation of the figures they have been reduced to terms of per capita costs in Chart C, below.¹⁵

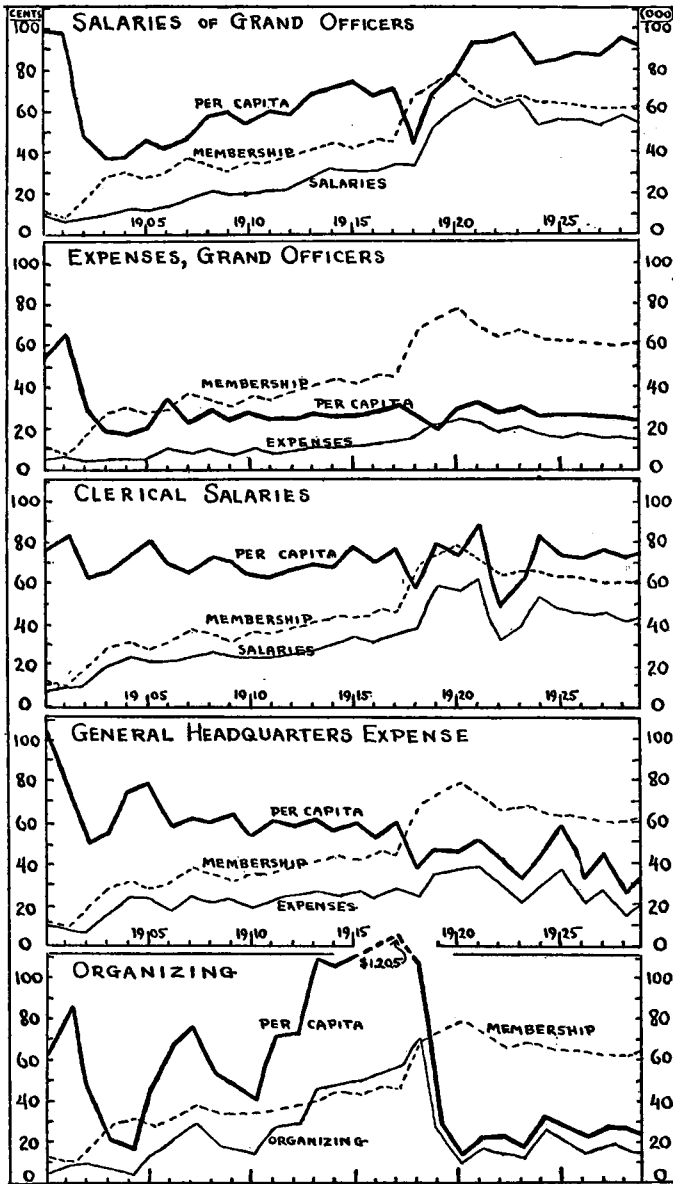
It will be noted that in the aggregate both clerical salaries and the travelling expenses of the grand officers have closely paralleled changes in the union membership, and so exhibit no significant changes in per capita costs. A fairly definite downward trend has characterized the general headquarters expenses, which include such elements as rent and taxes, stationery, printing, postage, telephone and telegraph service, the bonds of the grand officers, and so on. The increase in membership in the union has not entailed a directly corresponding increase in facilities or force at the national headquarters, but the upward movement of prices, rentals, and wages has constituted an offsetting factor.¹⁶

¹⁴ Figures exclude subscriptions to the *Telegrapher*.

¹⁵ These figures and charts are based on a consolidated income and expense account worked out by the author from the union financial statements as they appear in the *Convention Proceedings* from 1901 to 1930.

¹⁶ In 1924 the organization expended approximately \$85,000 in purchasing some property in St. Louis and adapting it to use as a permanent headquarters building. It was estimated that substantial savings would be obtained by side-stepping increased levels of office rentals. *Convention Proceedings, 1924*, pp. 51-3.

Chart C. Principal Expenditures from the General Fund, 1900-1929. Aggregate Outlays Compared with Union Membership and Reduced to Per Capita Costs.*



* Per capita costs in cents per member; aggregate expenditures and union membership in thousands.

The salaries of the grand officers on the other hand reveal some very interesting changes. In the aggregate they constitute one of the largest outlays of the national union and have increased in approximately the same degree since 1900 as the union membership, but with a lag which for a number of years effected a substantial reduction in per capita outlays. From 1905 to 1923, however, the trend relative to membership was upward, partly because of the creation of additional vice-presidencies to take care of the greater demands imposed upon the national union staff by the growing membership, but in larger measure because of increases in the compensation of the grand officers. Between 1903 and 1927 the salary of the president was raised by successive stages from \$3,500 to \$10,000; that of the grand secretary and treasurer from \$3,000 to \$10,000; and that of each of the vice-presidents from \$1,800 to \$6,500. Neither the increase in salaries nor the enlargement of the staff seems to be disproportionate to the trends in other organizations. The percentage of the per capita tax absorbed in salaries is still lower than in 1900, though higher than for most of the period before the War. It is to be remembered too that the per capita tax has not been increased since 1900 despite the upward trend in prices, wages and salaries outside.¹⁷

There has been a much slighter degree of correspondence between organizing expenditures and union membership than in the case of any other group of costs thus far surveyed. In the early days of the Order, travelling organizers were extensively employed to solicit members on a combination salary and commission basis, but as the territory was worked over the cost per initiation increased rapidly.¹⁸ To meet this situation the responsibility for maintaining the union strength on their respective roads was for the most part transferred to the subordinate divisions, and organizers were thereafter employed mainly in unorganized fields and for special service, such as "lining up" the operators on roads on which trouble was threatened.

Since 1900 the expenditures for organizing have shown some remarkable fluctuations. From 1901 to 1904 the great increase in membership resulted in a substantial cut in per capita organizing

¹⁷ *Convention Proceedings*, 1903, p. 142; 1911, pp. 192-4; 1913, pp. 246-8; 1917, p. 252; 1919, pp. 308-10; 1924, pp. 421-3; 1927, p. 475-8.

¹⁸ In 1897 the Grand Division organizers initiated 836 members and collected \$5,805 in initiation fees at a cost of \$6,554; the average cost per initiation was \$7.84, and \$1.11 was spent for each dollar collected. In 1898 there were 1,729 initiations, collections were \$10,560, average cost per initiation was \$6.77, and cost per dollar collected was \$1.108. *Convention Proceedings*, 1899, pp. 78, 82.

costs, but in the next three years this trend was reversed by the heavy outlays (reaching \$28,000 in 1907) which accompanied the Missouri-Kansas-Texas, St. Louis Terminal, Northern Pacific and Great Northern strikes, and the ineffective attempt to organize the Louisville & Nashville. In 1911 the organizing costs began to mount with unparalleled rapidity to \$45,000 in 1913 and \$56,000 in 1917. In the latter year the grand secretary and treasurer charged that the expenditures far outran the value of the service and that the organizers were simply political appointees of the president.¹⁹ In the following year, when a very intensive campaign to extend the membership was put on under the favorable conditions of federal control, the outlays rose to \$69,000, or more than \$1.20 per capita. When E. J. Manion was elected to the presidency in 1919, he swept aside the existing system, and retained only a small staff of organizers. Since then organizing costs in the aggregate have not exceeded the average of the years before 1911, and in per capita terms they have been substantially lower.²⁰

Among the miscellaneous outlays of the national union pensions have been of mounting importance in recent years. Prior to 1905 assistance was extended occasionally to A. D. Thurston, past president of the organization, who was in straitened circumstances. In that year he was granted an annual pension of \$900, which was continued to his widow after his death in 1913. Thereafter allowances of from \$600 to \$1,200 were granted to other retired grand officers or their widows, and by 1927 the amount so distributed had risen to about \$9,000 a year. In the convention of 1927 there were some signs of dissatisfaction with the rapid increases in pensions, and in 1930 the question of policy came up for discussion on the floor of the Grand Division. Finally after extended and evidently acrimonious debate a resolution abolishing all pensions save that of Mrs. Thurston was adopted without a record vote.²¹

The extension of pensions to grand officers in recognition of meritorious services naturally suggested that some systematic provision be made for the relief of any member who might be in need. To this end an annual welfare assessment of 50c per member was proposed in 1927. In the convention the plan was modified to

¹⁹ The charges and Perham's reply appeared in *Telegrapher*, XXXIV (1917), pp. 900-5.

²⁰ See *Convention Proceedings*, Financial Statements, *passim*.

²¹ *Convention Proceedings*, 1905, p. 166; 1913, p. 205; 1919, p. 285-6; 1924, pp. 370-1, 395-6, 415-17; 1927, pp. 253, 338, 346-56; 1930, pp. 360, 539, 543-4.

provide that the fund should be built up by voluntary subscription and by the transfer of 25c per member annually from the protective fund for the next three years. All disbursements from the fund were to be approved by the board of directors. Between January 1, 1928, and April 12, 1930, the total receipts were approximately \$53,400, of which \$16,400 came from voluntary contributions and \$37,000 from the protective fund. Grants from the fund amounted to about \$2,900 in 1928, \$8,900 in 1929, and almost \$3,000 in the first quarter of 1930, leaving an accumulated balance of \$38,600.²² It seems evident that a rapid increase in outlays has been accompanied by declining voluntary contributions, and the latter, plus interest accruals on the balance of the fund, are not adequate to meet current benefits paid. What the trend in these expenditures will be it is obviously impossible to predict, but it is clear that they cannot be greatly expanded without an increase in national union income or an impairment of accumulated reserves of the general and protective funds.

B. THE PROTECTIVE FUND

When the strike clause was adopted in 1891 the dues of the members were increased to provide for the building up of a protective fund. Authority was also given the president to levy special assessments in time of need. The strikes of 1892-93 absorbed the slender accumulated reserves and during 1893 two special assessments had to be imposed. On February 7, 1894, shortly after the Lehigh Valley strike broke out, a third assessment on account of "unusual and extraordinary financial requirements" was announced. Thereafter the protective proportion of the dues was utilized to pay ordinary operating expenses until 1900, so that a fourth (and last) special assessment was necessary in April, 1900, to finance the Southern Railway strike.²³

In 1900-01 the laws governing the disbursement of the protective fund were more stringently drawn to prevent its diversion to other purposes, and the accumulation of a true defense fund was begun.²⁴ The marked increase in membership after 1901 facilitated its accumulation, and although the strikes of 1904-05

²² *Convention Proceedings*, 1927, pp. 317, 482-3, 485; 1930, pp. 398-9, 405-8, 413, 416.

²³ *Telegrapher*, IX (1893), pp. 391, 501; X (1894), p. 208; XVII (1900), pp. 366, 427.

²⁴ *Convention Proceedings, Special Session*, 1900, p. 2; 1903, pp. 47, 127, 129.

involved outlays of more than \$105,000 no special assessment was declared.²⁵

In the following ten years of peace and union expansion the fund increased to about \$417,000. The Missouri-Kansas-Texas strike of 1917, which cost about \$45,000, was financed out of current income, and in the three years following the balance rose still more rapidly to \$690,000 in December, 1920. The expenditures in the Atlanta, Birmingham & Atlantic, and Missouri & North Arkansas strikes of 1921, \$147,000, and \$82,000 respectively, were also met out of current income,²⁶ and the balance continued to rise until it reached \$772,000 in 1924. The Atlantic Coast Line strike of 1925-26 cost about \$250,000,²⁷ but by 1929 this had been made good and in 1930 the reserve was not far short of \$800,000.

Under the union law the president has the sole power to disburse the protective fund, and he may do so in such ways as he deems essential to the successful conduct of a strike. At one time there was a provision that strike benefits of \$30 per month for three months should be paid to men out on strike, but the benefits may now be gauged to individual conditions and needs. During the Atlantic Coast Line strike monthly benefits of \$30 were ordinarily given to single men, and \$60 to men with families during the period of unemployment, which in some cases proved to be permanent. Such a course is practically necessary to secure the adherence of the older men who are likely to experience difficulty in securing new employment in case the strike fails.²⁸

During the past forty years the Order has been involved in about a score of strikes; but not more than a dozen have been major engagements or have made heavy demands on the protective fund. The outlays have varied widely for obvious reasons but it seems fair to say that in recent strikes much more money has been spent per man involved than ever before. Unfortunately the data

²⁵ The 1905 convention voted that a referendum be held on the proposal to levy an assessment of one day's pay to build up the protective fund. The vote was so light that the directors withheld action, but during 1904-05 about \$22,000 were received in voluntary contributions. See *Telegrapher*, XXII (1905), p. 1308; *Convention Proceedings*, 1905, pp. 32-3, 175; 1907, pp. 70, 182, 210.

²⁶ Including benefits paid in subsequent years to men not reemployed.

²⁷ Union officers estimate total outlays in behalf of the A. C. L. strike, including \$50,000 in voluntary contributions handled by the general fund, at about \$300,000.

²⁸ There has been some complaint that strikers on the A. C. L. have been "abandoned" by the national union, presumably because of the discontinuance of benefits where it was thought that other employment was actually obtainable. See Resolution 3, *Convention Proceedings*, 1930, p. 349.

on the actual number of men involved and the effective length of most of the strikes is insufficient to enable accurate comparisons of strike costs. There can be no doubt, however, that the direct cost of a strike on any first class carrier might easily run up to \$200,000 or more, and that the fund as it stands could not possibly be expected to finance a series of such strikes in close succession or a regional or nation-wide strike of any duration. This does not mean, however, that the fund as it stands is inadequate, because its size is to be considered with reference to the demands which it is reasonable to expect may be imposed upon it. The Order has not hitherto found it necessary to make frequent use of the strike weapon, and barring an unlikely change in policy or bargaining methods it is scarcely necessary to anticipate a more frequent incidence or more extensive area of strikes.

A comparatively widespread feeling in the organization that further accumulation of the protective fund was not urgent was seemingly evidenced in the action of the 1924 and subsequent conventions authorizing appropriations from the protective fund to assist in paying for a mass subscription to the magazine *Labor*, and by the transfer, on the authority of the 1927 convention, of 25c per capita per year from the protective to the welfare fund. These combined expenditures practically absorbed the annual receipts of the fund from union dues, and further accumulation has come largely from interest accruals.²⁹

C. THE CONVENTION FUND

Until 1905 the subordinate divisions were required to bear the expenses of their representatives in the Grand Division, as we have already seen, and the financial burden on the national union was comparatively small. When the national convention fund was set up in that year it was thought that an annual per capita contribution of 50c per year would be adequate for the payment of traveling allowances and per diem to the delegates, as well as other expenses such as hall rent, printing, and the publication of the proceedings.³⁰ Until 1913 the receipts were, in fact, just about equal to the costs of the biennial sessions, but from 1915 on the mounting expenditures, due to the greater length of sessions, the more generous compensation of delegates, and the greater number in attendance, resulted in a progressively more serious deficit, as

²⁹ *Convention Proceedings*, 1924, pp. 312, 383-9, 393, 432; 1927, pp. 110, 243, 336-40, 346, 356; O. R. T. General Chairmen, *Minutes of Meeting*, June 13, 1928.

³⁰ *Convention Proceedings*, 1905, pp. 136-7, 155, 156.

UNION FINANCE

a reference to Table III will readily show. The unprecedented cost of the "Hundred Thousand Dollar Convention" of 1917 was quickly dwarfed by expenditures of about \$170,000 in 1919 and 1921, which drove the convention fund further and further into the red, and made alarming inroads on the general fund reserve. So serious was the situation that in December 1918

Table III. Convention Fund, 1900-1927

	DAYS	DELEGATES	PER DIEM† MILEAGE‡	COST OF THE GRAND DIVISION	BALANCE IN THE CONVENTION FUND	ANNUAL CONVENTION FUND PROPORTION
1900				\$ 565.35		
1901	6	103		990.30		
1902						
1903	6	204		3,203.19		
1904						
1905	6	288	\$ 5.00—.02	4,636.19	\$ 8,310.51	\$ 8,310.51
1906					23,021.62	14,711.11
1907	9	294		23,083.84	17,341.37	17,403.59
1908					33,853.44	16,512.07
1909	9	334	6.00—.02	36,203.22	13,201.25	15,551.03
1910					30,034.55	16,833.30
1911	10	359		32,793.64	14,885.45	17,644.54
1912					33,204.16	18,318.71
1913	10	390		39,199.48	13,454.45	19,449.77
1914					34,045.43	20,590.98
1915	13	433	7.00—.02	54,243.91	227.44	20,425.92
1916					21,574.86	21,347.42
1917	15	442	8.00—.02	100,955.57	-57,199.77*	22,180.94
1918				122.52	-28,097.12	29,225.17
1919	18	660	12.00—.03	169,859.77	-138,612.55	59,344.34
1920					-60,770.02	77,842.53
1921	13	767		171,506.32	37,937.36†	70,187.44
1922					105,654.59	67,516.14
1923					176,280.29	65,838.20
1924	13	650	14.00—.03	186,403.21	52,436.96	64,209.34
1925					126,504.67	70,833.24
1926					192,664.65	62,783.41
1927	12	638	16.00—.03	210,120.01	48,415.18	61,543.17
1928				841.32	109,300.56	59,603.35
1929				616.07	173,766.99	61,119.90

* Deficit.

† Deficit of \$200,026.26 due general fund charged off by the Board of Directors in 1921.

‡ Increases in per diem and mileage were in almost every instance, if not all, made retroactive to the beginning of the convention in which adopted.

the board of directors refused to call the Grand Division in special session to hear charges brought against President Perham; and for the same reason they withheld a call for a special session in 1920 to elect a successor to the deceased grand secretary and treasurer, C. B. Rawlins.⁸¹ They likewise urged upon the delegates at the conventions of 1919 and 1921 the imperative necessity of equalizing the income and expenditures of the fund. The convention of 1919 sought to deal with the situation by increasing the convention fund contributions to \$1 per year, but nullified this action by increasing the mileage and per diem allowances still further.⁸² When the 1921 convention began, the deficit still amounted to about \$30,000 and further reform was imperative. The delegates chose to extend the interim between conventions to three years so as to increase the recuperative period of the fund, rather than to reduce the compensation or number of the representatives. They also voted to give the convention fund a fresh start by writing off its obligation to the general fund, which by the end of the session amounted to about \$200,000.⁸³ With the new start the fund was a little more than able to keep pace with convention costs in 1924 and 1927, and at the beginning of the 1930 session showed a balance of about \$200,000.⁸⁴

In view of the past trend and present height of the mileage and per diem allowances it is by no means certain that the present income of the fund will prove sufficient in the future, and there have been continued suggestions that the sessions be put on a quadrennial basis, or the representation reduced, or both. Whatever the trend, however, the fact remains that the convention costs now constitute the largest single outlay of the national union, not excluding expenditures for strikes, with every prospect of averaging \$70,000 a year, or a little more than \$1 per member.

⁸¹ See above, pp. 83-4, 89-90.

⁸² *Convention Proceedings*, 1919, pp. 77-8, 80, 223, 226, 242, 245-7, 272-3; 1921, pp. 41, 62; 1924, pp. 60-1.

⁸³ *ibid.*, 1921, pp. 210, 291-4; 1924, p. 36.

⁸⁴ *ibid.*, 1930, p. 400.

CHAPTER VII

METHODS OF COLLECTIVE ACTION AND BARGAINING

FROM the analysis of internal union structure and organization one turns with perhaps greater interest to a consideration of the part which the Order plays in the relations of the men in the telegraph service with the railroads by which they are employed. It is possible for a union, or even for employees not formally organized, to act collectively in many ways without seeking to deal collectively with their employers, as for example in the case of restriction of output. The present chapter, however, is concerned primarily with union procedure in collective bargaining with the employers, and with those forms of collective action, the strike and the boycott, which grow out of the failure of the employers to deal with the representatives of the union or to come to joint agreement with them.

Two general classes of issues arise which have to be handled with the employing roads. Wage rates, hours, and the basic terms of employment are *primary issues* which become the subject of negotiation when the establishment or revision of an agreement or *schedule* is proposed. On the other hand disputes arising over the meaning or application of the rules or wage rates to particular cases, or the grievances of individuals who feel that they have been unjustly treated or disciplined, constitute *secondary issues* which may arise at any time. The Telegraphers' agreements provide a regular procedure of hearings and appeals through which discipline cases may be taken up. Other grievances are ordinarily first taken up by a "local board of adjustment" headed by a local chairman of the Order. If unsettled in conference with local railway officials the grievance may then be referred to the general committee, which in turn may call on the national union for assistance, if need be, in handling the case with the higher officials of the road concerned. On some roads joint "Boards of Adjustment" have been set up by agreement between the organization and the management, to which cases not settled directly may be referred. Mediation or arbitration is a possible last resort.¹ The Telegraphers have never

¹ See below, pp. 142-52, *passim*, with reference to outside machinery for the adjustment of secondary disputes since 1917.

followed the practice of some unions, which not only fix the terms of employment in their agreements, but also incorporate machinery, such as arbitration agreed to in advance, or an impartial chairman system, to assure the definite settlement of disputes arising during the life of the agreement.² The experience of the Telegraphers with outside agencies for the adjustment of secondary disputes will be taken up in the following chapter. Such grievances may, if unadjusted, give rise to aggressive action by the organization in like manner as the breakdown of schedule negotiations or the resort to discriminatory practices by the employers.

The Telegraphers' agreements are *system* agreements, as contrasted with those of some other crafts which are regional or national in area; that is, they are negotiated with, and apply to, the individual railroad systems. On the New York Central Lines, for example, there are separate contracts covering the Grand Central Terminal in New York, the New York Central east of Buffalo, the New York Central west of Buffalo, the Boston & Albany, the Michigan Central, the Big Four, the Pittsburgh & Lake Erie, and other subsidiary properties.

Ordinarily the agreements provide that they shall remain in effect for a year from the date of acceptance, and thereafter indefinitely, pending thirty days' notice of desire to revise or cancel on either side. There have been wide variations in the frequency of revision from road to road, but on the average the schedules are revised at intervals of from two to three years.³

I. Union Practice in Collective Bargaining

The first step in a movement by the Telegraphers on a given railroad for the establishment of a new schedule, or the revision of an existing one, is the preparation of a tentative set of working rules and a wage scale by the general committee of the division concerned. In this the committee usually has a comparatively free

² The Boston Elevated contract of September 15, 1916, gives almost the only instance of arbitration procedure laid down in advance. This was connected with two other unusual features: (1) a three-year term for the contract and (2) a proviso that members of the organization who became delinquent in dues without proper notice of desire to withdraw from membership should be discharged or suspended from service by the company. *Schedules and Wage Scales*, April 1918, pp. 40-2.

³ In the fifteen years 1902-17 there were 12 committees who revised their schedules at least 6 times (at average intervals of two and one-half years); 21 who secured 7 revisions; 10 who secured 8; 6 who secured 9, and 2 who negotiated 12 revisions of schedule. These figures are only approximate because there was some overlapping and some gaps in the reported data in the *Telegrapher* and the *Convention Proceedings*.

hand in meeting local conditions and the desires of its constituents, although in fact there have seldom been important deviations from certain standards. After approval of its terms by the president of the Order the proposition is submitted to the appropriate railway official with a request for a conference.⁴

Assuming that the question of union recognition is not involved, the general committee may still encounter protracted delays in conference and negotiation. For this reason authority to continue the negotiations to a conclusion is frequently delegated to a *reduced* committee.⁵ In many instances the union representatives are able to get satisfactory terms on many issues but not on all. When no further progress can be made the case is formally "turned over to the organization," making the national union a party to the dispute. It is then the duty of the president, or a vice-president acting under his direction, to renew the negotiations with the management in an effort to reach some basis of settlement. If these efforts to break the deadlock are unsuccessful the next step is to call a strike vote of the men involved. If the poll favors aggressive action the strike threat is used in a further effort to secure concessions. Although the Order has been involved in not more than a score of strikes in its entire history the strike vote is almost a part of the routine of schedule negotiations.

Frequently, negotiations at this stage result in concessions on both sides and the conclusion of an agreement, but if not, the general committee has to decide whether to go through with a strike or not. Fortunately the existence of governmental machinery for mediation and arbitration leaves the way open for an amicable settlement even when it has proved impossible to break the deadlock by direct negotiations, and many important issues have been settled in this way.⁶

The strike vote is naturally used as a bargaining device many times when the employees have little serious intention of striking; they feel that the managing officials could scarcely be expected to capitulate without at least the appearance of a struggle. Furthermore the Erdman and Newlands Acts applied only to controversies "seriously interrupting or threatening to interrupt" transportation in interstate commerce. This was interpreted as barring all cases in which the employees had not definitely prepared to go on

⁴ This approval must be secured. *Constitution, 1930, Statutes, Sec. 40.*

⁵ On some divisions the reduced committee has full power delegated to it by the general committee. *Constitution, 1930, Statutes, Sec. 39.*

⁶ See Chap. VIII.

strike to enforce their demands. The strike vote accordingly became an essential preliminary to the submission of a dispute to mediation or arbitration under the federal law.⁷

Definite dangers attach to the use of the strike threat as a bargaining device. Members may sign strike ballots simply "to give the committee support" without sufficient consideration of the possible consequences. There is also danger that the company may decide to force the issue, or that the committee may work itself into a position which necessitates the declaration of a strike when none was seriously intended or desired.⁸

2. *Strikes and Boycotts*

If the railroad management has refused to receive and deal with the union committee at the outset, or if the efforts to secure a settlement by direct negotiations, by mediation, or by reference to arbitration have failed, a strike remains as the only alternative to retirement from the field. How then may a strike be declared under the union law?

According to the union constitution "the President and General Committee shall have authority to order a strike: Provided, that such action is agreed upon by two-thirds of the General Committee interested." A strike is terminated in the same way.⁹ Although a strike might thus legally be declared without submitting the issues to the membership on the road involved, the policy announced by the grand chief telegrapher in 1893 has been adhered to ever since. He stated then that thereafter no strikes would be declared until sanctioned by a two-thirds vote of the members affected and approved by the grand chief and the general committee.¹⁰ The need for the close observance of a definite procedure in the calling of strikes was vividly emphasized by confusion which followed the circulation of false strike orders in the Gulf, Colorado & Santa Fe negotiations in 1892 and a similar occurrence on the Chicago & North Western in 1893.¹¹

The usual practice in spreading a strike ballot has been to submit a printed statement to each member covering in detail the nego-

⁷ Erdman Act, Sec. 2, 30 Stat., 55th Cong., ch. 370; Newlands Act, Sec. 2, 38 Stat., 63rd Cong., ch. 6. This issue came up twice on the Pennsylvania and once on the El Paso & Southwestern.

⁸ These dangers were illustrated in the Atlantic Coast Line strike of 1925 and in the Northern Pacific-Great Northern strike of 1905.

⁹ *Constitution*, 1930, Art. IX, Sec. 11.

¹⁰ *Telegrapher*, IX (1893), p. 31.

¹¹ See above, p. 8.

tiations leading up to the crisis, and the opposing positions of the committee and management, so that he may analyze the situation and vote independently. It is nevertheless almost impossible to eliminate some pressure to vote "to support the committee."¹² A vote favorable to a strike authorizes, but does not require, the general committee and the president to declare a strike. The president may, if he deems it wise, withhold approval even if requested by more than two-thirds of the general committee. In fact the chief executive officers have almost without exception been reluctant to call a strike except under extreme conditions, familiar as they are with the hardship, bitterness, dissipation of union funds, and danger of failure which a strike entails. It thus sometimes becomes the task of the president to hold in check the enthusiasm of the committees and men who are immediately concerned and feel themselves prepared to go the limit.¹³

When a strike has been formally declared the president becomes the recognized leader, with full authority to dispense the protective fund and to levy special assessments on the entire union membership for its support. In an important strike practically the entire staff of grand officers may be detailed to strike service, and general chairmen and other officers from other systems drafted to assist in making the strike effective. The local chairmen on the road have charge of activities in their respective districts and are responsible for maintaining local headquarters, conducting meetings, and patrolling the line. Should any local chairman prove faint-hearted, the general committee may remove him summarily from office and appoint a successor. Organizers are also employed to keep the strikers lined up and if possible to prevent the recruiting of new forces. The expenses of the strike, including strike benefits gauged to individual needs, are defrayed from the national protective fund.¹⁴

The union law provides that anyone who incites a strike or participates therein except in accordance with the prescribed procedure already outlined shall be subject to expulsion from the Order.¹⁵ It is interesting to note, however, that one of the most

¹² Very detailed instructions regarding the form and counting of strike ballots were issued to the general committees in connection with the threatened general strike in 1921. O. R. T., *Circular Letters*, August 23, 1921; September 27, 1921.

¹³ For example, in 1903-04 the membership was on the aggressive, and the Missouri-Kansas-Texas strike of 1904 was called against the better judgment of President Perham. *Convention Proceedings*, 1905, President's Report, pp. 13-15.

¹⁴ *Convention Proceedings*, 1927, pp. 60-2; O. R. T., *Circular Letter* (MS), October 24, 1921.

¹⁵ *Constitution*, 1930, *Statutes*, Sec. 8(b).

successful strikes in the history of the organization, the Canadian Pacific strike of 1896, was called by Vice-President Pierson without the authority of the president. However, Powell, after investigating the situation, concluded that the strike should go on. At the 1897 convention Pierson was temporarily suspended from office as a disciplinary measure in order to prevent his action from establishing a legal precedent.¹⁶ During the insurgent movement of the late summer and fall of 1918 there were repeated threats of outlaw strikes but these were held in check by warnings from the Director General and his ultimate action in ordering the reconsideration of objectionable wage orders. The insurgents were too powerful within the organization to make any attempt at disciplinary action feasible, and in fact were in control of the 1919 convention.¹⁷

As a rule the need for support from the protective fund of the national union is sufficient to assure conformity to the requirements of the strike law. A strike of any magnitude or duration involves expenditures far beyond the reach of any single division. No subordinate division is, therefore, likely to strike in defiance of the national union.

Inasmuch as a legal strike may be declared only after failure of efforts to adjust a grievance affecting members of the Order, sympathetic strikes are contrary to union law. We have seen that during the Pullman strike of 1894 W. V. Powell, the grand chief telegrapher, took a firm stand against any sympathetic action,¹⁸ and that the wisdom of this position was amply demonstrated by the outcome of the illegal strike of the operators on the Louisville & Nashville.¹⁹ During the One Big Union strike in Winnipeg in 1919 members of many of the railway organizations became involved, but once more the grand officers warned the membership not to participate, and the Order was able to keep itself clear of the disturbance.²⁰ At the outbreak of the Shop Crafts strike of 1922 the grand officers carefully delimited the work of the telegraph and station service and instructed the members to continue to render their full service to the roads but no more. Members

¹⁶ *Convention Proceedings, 1897*, pp. 13-16, 75-6.

¹⁷ See above, pp. 37-41.

¹⁸ *Telegrapher*, X (1894), pp. 641-2, 686, 690-1, 735-6, 766-7, 781-2.

¹⁹ *ibid.*, XXXV (1918), p. 315.

²⁰ *Convention Proceedings, 1921*, pp. 101-2, 113-14.

convicted of doing shopmen's work were expelled from the Order.²¹

In the case of the Commercial Telegraphers' strike in 1919 against the Western Union and Postal Telegraph companies, railroad operators who served as joint agents for the commercial companies refused to handle any business which could not be transmitted exclusively by railroad facilities. This action was taken, however, under a cooperative agreement between the Order and the Commercial Telegraphers' Union of America which bound the members of each union to refrain from handling business properly belonging to the other in case of strike. It did not involve any withdrawal from the service of the railroads themselves, and so was not, properly speaking, a sympathetic strike.²²

APPRAISAL OF STRIKE EXPERIENCE

Judged on the basis of immediate outcome the record of the score or more of strikes fought by the Order since the adoption of the strike clause is far from impressive. In nearly half of them the struggle was ultimately called off or died out without the resumption of direct dealings and without concessions of material importance. In about a dozen cases the strike resulted in the granting of some concessions by the companies affected, although there were but eight instances in which formal relations were resumed at the end of the strike. Some of the strikes are difficult to classify as successes or failures. The Lehigh Valley strike, for example, was terminated by the promise of the management to institute the terms sought by the striking organizations, although the settlement was not made in the form of an agreement with the unions. It was later charged that the promise was not completely fulfilled. The Missouri & North Arkansas strike failed to gain material concessions, but was finally terminated by an agreement between the two sides to give up the struggle. The road was enabled to resume normal operation, and in exchange criminal proceedings against certain union members were terminated. The Atlantic Coast Line strike is another instance in which the Order was defeated, but only after the company had instituted wage increases which, if granted earlier, would probably have forestalled the strike.²³

²¹ *Telegrapher*, XXXIX (1922), p. 607; Resolution of Labor Board, July 10, 1922, III R. L. B. 1140.

²² *Convention Proceedings*, 1921, pp. 5-6; *Telegrapher*, XXXVI (1919), pp. 883-5.

²³ For expenditures in behalf of strikes see above, pp. 108-10.

Strikes terminated by some concessions, with or without the resumption of direct dealings:

1891 Atlantic & Pacific	direct settlement
1892 Burlington, Cedar Rapids & Northern	mediated by E. E. Clark
1892 Gulf, Colorado & Santa Fe	direct settlement
1894 Lehigh Valley*	mediation
1896 Canadian Pacific	mediation
1900 Atchison, Topeka & Santa Fe (Western lines)	direct settlement
1901 Adams Express Co. on the Chesapeake & Ohio	direct settlement
1904 Southern Express Co. on the Norfolk & Western	direct settlement
1914 Delaware & Hudson*	direct settlement
1919 Chicago & Illinois Midland*	mediation and arbitration

Strikes called off without concessions to the Order:

1892 Chicago, Rock Island & Pacific		
1892 Central of Georgia		
1900 Southern	}	} these strikes were called off and the roads formally boycotted
1900 Atchison, Topeka & Santa Fe		
1904 Missouri-Kansas-Texas		
1904 St. Louis Terminal		
1905 Northern Pacific-Great Northern		accepted company proposals
1910 Gulf & Ship Island		
1917 Missouri-Kansas-Texas		
1921 Atlanta, Birmingham & Atlantic*		
1921 Missouri & North Arkansas*		
1925 Atlantic Coast Line		
1929 Toledo, Peoria & Western*		

It is worth noting that nearly half of the strikes occurred in the first decade of the union's protective career, and almost a fourth of them in the brief period of business expansion from 1891 to 1893. The time was favorable to union activity in general and the Order was evidently ambitious to try its wings. The severe defeats on the Rock Island and the Central of Georgia, and the dubious outcome of the Cedar Rapids and Lehigh Valley strikes resulted in a chastened spirit and widespread doubt as to the possibility of winning a strike. These doubts were put to rout by the outcome of the Canadian Pacific strike of 1896, although it is evident that

* Strikes conducted in cooperation with other organizations.

much of the credit was due to the friendly offices of the other train and engine service organizations.²⁴ The Southern and Santa Fe strikes of 1900 once more clearly demonstrated the limitations of the Order and impressed the leaders with the desirability of a conservative policy which would avoid trials of strength so far as possible. The rank and file recognized their limitations less clearly than the leaders, as was evidenced in the popular pressure which precipitated the Missouri-Kansas-Texas strike of 1904.²⁵

The almost unbroken period of peace from 1904 to the outbreak of the War was due partly to the cautious attitude of the union leaders but in part also to the greater willingness of the railway executives to deal with the union committees. This cannot be attributed to the ability of the union to carry strikes to a successful conclusion inasmuch as no major strike since 1896 can be rated as an unqualified success. In fact none of the successful strikes were bitterly contested or long-drawn out, and in most of them external conditions favored the Telegraphers. Among the clear failures, on the other hand, are to be found practically all of the hard-fought and protracted battles. In almost every case the strike had lost a great deal of its effectiveness after the first few days, either because the recruiting of strike breakers could not be prevented or because of defections from the ranks. The widening use of the telephone and other devices makes it less difficult to replace the telegraphers, although even in the earlier days it was possible to maintain some semblance of orderly operation by means of the train schedule. In fact it seems that if victory is to be achieved it must be won in the first week or two; the chance of success depends on the extent of loss which a few days of disorganization, and the inevitable lowering of morale, may inflict on the carrier.²⁶ If the railway officials count the cost and decide to fight it out, there seems to be slight chance of victory.

It does not necessarily follow that a strike threat is without effect. Even though a strike may have little chance of success, it necessarily involves some interference with traffic and heavy losses through delays and damage claims. It also entails a costly turnover of labor, with new recruits drawn in many cases from the least

²⁴ *Telegrapher*, XIII (1896), pp. 346-7.

²⁵ *Convention Proceedings*, 1905, pp. 3, 13-15.

²⁶ It is said that the lockout on the Northern Pacific-Great Northern in 1905 was called because railway officials thought the committee was simply stalling for time so as to bring on the anticipated strike at the height of the crop-moving rush when it would be most effective. See *Railway Age*, XL (1905), pp. 52, 159-60.

efficient and reliable groups in the service. For this reason railway officials may deem it preferable to make concessions to head off a strike with its train of bitterness, low morale and increased direct and indirect costs.

Even where a strike is lost, it may have a favorable reaction on the larger situation. When the Atlantic Coast Line strike broke out in 1925, for example, the general committees on the other Southeastern roads were also deadlocked in their efforts to secure favorable changes in wage rates. The strike on the Atlantic Coast Line broke the ice and precipitated a settlement on the Seaboard Air Line effective November 1. Thereafter the other roads, including the A.C.L. itself, put in effect similar increases in quick succession. Union officers therefore were not inclined to regard the strike as a total loss.²⁷

BOYCOTTS

Before 1907 the Telegraphers officially declared a number of roads to be "unfair"—the Rock Island after the strike of 1892, the Southern and Santa Fe in 1900, and the Missouri-Kansas-Texas and St. Louis Terminal in 1904. In a few instances it also used the boycott as a weapon when a strike was impracticable, as in the Colorado & Southern case in 1899, when the Telegraphers felt that they had been let down by the other organizations in joint negotiations.

The Order also secured the inclusion of the Santa Fe and the Missouri-Kansas-Texas on the blacklist formerly maintained by the American Federation of Labor.²⁸

In 1907 the Telegraphers' "unfair list" was abolished and members permitted to seek employment on the blacklisted roads as a means of dealing with the current unemployment.²⁹ Since then a boycott has never been formally declared, although there has been a certain amount of traffic diversion from unfriendly roads. In 1915 agents were advised to bear friendly roads in mind in routing traffic to the Panama Pacific Exposition,³⁰ and in 1926 agents throughout the country were advised through the *Telegrapher*

²⁷ See above, pp. 59-60.

²⁸ *Telegrapher*, XVI (1899), pp. 894; XVIII (1901), pp. 1087-8; XX (1903), pp. 919-20, 1473-4, 1736; XXII (1905), p. 937; *Convention Proceedings*, 1905, pp. 14-15, 22.

²⁹ *Convention Proceedings*, 1909, p. 24.

³⁰ *Telegrapher*, XXXII (1915), p. 173.

that delays in freight to Florida could be reduced by employing routings which avoided the Atlantic Coast Line.³¹

The legality of traffic diversion as practised by the Telegraphers has never been tested in the courts. The practice appears to be a variation of the secondary boycott, since it involves an interference with the business of a carrier by people who are entirely outside its employment. The fact that they are members of the same national union as the aggrieved employees would not seem, in view of the decisions of the Supreme Court in the Duplex Printing Press and Bedford Cut Stone cases,³² to establish sufficient justification for the inflicting of such injury. However, it is a form of boycott which is free from the usual elements of coercion and intimidation of third parties who have, or have had, business relations with the boycotted concern.

The practice of traffic diversion as followed in the past twenty years has, in fact, little to fear from the law. Not only would definite evidence be practically unobtainable but the initiation of proceedings against the union or its members would constitute an admission that an antagonistic labor policy had involved a loss to the company, the reaction from which on the part of the stockholders might be distinctly unfavorable.

It is impossible to get any basis for judging the effectiveness of the boycott as utilized by the Telegraphers. The Rock Island, and Colorado & Southern boycotts were terminated by agreements with the railroad managements, but the part played by the boycott in producing the settlement cannot be known. In union circles falling earnings of unfair roads are construed as evidence of the effect of a far-reaching silent embargo, but rising incomes yield to no such happy explanation. Obviously a boycott, even if effective, is only one factor affecting railway receipts. Railway officials are inclined to make light of the boycott as a factor, yet the emphasis placed in recent years on the importance of the agent's position in securing competitive traffic would suggest that it is not entirely to be ignored. If the carrier's business is adversely affected by slipshod and indifferent performance of duty by its own agents it may also be influenced by the hostility of agents on connecting lines.

³¹ *ibid.*, XLII (1926), p. 134.

³² *Duplex Printing Press Co. v. Deering*, 254 U.S. 443, January 3, 1921. *Bedford Cut Stone Co. v. Journeymen Stone Cutters Assoc. of North America*, 274 U.S. 37, April 11, 1927.

3. *Attitude toward Regional and National Collective Bargaining*

UNION POLICY PRIOR TO THE WAR

Prior to 1902, collective bargaining was carried on by all of the railroad unions on a system basis, but in that year the Conductors and Trainmen on the Western roads agreed on a joint program for the regional standardization of wage rates and working conditions, which was carried through by the several general committees acting in concert. The success of this movement provoked a great deal of discussion of the regional plan of action among the rank and file of the Telegraphers but the organization continued to deal on the traditional basis.⁸³ H. B. Perham, the president of the Order, strongly opposed the adoption of the new plan. The past experience of the Telegraphers with general movements, as in the Knights of Labor strike in 1883, had been disastrous, and more, he thought, could be accomplished in the long run by localizing the issues and bringing pressure to bear on one road after another, without risking everything on a single throw. He contended also that existing wage rates were too low to provide a satisfactory basis for standardization, and that once a standard were established it would be difficult to raise except by a widespread and perilous strike.⁸⁴

Nevertheless the continued success of the train and engine service organizations with regional movements had a strong appeal. When a joint movement of the Conductors and Trainmen was initiated on the Eastern roads in 1910 the Telegraphers' committees on many of the roads were inspired to request schedule revisions almost simultaneously, and a sort of disorganized general movement resulted.⁸⁵ In the convention of 1911 the project was agitated more strongly than ever before, but when a measure to establish machinery for handling regional negotiations came to a record vote it was defeated, 302 to 40, with the entire staff of grand officers in opposition to the proposal.⁸⁶ Perham suggested, as a more practicable alternative, that where several roads were commonly owned or controlled the general committees might well

⁸³ In 1902 and 1903 the division correspondents' columns in the *Telegrapher* were filled with discussion of a nation-wide movement for an \$80 minimum rate, the eight-hour day, the six-day week, double time for Sunday service, two weeks' vacation with pay, and the closed shop. See particularly *Telegrapher*, XIX (1902), pp. 729-31, 977-81.

⁸⁴ *Telegrapher*, XX (1903), pp. 385-6, 1536; XXII (1905), pp. 546-7; XXV (1908), pp. 13-16; *Convention Proceedings*, 1911, pp. 27-8.

⁸⁵ *Convention Proceedings*, 1911, pp. 82-3.

⁸⁶ *ibid.*, 1911, pp. 76, 139, 169-70.

join forces for common action. He pointed out that 321 railroads in the country were thus tied together in about 58 groups or systems, and that⁸⁷

"If the telegraphers in any one of these groups were to take concerted action, it would concern one group of owners, and in consequence there would be a fair chance of getting a satisfactory settlement, provided the employees stood by one another no matter what inducements might be held out to them to do otherwise. If they allied themselves with other organizations in the same group they would be invincible."

In the next two years concerted action of the sort proposed by Perham was attempted with fair success by the general committees on the New York Central and its subsidiaries, on the New Haven and its affiliates, and on eight Southeastern roads in negotiations with the Southern Express Company.⁸⁸ As a rule, however, the general committees continued to act individually, and displayed little inclination to merge their interests in any form of combined action. Discontent with the existing modes of action was indeed stirred to new depths by the dramatic sweep of the Brotherhoods' joint national movement for the eight-hour day in 1916 and by disappointment at the failure of the Telegraphers to benefit by the resultant Adamson Act, but although this expressed itself in bitter criticism of President Perham it was still not sufficiently strong to produce a change in union policy in the convention of 1917.⁸⁹

EXPERIENCE WITH NATIONAL DEALING, 1918-22

With the beginning of federal control the national union abruptly superseded the general committees as the agency for dealing with the Railroad Administration on primary issues. No definite machinery for the formulation of demands on a national scale existed at the time, and in consequence the proposed changes in wages and working conditions which were presented to the Lane Commission in 1918 were prepared by the grand officers with little assistance from the general committees of the subordinate divisions. The demands which were submitted to the Wage Board during the summer and fall of 1918 were, on the other hand, drawn up by a conference of general chairmen summoned by

⁸⁷ *ibid.*, 1911, p. 28.

⁸⁸ *ibid.*, 1913, pp. 48-53, 122-3, 125-30.

⁸⁹ *ibid.*, 1913, pp. 53-4, 191-2, 222-3; 1915, pp. 88-9; 1917, pp. 193-4, 206-7, 239-40; *Telegrapher*, XXXIII (1916), pp. 1342-7; XXXIV (1917), pp. 247, 311-14, 1196-8; XXXV (1918), pp. 311-12.

President Perham after the movement had been initiated extralegally.

In the 1919 convention definite provision was made for a national schedule committee, to consist of the general chairmen of the subordinate divisions and the grand officers. It was directed to inaugurate a national movement for the standardization of wage rates and working conditions by agreement with the Railroad Administration or, in the event of the return of the railroads to private control, with the committee of general managers or any other designated agency of the railroads.⁴⁰ Federal control ended before this program could be completed, and the Telegraphers as a result did not secure a national agreement, but continued throughout to operate on the basis of the existing system agreements. Neither General Order No. 27 nor Supplement 13, nor any of the other orders of the Railroad Administration, had the status of agreements between the administration and the union. Thus while they superseded all conflicting provisions in existing schedules they did not abrogate them, nor were they, on the other hand, automatically incorporated in the schedules. This could be done only by specific agreement between the general committees and their own railway officials. It will be recalled that one of the factors that precipitated the insurgent movement of 1918 was the action of Perham, directing the general committees to negotiate settlements in accordance with the terms of Supplements 10 and 11.⁴¹ The terms of Supplement 21, which established working rules for previously unscheduled roads, were incorporated in written agreements between the general committees and the managements of the individual properties after specific instructions to that effect had been issued by the Director of the Division of Operation. Thus during federal control the negotiations with reference to the terms of employment were handled nationally, but the agreements incorporating these terms were still local in their scope.⁴²

For some time after the return of the railroads to private control there was very little direct dealing on major issues either locally or nationally. Demands and counter-demands were exchanged perfunctorily between the managing officials and the general committees on the individual roads in order to comply with the procedural requirements of the Transportation Act, but final decision was left to the Railroad Labor Board. While the various organi-

⁴⁰ *Convention Proceedings*, 1919, p. 307.

⁴¹ See above, pp. 37-40.

⁴² *Convention Proceedings*, 1921, pp. 28-30; 1924, pp. 4-5.

zations were polling their members on the issue of a strike against the wage reductions of 1921, the four train and engine service Brotherhoods approached the Association of Railway Executives with the proposal that it name a conference committee to meet with the Brotherhood leaders and if possible negotiate a direct settlement of all pending issues, both as to wages and working conditions. The Telegraphers did likewise, but, like the Brotherhoods, were directed to take the matter up regionally.⁴³ In each one of the regions the Brotherhood leaders were received in joint conference, but only in the West was this courtesy also extended to the Telegraphers. There they were received immediately following the conference with the officers of the Brotherhoods, and their overtures declined in the same terms as those of the Brotherhoods had been. In the Southwest the railway executives replied to the proposals of the Telegraphers that the issues should be handled either nationally or locally, but not regionally. In the East and Southeast they stated that it was the policy of the Association of Railway Executives that such negotiations should be handled locally.⁴⁴ This incident clearly revealed the unwillingness of the railway executives to deal with the Telegraphers over a wide area, whatever might be their practice as regards the stronger train and engine service Brotherhoods.

During the remainder of the life of the Labor Board there was a considerable degree of common action regarding major issues on both sides, but to the extent that there was collective bargaining on the issues it was confined to individual systems. When similar issues went to the Labor Board for adjudication from a number of roads the cases were ordinarily consolidated and disposed of in a single decision. Although the existence of the Labor Board to some extent delayed the reappearance of real collective bargaining, direct agreements were negotiated with increasing frequency after 1922 and by 1925 the decentralization of labor relationships had largely been accomplished, with few regrets on the part of the Telegraphers.

A TENTATIVE PLAN FOR REGIONAL BARGAINING

In the 1927 convention the project of regional bargaining was revived, and provision for such action was inserted in the constitution. The president was empowered to establish not more

⁴³ The railroads of the country are grouped for certain purposes in three territories: Eastern, Southeastern, and Western. At times a fourth, the Southwestern, is distinguished from the Western.

⁴⁴ O. R. T., *Circular Letter No. 19* (MS), August 23, 1921.

than six regions or territories and the general chairmen in each territory, with the approval of two-thirds of their respective committees, were authorized to constitute themselves as regional schedule committees under the direction of the president.⁴⁵

On June 13, 1928, President Manion convened the general chairmen and grand officers in St. Louis to discuss the project. He announced that he had adopted the same territorial grouping of the railroads into Eastern, Southeastern, Western, and Canadian, as that employed by the train and engine service Brotherhoods. He added that out of the 116 larger roads in the three territories in the United States only one had signified its willingness to join with the others in regional dealings, 68 had stated that they preferred to negotiate on a system basis as in the past, 36 had not definitely stated their positions, and 11 had not been approached.⁴⁶

A tentative set of rules to govern regional movements was submitted for consideration by the conference and was finally adopted with minor amendments. It was provided that when a majority of the general committees in a territory (covering also a majority of the scheduled positions) should elect to undertake a joint movement the general chairmen should act with the president as a regional schedule committee in drafting proposals covering wages and working conditions. The proposals were then to be referred to the several general committees or to a vote of the membership for ratification before submission to the railway executives' committee. Ratification of the proposition by a general committee or by referendum vote of the members would confer full power of representation upon the regional schedule committee and bind the division to abide by their action. A general committee which was not included in the movement at the beginning might join by accepting the proposals by the necessary two-thirds vote and complying with the rules governing joint action. Any contract negotiated by the regional schedule committee with the conference committee of railroad executives would be binding on the participating divisions. At the same time the president and general chairmen were to have the power to modify their proposition after conference with the managers if they deemed it necessary. The selection of a reduced committee to handle the actual negotiations was authorized, and it was provided that the expenses of the movement

⁴⁵ *Convention Proceedings, 1927*, pp. 314, 482-3; *Constitution, 1930*, Art. II, Sec. 6, 7.

⁴⁶ O. R. T., General Chairmen, *Minutes of Meeting, June 13, 1928*.

should be prorated among the participating divisions in accordance with the number of scheduled positions covered by each.

The question of attempting regional movements was then referred to the local chairmen constituting the general committees. It was pointed out that if the program were adopted by a division the local chairmen would thereafter pass on the tentative schedule after it had been drafted by the regional committee instead of participating actively in its preparation as in the past. They were advised also that if a majority of the local chairmen of a division failed to approve the tentative schedule their committee would be automatically removed from the movement and they might then negotiate separately and accept any settlement they deemed satisfactory.⁴⁷ This action left the decision on regional action up to the general committees in the different territories, and in view of the unpromising attitude of the railway executives there was little inducement to make an active attempt.

There is room for serious doubt as to the advantage to the organization in the plan of regional movements. Many of the considerations advanced by Perham in discussion of the project in 1913 apply with equal force today. At that time he remarked:⁴⁸

"In favor of the proposition the following considerations may be advanced: By grouping a large number of General Committees together it will save your officers thousands of miles of travel each year. . . . It will simplify their work because all schedules in a given district will be similar and the same line of argument will apply to each. There will not be anything like the number of negotiations to be handled, as four or five groups will cover the entire jurisdiction in the United States. The schedule negotiations will not come so close together, as it takes a year or more to get ready, or at least bring things to a focus. For instance, the Eastern Federated Board of the Brotherhood of Locomotive Firemen and Enginemen met in the city of Chicago, on February 15, 1912, and there formulated their requests to be presented to the respective managements of the Eastern roads. On April 23, 1913, one year and over two months afterwards, their case was brought to a termination by an arbitration award. Large bodies move slowly, and such delays are entirely unavoidable under the concerted action plan of procedure.

"The arguments against the proposal are as follows:

"The wages now paid telegraphers are too low to be considered as a standard, even on the best-paid roads.

⁴⁷ *ibid.*

⁴⁸ *Convention Proceedings, 1913, pp. 53-4.*

"Conditions differ so widely on roads, even in the same territory, that it would be a very difficult matter to standardize them.

"The difference in duties and responsibilities at stations, offices, towers and places, on one and the same road, is so wide and varied, that it seems necessary to consider each position by itself.

"The length of time between settlements, which cannot be avoided, would retard our progress.

"The percentage of increase gained under our present plan of operation, as a whole, is more favorable than any district movement has gained up to this time for any class of employes [*sic*]."

System bargaining enables the organization to concentrate its pressure, when seeking favorable changes in basic rules or wage rates, on the carrier which promises to put up the least resistance, and then to use the precedent so established as a lever in completing the cycle of negotiations with the other carriers. If it were to seek the same concessions from all the carriers acting as a group the union pressure would be spread over a wider area and at the same time the resistance would be massed. The train and engine service Brotherhoods have found it necessary more than once to return to system bargaining in order to complete a regional movement.⁴⁹ Furthermore if an important issue goes to arbitration the amounts involved do not seem to be so vast as when all the railroads in a territory are involved, and it may, as a consequence, be easier to secure a satisfactory award.

As a practical program for the Order the regional movement encounters not only the unwillingness of the carriers to deal on a regional or national basis, either because of reluctance to concede complete recognition or on account of the tradition of decentralized relations, but also the very serious technical difficulties incident to bargaining on a large scale for men working under non-standardized conditions. The nature and extent of these difficulties, and the efforts of the organization to cope with them, will be discussed at a later point.⁵⁰

The wage deduction of 1932, effected by national negotiations between representatives of the standard railroad organizations and the Willard committee does not, it seems safe to say, presage the permanent establishment of national dealing for the Telegraphers or, in fact, for most of the crafts. The issues in this case—a percentage wage deduction and certain general proposals relative

⁴⁹ As, for example, the movement by the Conductors and Trainmen in the Eastern Territory in 1910, or by the Engineers and Firemen in the West in 1924-25.

⁵⁰ See below, Chap. x.

to employment—were uniform for all roads and committees; hence no technical problems were involved. On the other hand the urgent need of the roads for an immediate settlement led them to accept the simplest way of disposing of the issue in a single joint conference and overrode the normal predilection for decentralization of labor relations.

4. *Cooperation with Other Crafts*

Thus far the consideration of union procedure in collective action has been confined to action by the Telegraphers independently of other crafts. All of the railroad organizations, however, have been stirred from time to time by the thought that joint action in the pursuance of common interests would enable them to deal much more persuasively with the opposition of railway managements. The first definite step in the direction of such cooperative action was the formulation of the Cedar Rapids Plan of system federation in 1893, by the Firemen, Conductors, Trainmen, Switchmen and Telegraphers.

The Cedar Rapids Plan authorized the establishment of a system federation on any railroad by mutual agreement of the general grievance committees or general boards of adjustment (equivalent to the present general committees) of two or more of the eligible organizations, namely, the Engineers, Firemen, Conductors, Trainmen, Switchmen and Telegraphers. Each organization was expected to handle its own grievances in the usual way up to the point where no recourse save a strike remained. A grievance might then be turned over to a *general federated board* composed of the general chairmen of the several unions party to the system federated agreement. If this board could not secure a satisfactory settlement the president of the aggrieved organization might call in the executives of the other organizations for a final effort at direct settlement. If this failed, a strike of all the federated organizations on the road might be declared by a two-thirds vote of the federated board with the *unanimous* approval of the union chiefs. The plan provided that a two-thirds vote of the members of a given craft on a railroad should be necessary to authorize their general committee to subscribe to a federated agreement, and that when this had been done the general chairman should have full authority to act for his own organization.⁵¹

A number of federated boards were established during 1893 and were called into action almost immediately to resist general

⁵¹ *Telegrapher*, IX (1893), pp. 26, 170-1, 433; X (1894), pp. 964-6.

wage reductions. On the Louisville & Nashville and the Denver & Rio Grande they were able to settle on the basis of a temporary reduction without other changes in basic rules. In the Northern Pacific case the wage reductions were limited, and a restoration of the Telegraphers' schedule secured, by federated action. The Lehigh Valley strike of 1894 was another instance of federated action.⁵² Federation was of especial advantage to the Telegraphers in that it brought them into closer contact with the older and more firmly established Brotherhoods, with their greater experience and prestige.

So favorably were the organizations impressed with the workings of federation on the roads where it was tried that in 1897 special committees were appointed by the conventions of the participating organizations, with the exception of the Engineers, with power to draft a plan of international federation which would provide automatically for joint action on every organized road. Such a plan was drawn up in a conference at Peoria, Illinois, October 12-14, 1897, and ratified by referendum vote of the membership of the several organizations, save the Telegraphers, whose committee had been given full power to act for the Order in the first place.⁵³

The new plan created the Federation of American Railway Employees, and lodged its general affairs in the control of an executive committee composed of the presidents of the member organizations. The heart of the agreement lay in the provisions covering the handling of grievances, which were substantially similar to those prescribed by the Cedar Rapids Plan. Each organization was to handle its own grievances up to the point where a strike was the only recourse. At that point the federated board for the system, composed of the general chairmen and secretaries of the several organizations, might be convened together with the union chiefs to hear a full statement of the grievance from representatives of the aggrieved union. If the board were convinced of the merit of the case, and further negotiations did not produce a settlement *acceptable to a majority of the board* it could then put the strike issue to a vote, each organization having a single vote. The approval of its chief executive was prerequisite to an affirmative vote by the representatives of any organization. If a strike were approved by vote of the federated board all of the

⁵² *Telegrapher*, IX (1893), pp. 396, 435; X (1894), pp. 58, 197, 253-5.

⁵³ *Convention Proceedings*, 1897, pp. 18-19, 98; 1899, pp. 20-21; *Telegrapher*, XIV (1897), pp. 801-3; XV (1898), pp. 3, 48, 179-80.

federated crafts were to strike together, with the leadership vested in the executive committee of the International Federation. A strike was to be terminated in the same manner as it was declared. If after a duration of two weeks there were disagreement as to its continuance the issue was to be settled by vote of the chairmen of the boards of trustees of the federated unions. The new plan became effective April 1, 1898, superseding the Cedar Rapids Plan.⁵⁴

It was predicted that the new federation would promote unionization and reduce discrimination as well as facilitate collective bargaining, but a year's experience produced a more restrained attitude regarding its advantages and within two years it was terminated by mutual consent. A circular letter issued by the union chiefs explained that there had been some difference of opinion as to the class of cases appropriate for joint action. Federation was found to require action by all the crafts on issues which at the time at least concerned but one, and in such cases there was natural reluctance on the part of those not directly affected to take extreme action. Inasmuch as the failure of the board to call a strike was held to estop a single organization from proceeding with a strike on its own account, there was no recourse if a federated board failed to sustain the aggrieved committee. The Telegraphers complained especially of the failure of the other crafts to give them the backing they thought themselves entitled to in disputes with the Colorado & Southern and the Norfolk & Western in 1898-99. Thus there was not only some feeling on all sides that federated boards had occasionally let down one or other of the organizations in a legitimate grievance but also the fear that in anticipation of a conflict of interests among the crafts the railway officials might at times refuse concessions which would be granted if the group demanding them were free to strike.⁵⁵

The unfortunate experiences with federated action were not numerous but revealed a weakness in the plan which had not been present in the Cedar Rapids Plan, namely, that joint action was mandatory on all roads regardless of local conditions, whereas the earlier plan had applied only where actually desired by the employees concerned and had been terminable at will. Even the Cedar Rapids Plan, however, exhibited some of the difficulties outlined above, and seems to have achieved its early success largely because

⁵⁴ *Convention Proceedings*, 1899, pp. 20-21; *Telegrapher*, XIV (1897), pp. 801-3.

⁵⁵ *Telegrapher*, XVII (1900), pp. 13, 101-3.

the issues were more general and affected all of the organizations in about the same degree, as did the general wage reductions on the Louisville & Nashville, the Denver & Rio Grande, and the Northern Pacific in 1893-94. In the Colorado & Southern case, which affected the Telegraphers alone, the results under system federation proved quite disappointing.

There were many roads on which the general committees had found it possible to work jointly and were desirous that some form of machinery to cover such action be continued. To this end a new agreement was concluded on June 25, 1901, by the executives of the five organizations which set up a procedure in handling grievances much like that established by the old Cedar Rapids Plan. In the two years following, the Telegraphers became party to system federated agreements on at least ten roads.⁵⁶ With the adoption of regional action as the normal basis of bargaining on primary issues by the train and engine service Brotherhoods after 1902 it was no longer possible for the Telegraphers to cooperate with the other organizations except in the adjustment of individual grievances, and as a result such action did not play an important part in the subsequent progress of the Order.

Following the organization of the Railroad Employees' Department in 1908, the 1909 convention of the Order voted to withdraw from all other forms of federation in favor of affiliation with the Department.⁵⁷ The aims and methods of the Department, until its reorganization in 1912, were, however, much more general than those of the Cedar Rapids or Peoria Plans, stressing political, legislative, and social objectives rather than protective action.⁵⁸ By its withdrawal from the federated agreements with the Brotherhoods in 1909 the Telegraphers lost the right of entry to their system cooperative agreements. There were, however, a few instances of informal cooperation, and in June 1914 the Brotherhoods amended the plan so as to permit the admission of other unions to participation.⁵⁹ By 1919 the Telegraphers were included in cooperative agreements on about thirty roads, but joint action was confined, so far as they were concerned, to the handling of individual grievances, and they had no part in any general movement such as the eight-hour movement of 1916.

⁵⁶ *Convention Proceedings*, 1900, p. 109; 1901, pp. 36-7; 1903, p. 35; *Telegrapher*, XVIII (1901), pp. 608-9, 1094; *Railroad Gazette*, XXXIII (1901), p. 273.

⁵⁷ *Convention Proceedings*, 1909, pp. 18, 28, 160, 173, 179, 182-3.

⁵⁸ *ibid.*, 1913, pp. 21-31.

⁵⁹ *ibid.*, 1915, pp. 24-6; 1921, pp. 26-7.

The great similarity of interests of all the railroad unions in current wage negotiations and legislative action in the early months of 1920 led naturally to the creation of an offensive-defensive alliance of all the recognized railway unions except the Locomotive Engineers. The cooperative agreement of February 10, 1920, lodged the direction of the general movement in the hands of a conference committee made up of the chief executives of the several unions or their accredited representatives and required that all matters of policy affecting the general movement be laid before the conference before action was taken. Individual unions or groups were not limited as to separate action, but could command general support only with the approval of the conference committee. Organizations which proposed to act independently were expected to give due notice of their intention and to furnish information from time to time to the committee. In case of concerted action the strike ballots were to be prepared and approved jointly, and no stoppage of work was to occur until the strike laws of the several organizations had been complied with. To give the alliance organic form a chairman, secretary-treasurer, and executive committee of five or more members were to be elected.⁶⁰

Throughout 1920 the standard unions continued to work together on general issues, and they cooperated in the Atlanta, Birmingham & Atlantic and Missouri & North Arkansas strikes of 1921. In 1921, however, it became clear that the pressure for wage reductions and revision of working rules was unequally distributed, and the train and engine service organizations would not agree to cooperation in dealing with the forthcoming wage decision of the Labor Board. The Telegraphers' general chairmen authorized Manion to sue for admission to cooperation with the four Brotherhoods on a national scale after having decided to follow them in whatever action they took. The Brotherhood chiefs replied that the only *legal* plan of cooperation was the system cooperative agreement, to which the Telegraphers were already a party on more than thirty roads, and that no formal agreement existed among the Big Four which bound them to act jointly on a national scale. Nevertheless the four met separately from the other unions and drafted a joint program of their own.⁶¹

When the chief executives of the standard unions met in Chicago on October 11 to discuss the results of the strike votes

⁶⁰ *Telegrapher*, XXXVII (1920), pp. 281-3; *Convention Proceedings*, 1921, pp. 9-10.

⁶¹ O. R. T., *Circular Letters* (MSS), July 27, 1921, and August 13, 1921.

polled by their respective organizations, the proposal of joint action was again advanced. The Brotherhood chiefs announced that while they intended to act as a group they would not bind themselves to withhold settlement until the rest had secured satisfactory terms. Ultimately the other crafts, with the exception of the Telegraphers, withdrew their plans for a strike. The Telegraphers based their program on the plans of the Brotherhoods, but arranged to have their strikes begin two hours later on each road so that the strike orders could be withdrawn at the last minute if the Brotherhoods cancelled theirs.⁶²

After the intervention of the Labor Board and the withdrawal of the strike orders, the Brotherhood executives recognized the expressed desire of the Order to align itself with them, and gave assurance that it would be admitted to national cooperation in any future general wage movement should it so desire.⁶³ No occasion for such action arose. In 1922 the Brotherhoods were not involved in the general wage proceedings before the Labor Board, and the Telegraphers themselves escaped a reduction. Since then the difference in area of collective bargaining has made joint action with the Brotherhoods on primary issues impractical and unnecessary.

The conference committee of union executives formed in 1920 has been maintained since then as an agency for the discussion of issues of common concern. In May 1926 it was officially constituted as the Railway Labor Executives' Association.⁶⁴ It had a hand in the negotiations leading up to the enactment of the Railway Labor Act in 1926 and in the attempt to establish regional boards of adjustment under the terms of the Act. During 1930 and 1931 it gave active consideration to the problems of unemployment in the railroad service and developed a program which it endeavored, without success, to take up in joint conference with the railroad executives. With the development of the movement for wage reductions in the fall of 1931, however, the Labor Executives' Association became an active bargaining agency, and was ultimately given full power by the several organizations, including the Telegraphers, to handle the wage and unemployment issues to a conclusion. In the joint national negotiations of December 1932, which resulted in the extension of the Willard wage-deduction agreement, the general chairmen of the different organizations

⁶² O. R. T., *Memorandum to General Chairmen assembled at Chicago* (MS), October 21, 1921; *Strike Instructions* (MS), October 24, 1921.

⁶³ *Circular Letter* (MS), November 23, 1921.

⁶⁴ *Convention Proceedings, 1927*, pp. 73-4.

METHODS OF COLLECTIVE ACTION AND BARGAINING 137

were convened, but the final negotiations were handled by the union chiefs acting as a sub-committee for the general chairmen. These instances of joint action on a national scale, impressive as they are, do not necessarily presage an era of harmonious joint action by all the railroad unions in collective bargaining on a national scale. As in 1920 joint action on both sides was called forth by an unusual situation in which a single dominant issue cut across craft lines and established a strong but temporary bond of interest. Save on issues of the greatest common interest or in the face of grave common emergency disruptive forces and preoccupation with the concerns of the particular craft make cooperative action by all of the standard organizations little more than an illusive dream.⁶⁵

⁶⁵ *Telegrapher*, XLIX (1932), pp. 7-10, 82-98.

CHAPTER VIII

EXPERIENCE WITH MEDIATION, ARBITRATION, AND COMPULSORY INVESTIGATION

IN THE experience of the Order of Railroad Telegraphers with governmental machinery for the adjustment of labor disputes two distinctive features stand out. In the first place the Order was the only union outside of the train and engine service to be covered by the federal laws relating to railway labor disputes prior to the War; therefore its experience covers a wider range of time and conditions than that of the other miscellaneous unions or the shop-craft organizations. On the other hand, as the Telegraphers did not follow the lead of the Brotherhoods in the direction of regional movements before the War their experience with, and attitude toward, the Erdman and Newlands Acts, and the arbitral processes which they embodied, has differed materially from that of the more powerful transportation unions.

During the '90's the leaders of the Order, as well as the heads of the other railway unions, strongly favored mediation and arbitration as methods of settling labor disputes; they had, under the existing conditions, everything to gain and very little to lose. The Telegraphers' position was, in fact, based on favorable experience with mediation in the settlement of the Burlington, Cedar Rapids & Northern, Lehigh Valley, and Canadian Pacific strikes, and the Colorado & Southern trouble, as well with voluntary arbitration on the Grand Trunk in 1899.¹ Of the latter case President Powell said in his report to the convention of 1899 that: "The successful adjustment of this case has raised the standard of our organization not only in Canada but in the United States, and has given us a prestige and standing which is of great value."² From 1895 on the Telegraphers, in company with the train and engine service organizations, actively championed federal legislation for the settlement of railway labor disputes. In a joint letter addressed to the chair-

¹ In the negotiations preceding the Santa Fe strike in 1900 the railroad officials once demanded that the Telegraphers agree to arbitrate all issues before taking them up for discussion. The general committee objected but Dolphin, the acting president, overruled it. According to the union story the final break came because the company refused either to negotiate on, or arbitrate, certain of the working conditions. *Convention Proceedings, 1901*, pp. 18-28.

² *ibid.*, 1899, pp. 65-6.

man of the Senate Committee on Education and Labor in 1898 the grand chiefs of the five unions said:³

"The railway labor organizations represented by us are earnestly in favor of arbitration in disputes between railway companies and their employees. . . .

"It is an essential part of any practical plan of arbitration that some federal officer shall be charged with the duty of taking cognizance of an existing controversy between employees and the railway company at the outset, and endeavoring to conciliate or act as mediator with a view to securing prompt adjustment of the difficulties. In case of failure along that line such officer should endeavor to persuade the parties to adopt arbitration as the method of settlement, and to do so before severance of the relations of employer and employee through declarations of war by either party."

In the same vein the five executives stated, in reply to an inquiry from the United States Industrial Commission in 1899:⁴

"Our experience with arbitration has been such as to commend it to our favor. We are at all times ready to accept it in its full spirit as a means of settlement of disputed points. Its effect, where tried, has been to establish more firmly feelings of confidence between men and the officers in charge."

I. *Mediation and Arbitration under the Erdman and Newlands Acts*

The Erdman Act of 1898⁵ was for constitutional reasons restricted in its application to disputes arising between interstate carriers and employees actually engaged in the operation of trains. The close connection between the work of the telegraphers and the movement of trains brought them within the scope of the law. The act provided that where a dispute threatened to result in a serious interruption of interstate commerce the chairman of the Interstate Commerce Commission and the Commissioner of Labor should proffer mediation on request of either side, and select the neutral arbitrator in case the two parties had agreed to arbitrate but could not concur on a third man. It also provided that pending an arbitration award no change should be made in the situation which existed just prior to the dispute, and that the award should be binding on both sides for three months, and enforceable by equity proceedings. Exceptions to an award on points of law might

³ *Telegrapher*, XV (1898), pp. 202-3.

⁴ *Convention Proceedings*, 1899, p. 28.

⁵ 30 Stat., 55th Cong., 2d sess., ch. 370.

be taken to the federal courts, and until they were disposed of the entire award was to be suspended.

Not until 1907, when the general committee and managing officials of the Western lines of the Southern Pacific agreed to arbitrate four contested points, did the Telegraphers have recourse to the hitherto practically unused procedure of the Erdman Act. In this case both sides took appeals to the courts from certain points in the award, but after long delays finally compromised the issues. This experience, in which the organization was indefinitely deprived of the concessions granted by the arbitrators pending the adjudication of the disputed points, demonstrated the impracticability of the appellate provisions of the law, and most subsequent arbitration agreements incorporated a specific waiver of the right of appeal.⁶

Of the 61 cases which came under the Erdman Act in the next seven years, 17 involved the Telegraphers. In 11 of the 17 the dispute was submitted jointly; in 2 the company acted alone, and in 4 the union acted alone. In 13 of the 17 cases an amicable settlement resulted—in 6 by mediation alone, in 4 by mediation and arbitration, in 2 by arbitration alone, and in 1 by direct agreement. In the 4 cases submitted by the Telegraphers alone the railway officials rejected mediation on the ground that no serious interruption of commerce was threatened. The 2 cases submitted by the company alone came from the Southern Railway; in neither was there any objection to mediation by the men, and in both an amicable settlement resulted.⁷

In 1913 Congress passed the Newlands Act⁸ in an effort better to adapt the arbitral processes to the handling of the joint regional movements which had by then become the characteristic mode of action by the four train and engine service organizations. The new developments, which were chiefly administrative and formal, left the essential processes of mediation and arbitration unchanged. Of the 148 cases which were referred to the Board of Mediation and Conciliation in the six years ending June 30, 1919, 56 affected the Telegraphers. In 41 of these the submission was made by the union, in 2 by the company, in 9 by both parties jointly, and in 4 the Board intervened on its own initiative. The large number of cases submitted by the employees alone under the Newlands Act,

⁶ C. O. Fisher, *Use of Federal Power in Settlement of Railway Labor Disputes*, pp. 31-2.

⁷ C. P. Neill, *Mediation and Conciliation of Railway Labor Disputes in the United States*, pp. 44-57.

⁸ 38 Stat., 63rd Cong., 1st sess., ch. 6.

as compared with the Erdman Act, does not seem to indicate that the roads were less willing to accept mediation, but may possibly reflect a more general acceptance of mediation as a normal phase of importance schedule negotiations. In 40 of the 56 cases settlements were secured; in 29 by mediation, in 9 by mediation and arbitration, and in 1 by direct agreement. In but one case the carrier refused mediation or arbitration; the remainder were withdrawn because the railroads concerned had been taken under federal control.⁹

Although the train and engine service Brotherhoods manifested increasing dissatisfaction with the results of arbitration, and finally refused to arbitrate their demands in the eight-hour movement of 1916, the Telegraphers found little fault with their experience under either the Erdman or the Newlands Act. Unlike the Brotherhoods they continued to deal with the railroads on a system basis, so that in any arbitration the issues were few, comparatively simple, and capable of settlement and application within a few weeks. Consequently there were fewer exasperating delays and perhaps less difficulty in securing wage concessions from the arbitrators, inasmuch as large sums were seldom directly at stake. There were, to be sure, some arbitration awards which although they directly involved only a single road nevertheless decisively affected the trend of pending negotiations all over the country, as for example, the New York Central-Nickel Plate and Rock Island arbitrations of 1916 and 1917. Of course it is possible that the Telegraphers, lacking the economic power of the Brotherhoods, were constrained to accept relatively less substantial concessions as satisfactory.¹⁰

At any rate Perham, appearing before the Senate Committee on Interstate Commerce in 1917 in opposition to proposed amendments to the Newlands Act was able to say of past experience:¹¹

"The proof of the pudding is in the eating thereof. As far as the Telegraphers are concerned they have gained much by mediation, conciliation, and arbitration, and are therefore willing to go along with the present law. As to the proposed compulsory-arbitration laws it is our view that they are illogical, inconsistent, unconstitutional, and will be altogether undesirable to the free workers herein represented."

Likewise, in commenting upon current criticism of the Newlands

⁹ U.S. Board of Mediation and Conciliation, *Report*, 1913-19.

¹⁰ See above, pp. 28-9.

¹¹ U.S. Sen. Comm. on Interstate Commerce, *Government Investigation of Railway Disputes*, 1917, pp. 289-90.

Act in his report to the convention of 1917 Perham remarked:¹²

"As a matter of fair treatment such adverse criticism should be directed against concerted action wherein the grievances on many different systems of railroads are grouped and treated as one. . . . Take for instance a case where nearly one hundred railroads were involved and a general increase in wages demanded, the variant conditions included many small railroads where the wages were inordinately low, and many large railroads where the wages were much higher. It was natural enough for the Arbitration Board to award an increase in wages to the low-paid men (which alone involved a very large sum of money) and leave the higher wages as they were, although all needed an increase. Again the area covered by the negotiations was so vast, the conditions so complex that no one person could comprehend the result of a lump-sum award, and for the same reasons neither could the six members of the Arbitration Board. The situation is entirely different where only one railroad is involved, for the reason that it is much easier for the Board to render a just and comprehensive award or series of awards.

"Let us direct adverse criticism to the feature that deserves it, and refrain from condemnation of a system that under right and proper usage would minimize strikes, wars and other trials of fighting strength and skill."

2. Methods of Settlement under Federal Control

The revolutionary changes in methods of handling both primary and secondary issues introduced under federal control have already been outlined.¹³ The Board of Railroad Wages and Working Conditions and the three Boards of Adjustment, as well as the special committees set up to negotiate on working rules, were all two-sided groups, with equal representation and equal voice for the railway managers and the employees.¹⁴ Since all the members of each board were drawn directly from the railroad service they were presumably qualified to understand the implications of technical issues and dispose of them on a workable basis. The absence of a group of neutrals likewise placed a premium on direct settlement and gave no opportunity for playing for outside support.

¹² *Convention Proceedings, 1917, p. 8.*

¹³ See above, pp. 32-6.

¹⁴ Such a method of adjusting disputes had been advocated by Brotherhood officials in 1917 in preference to existing or proposed forms of arbitration, and was actually embodied in the Commission of Eight set up March 19, 1917, to pass on contested points in the application of the basic eight-hour day in the train and engine service. U.S. House of Rep., Comm. on Interstate and Foreign Commerce, Hearings on H.R. 19730 (1917), 64th Cong., 2d sess., pp. 54-5; Walker D. Hines, *War History of American Railroads*, pp. 156-7, 163.

Inasmuch as the findings of the various boards were subject to review by the Director General there was no need for special means of breaking deadlocks or added representation of the public interest.

The creation of Board of Adjustment No. 3 was for the Telegraphers one of the most significant developments of the entire period of federal control. There had been, before that, no authority beyond the higher officers of the individual road to whom a grievance could be taken peacefully, so that if the final decision of these officials were adverse the general committee had to acquiesce or poll a strike vote. The railway executives ordinarily regarded the interpretation of the schedule as their own prerogative, and where a conflict of opinion arose as to its meaning the general committees frequently found difficulty in settling the point without having the entire schedule opened up for negotiation. The managements were likewise accused at times of misapplying arbitration awards, and even the provision of the Newlands Act that an arbitration board might be reconvened to interpret its award did not completely eliminate this source of grievance. With the creation of the adjustment board it became possible to secure a change in venue and a more or less dispassionate handling by conferees not directly involved in the dispute at hand. As a result many grievances of a sort that had previously gone unsettled because they could not, individually, be made the basis of a strike threat now could be disposed of through regular channels.

In its active career of some twenty-seven months Board of Adjustment No. 3 handled upwards of a thousand cases, of which more than two-thirds involved the Telegraphers. The preponderance of cases affecting the Order was largely due to the fact that the other crafts covered by the Board were much less thoroughly organized than the Telegraphers. From the union point of view the virtue of this process of adjustment was that it gave the organization a voice not only in the determination of the general conditions of employment but also in their application to specific and sometimes to unforeseen situations. Many railroad officials failed to share the enthusiasm of the organization. They charged not only that the existence of the adjustment board impaired discipline by encouraging committees to go over the heads of their own railroad officials, but also that the board had in numerous instances extended the application of the general wage orders far beyond

their original intent.¹⁵ After the termination of federal control this attitude crystallized in the demand for the "decentralization" of labor relations and steadfast opposition to the creation of either regional or national adjustment boards with the Telegraphers or other miscellaneous organizations.

3. *The Transportation Act of 1920*

The Transportation Act of 1920 attempted a new departure in the handling of railroad labor disputes.¹⁶ It created a permanent Railroad Labor Board, tripartite in form, with equal representation of the railroad managements, the employees, and the public at large. The Board was empowered to take up disputes involving both primary and secondary issues, and even to review settlements reached by direct agreement if in its opinion they threatened to necessitate substantial rate readjustments for any carrier. However, no provision save the force of public opinion was made for the enforcement of the decisions of the Board. In essence the law contemplated the compulsory investigation of labor disputes on the railroads by a permanent commission, with no provision for either mediation or arbitration. It authorized, but did not require, the creation of adjustment boards by direct agreement between the railroads and the unions for the handling of secondary disputes.

All the railroad unions bitterly opposed the enactment of the new law as a cumbersome system of compulsory arbitration, and enumerated a long list of technical shortcomings in its provisions.¹⁷ Whatever might have been the fortune of the Labor Board had it been able to confine its attention to major issues, its task was rendered impossible by the failure of the railroads and the unions to agree on the creation of adjustment boards for the

¹⁵ Walker D. Hines, *op. cit.*, pp. 155-9. In A. R. E., Conference Committee, *Statements*, IV (February 2-3, 1921), pp. 22-110, 135-6, is an extended attack on Board of Adjustment No. 3 as regards rulings relative to the telegraph service.

¹⁶ Title III contained the labor provisions. 41 Stat., 66th Cong., 2d sess., ch. 91.

¹⁷ The memorial addressed to Congress on February 20, 1920, by the standard organizations included the following among others: (1) that the method of nominating labor candidates for the Board gave equal weight to the subordinate officials and the standard unions, although the former constituted but 5 per cent of those under the jurisdiction of the Board, so that conceivably "labor" members might be named by the President who would be neither representative of, nor acceptable to, the great majority of employees; (2) that the requirement that Board members have no connection with the roads or the unions excluded those most competent to deal with the issues; (3) that six of the nine members represented interests other than labor and presumably would resist wage increases; (4) that the power of the Board to review decisions or direct agreements which might affect rates would open the door to arbitrary interference with direct dealing. Quoted in *Telegrapher*, XXXVI (1920), pp. 302-8.

settlement of secondary disputes. The union proposal for the continuation of the national boards of adjustment was rejected by the management conferees in the joint conferences of March 1920, and in subsequent negotiations later in the year. None of the organizations, on the other hand, was willing to accept the system boards suggested as an alternative by the spokesmen for the railroads. Eventually some of the roads consented to the formation of adjustment boards with jurisdiction extending beyond the individual road for the train and engine service organizations, but the Telegraphers and other crafts were not able to make any headway in this direction.¹⁸

The result was that large numbers of secondary disputes were referred to the Labor Board. The Board attempted to cope with them by resolving itself into three bureaus, each one to handle disputes affecting one of the three general groups of railroad employees. Nevertheless it quickly became swamped in a mass of detail, and interminable delays became the rule. During the six and a half years of its life the Board rendered decisions in about four thousand cases, of which nearly three hundred and fifty affected the Telegraphers. Of these not more than forty involved general issues; the remainder were concerned with such issues as changes of classification and the abolition of positions, the application of rates and rates of pay to specific situations, discipline, hours and overtime, seniority, and the like. In other words more than 85 per cent of the cases involving the Telegraphers should properly have been handled by an adjustment board.

From the union point of view this situation quickly became intolerable because the long delays deprived even favorable decisions of much of their force. Where the cases were appeals from positive actions of railway officials, such as discharges or suspensions, denial of seniority rights, reclassification of positions, or reductions in pay, the objectionable conditions remained in effect pending decision. Delays in the adjudication of the appeals alienated the members, exasperated the committees, and kept relations with the employing roads embroiled. In some instances committees allowed grievances to go unsettled because an appeal to the Board would increase the difficulty of further direct negotiations on the issues.

Even in the case of primary issues much dissatisfaction attended

¹⁸ *Convention Proceedings*, 1921, pp. 18-19; *Telegrapher*, XXXVII (1920), pp. 450-1; *Railway Age*, LXIX (1920), pp. 495-6, 958, 1107-9, 1142; LXX (1921), pp. 79, 411, 451-2.

the application of the rules on the individual roads. Following a survey of variations in the interpretation of Decision 757 President Manion declared:¹⁹

"No central tribunal can write a rule which cannot be misinterpreted. Rules must be written by the managements and the committees, then both know what they mean. The United States Railroad Labor Board should confine their decisions on rules governing working conditions to a statement of principles to be embodied in rules."

Not only did this significantly predicate a return to decentralized collective bargaining but also reemphasized the inherent difficulties of the arbitral process in the drafting of technical working rules.

Another source of intense dissatisfaction to the Order was that whereas decisions favorable to the carriers were instantly put in effect there was no compulsion upon the roads to apply decisions favorable to the union. In some instances, of which the Atlanta, Birmingham & Atlantic, Erie, Pennsylvania, and Reading cases were typical, the decisions of the Board were ignored and the Telegraphers had but the empty recourse of petitioning the Board for a rehearing and a second decision holding that the first had been violated. While the law assumed that public opinion would bear equally upon both sides the Telegraphers felt that it had in fact been marshalled much less effectively against the Pennsylvania in its repeated defiance of the Board than against the unions in the more spectacular situations called forth by the threatened strike of 1921 or the shopmen's strike of 1922.²⁰ Nevertheless the alternative of a board empowered to enforce its decisions would have been even more objectionable to all of the organizations, because of fear of domination by interests unfriendly to themselves.

In fact the Board, quite apart from weaknesses in personnel and the inevitable unpopularity incident to its part in the deflation of war-time concessions to labor, exhibited two fundamental weaknesses. The lack of power to enforce its decisions tempted both the railway executives and the unions to forgo any real effort to reach a direct settlement and instead to attempt to line up the public members on the Board in a favorable decision, knowing that they could still resume collective bargaining if the outcome were adverse. This tended not only to undermine the prestige and influence of the Board but also to retard the restoration of true collective bargaining on the issues. In the second place the permanence of

¹⁹ *Telegrapher*, XL (1923), p. 333.

²⁰ Particularly the Resolutions of June 29, 1922, and July 3, 1922, III R. L. B. 1137-40.

the Board militated against its usefulness. In theory it should have enabled the members to become versed in the handling of technical issues and so overcome the long-standing objection to uninformed neutrals on a board of arbitration. Unfortunately, however, adverse decisions were naturally attributed to partisan bias on the part of the members of the Board who voted adversely, and the suspicion of prejudice became more and more powerful as the positions of individual members were noted in successive decisions affecting the Order. The abolition of wage adjustments made during federal control on roads having the twenty-six-day month, and the removal of supervisory agents from the Telegraphers' schedule in the Reading case, for example, were regarded as deliberate attacks on the Order and evidence of animus against the organization on the part of public members on the Board.²¹ In any case it is evident that the burden of suspicion seriously impaired the permanent usefulness of the Board. Such a disadvantage did not attach to the ordinary board of arbitration or conciliation under either the Erdman and Newlands Acts, or the Canadian law, because the board handled only a single dispute and a member suspected of unfairness in one case could be rejected if proposed for a later board.

Although accused of being a tool of the railroad interests the Labor Board was of comparatively little use to them after the deflation of wages had been accomplished in 1922. In fact, so long as it continued to exist it interfered with the complete restoration of local dealing on both primary and secondary issues which had been extolled by railroad executives. Long delays in the adjustment of grievance cases merely prolonged the friction between the employees and the roads, and impaired the morale. Furthermore, the decisions of the Board did much to preserve, and even in some instances to extend, the standardization of working conditions.

4. *The Railway Labor Act, 1926*

As early as 1922 the train and engine service organizations proposed the creation of new machinery to replace the Labor Board. The Telegraphers and other organizations quickly lent the project official support. In the end the movement commanded the cooperation of the railway executives and led, in 1926, to the passage of the Railway Labor Act.²²

²¹ See below, pp. 186-7, 233-6; also *Convention Proceedings, 1927*, pp. 34-6.

²² 44 Stat., 1st sess., ch. 347.

The new law was essentially a further development of the Newlands Act. Like the earlier act it created a permanent Board of Mediation with power to proffer its services whenever direct agreement could not be reached by any group of railroad employees and their managing officials. It also provided for arbitration by boards of either three or six members at the will of the parties. The most important addition was a provision for the appointment of an emergency board of investigation at the discretion of the President of the United States in case the disputants refused to arbitrate and serious trouble threatened to develop. Pending the report of the emergency board, which was to be rendered within thirty days, no change could legally be made by either party, save by mutual agreement, in the conditions out of which the dispute arose. The law also called for the creation of adjustment boards to deal with secondary disputes but did not specify whether they should be national, regional or local.

The unions at once proposed that regional boards of adjustment be set up for four general groups of employees: (1) transportation, (2) maintenance of equipment, (3) maintenance of way and station service, and (4) marine. The Telegraphers were tentatively classified with six other organizations in the transportation division. Attempts to put through this program encountered a general refusal on the part of railroad executives to consider the inclusion of Dispatchers, Telegraphers or Switchmen in the jurisdiction of proposed regional boards for the transportation group. In January 1927 the union executives authorized the four train and engine service Brotherhoods to go ahead separately, and thereafter the Telegraphers acted alone. In 1928 they attempted to bring the matter to a head by presenting demands for the formation of a national board of adjustment for themselves alone, but this proposal was uniformly rejected by the carriers. Finally, in February 1929 the general chairmen decided to accept system boards, without, however, any great faith in their efficacy. By June 1930 such boards had been established on thirteen roads.²⁸

The objection of the organization to system adjustment boards was mainly that if a general committee were unable to settle a dispute directly with the managing officials little would be gained by simply reconvening the two sides as an adjustment board, and that if the jurisdiction of a board were broadened to cover a number of crafts it would diversify the interests on the employees' side

²⁸ *Convention Proceedings, 1927, pp. 40-7; 1930, pp. 10-19.*

but still leave a united front on the side of management. On a board covering several roads and a variety of crafts, on the other hand, a majority of the conferees on both sides would have no immediate interest in the dispute at issue and so might more easily reach a dispassionate settlement.²⁴

In the four years ending June 30, 1930, the Board of Mediation reported that approximately 212 cases had been adjusted by mediation, 63 by arbitration, and that 132 had been withdrawn. The Telegraphers were involved in 33 of the settlements by mediation, 11 of the arbitrations, and in 16 of the cases withdrawn.²⁵ The Telegraphers have found the machinery of mediation and arbitration under the new law adequate to their needs, confined as they still are to dealing with the individual railroad system, and there have been no cases of compulsory investigation. The chief change from the situation which prevailed under the Erdman and Newlands Acts is that mediation may be, and now frequently is, requested at an earlier stage in negotiations, whereas formerly this could be done only after a strike vote had been polled. Cases withdrawn from mediation reflect direct settlements reached while waiting for mediation.

5. *Machinery for the Adjustment of Labor Disputes in Canada*

The first Canadian legislation dealing with the adjustment of labor disputes was the Railway Labor Disputes Act of 1903. It authorized the Minister of Labor, on his own motion or at the request of either party to a dispute, to establish a special committee, consisting of one representative of each side and a neutral third member, to mediate the case. If mediation failed the Minister of Labor might then authorize the committee to draft a report to be served on the parties and published. There was no legal compulsion to abide by the terms thus proposed. The Grand Trunk case of 1904-05 was the only one to come up under this law; in it the management refused to accept the report of the board, but finally assented to a compromise settlement after the Telegraphers began preparations for a strike.²⁶

²⁴ Statement of E. J. Manion to the author.

²⁵ U.S. Board of Mediation, *Annual Reports, 1927-30*. These statistics are only approximately accurate because there is some overlapping in the tabulations from year to year, but they reflect the relative situation fairly well. In June 1930 only eight arbitrations had actually been completed, three were pending, and two others had apparently been allowed to lapse.

²⁶ Canada, Department of Labour, *Annual Report, 1905*, pp. 63-80.

The Industrial Disputes Investigation Act of 1907 extended the application of the earlier law and amplified the procedure of mediation and investigation. It prohibited any change in the conditions out of which a dispute arose, or the declaration of a strike or lockout until after a committee of conciliation and investigation had reported on the issues. Such reports were not enforceable at law unless the parties had previously agreed to accept them as binding.

The train and engine service organizations and the Telegraphers strongly opposed the passage of the law because of the restrictions on the right to strike. However, they quickly discovered that the penal provisions of the act were not being rigorously applied, and the experience of the Order with five cases under the law in 1906-08 resulted in an official endorsement of its operation.²⁷ In 1913 the Telegraphers withdrew from the Canadian Trades and Labor Congress largely because the latter was demanding the repeal of the law. In that year the Canadian vice-president of the Order said:²⁸

"It was shown that although we had received some adverse decisions from the boards, yet these had not been any material disadvantage to us, and that on the other hand we had obtained many very valuable concessions through these boards. Several instances were shown where, owing to the company's anxiety to avoid an investigation by a board, satisfactory settlements had been made which would otherwise have been decidedly more difficult."

In 1921 the railroads put in effect wage reductions similar to those authorized by the Railroad Labor Board in the United States without first referring the case to a board of conciliation and investigation. The employees protested that this was a violation of the terms of the Industrial Disputes Investigation Act but discovered that the law provided no penalty. An amendment designed to remedy this defect was introduced in the Federal Parliament in 1923 and was finally adopted in 1925.²⁹

The attitude of the Telegraphers toward the Canadian law, which includes provisions for compulsory investigation, is in sharp contrast to its hostility to the investigatory machinery set up by the Transportation Act of 1920. Under the Canadian law, how-

²⁷ *Convention Proceedings*, 1907, p. 107; 1909, pp. 98-9; 1913, p. 148; B. M. Squires, *Operation of the Industrial Disputes Investigation Act of Canada*, pp. 6-7, 138-9.

²⁸ *Convention Proceedings*, 1913, pp. 146-7.

²⁹ Canada, Dept. of Labour, *Annual Report*, 1922, p. 22; 1924, pp. 41-6; 1925, pp. 30-2.

ever, mediation played an important part, while the Transportation Act made no provision for it. Furthermore, the selection of a separate board of investigation for each dispute likewise gave protection against partiality or prejudice and prevented the building up of a cumulative burden of suspicion or distrust such as attached to the Labor Board. This was more than sufficient to outweigh the inevitable delays incident to organization, the lack of technical experience on the part of neutral members, and the difficulty of securing interpretations of awards once drafted. The limitations placed on strikes and boycotts which had been the principal cause of opposition in the first place, did not prove to be serious impediments to effective union action.

Undoubtedly the creation of Canadian Railway Board of Adjustment No. 1 by agreement between the Canadian Railway War Board and the leading railway organizations materially reduced the strain on the existing machinery for the adjustment of disputes by providing a regular channel for the handling of secondary issues.⁸⁰ On April 21, 1921, the life of this adjustment board was extended indefinitely by agreement between the Canadian Railway Association and the six participating unions. By June 1930 the Board had handled nearly 360 cases, of which possibly 20 per cent involved the Telegraphers.⁸¹ Its existence enabled the Canadian committees to adjust a majority of their secondary disputes without reference to the national organization and largely eliminated the necessity for conciliation and investigation save in primary negotiations. This has unquestionably reduced the need for a permanent staff of mediators in Canada. In 1927 G. D. Robertson, third vice-president of the Order and war-time Minister of Labor in Canada, said of the Board:⁸²

"Both parties to the Agreement have found it useful and satisfactory. During the nine years of its existence 289 cases have been submitted to it for investigation and decision. Over all that period every decision has been accepted in good faith by both parties, and in a substantial majority of the cases the employees' contentions were sustained. . . . About 65,000 employees have access to the service of this court rendering a fair, prompt and intelligent adjustment of all grievances, impossible of settlement by direct negotiations between an individual railroad and a single organization."

⁸⁰ Canada, *Labour Gazette*, XVIII (1918), pp. 668-72; *Telegrapher*, XXXV (1918), pp. 1007-10; *Convention Proceedings*, 1921, pp. 114-15.

⁸¹ Canadian Railway Board of Adjustment No. 1, *Fourth Report* (1927-30). Issued as Supplement to Canada, *Labour Gazette*, December 1930.

⁸² *Convention Proceedings*, 1927, p. 389.

The willingness of the Canadian railway executives to perpetuate the national board of adjustment, in contrast with the opposition evidenced in the United States, seems to be due in part to more favorable objective conditions. After the creation of the Canadian National, there were only two large systems in Canada, so that the railroad executives did participate more directly in the adjustment of disputes affecting their own interests than if a large number of roads had come under the jurisdiction of the Board. But perhaps even more important than that, is the willingness to deal and cooperate which seems especially to have characterized the history of labor relations on the Canadian roads for the past two decades. Even before the War most of the participating organizations were recognized and had contracts on almost all of the roads, so that the issue of union recognition was not seriously involved.

CHAPTER IX
UNION RECOGNITION

1. Recognition, Dealing and Discrimination

THE formal recognition of the union has never been a burning issue with the Order of Railroad Telegraphers as long as the managing officials on any railroad are willing to receive and deal with the committee representing the union members on the road. It makes comparatively little difference in practice whether the general committee is openly recognized as a union group, or the polite fiction preserved that it is simply a representative committee of employees. The question of recognition does arise, however, if there is discrimination against employees on account of membership in the union or service on the committee, if the right of the committee to represent the employees is challenged, or if there is an outright refusal to deal.

There are some roads on which the managing officials willingly receive and deal with the general committee of the Order on the system, but are reluctant to take cognizance formally of the national union behind the system organization of their own employees as an interested party in any issue. Thus in some cases the grand officers, when called to the assistance of the system committees, are compelled to coach them from the side-lines, without participating directly in the conferences on the issues.¹ Elsewhere the vice-presidents are received as conferees along with the general committees or general officers, or even, at times, by themselves, in behalf of the local organization. Likewise the agreements on many roads are signed by the general officers of the system organization without specific mention of the Order. Some are signed for the O. R. T. by the general chairmen, and one, the Boston Elevated contract, was for many years endorsed also by the second vice-president of the Order.²

During the early history of the Order complaints of discrimination against union members and other forms of intimidation were numerous, as might be expected. Trouble was especially likely to

¹ *Convention Proceedings, 1917*, p. 165; 1919, pp. 188, 193.

² O. R. T., *Schedules and Wage Scales, 1918*, pp. 40-2, and *passim*.

develop when the union committee made its first move to submit a schedule to the management. Time after time union committeemen found themselves discharged on one ground or another, or without stated reason. Sometimes this form of repression was extended to the rank and file in large numbers. The strike on the Central of Georgia in 1892, for example, was precipitated by an order of the receiver directing the discharge of every operator who failed to withdraw from the Order. At times more subtle forms of persuasion, or the allurements of rival offers and individual concessions, were employed with telling effect to secure a breach in the support of the union committee. Special inducements of this sort were employed to secure the withdrawal of the train dispatchers from the organization just prior to the strikes of 1892 on the Burlington, Cedar Rapids & Northern and the Rock Island, and have been utilized in many subsequent disputes, including a controversy on the Delaware & Hudson in 1924-25 regarding the retention of station agencies in the schedule.³ At times railway officials based their refusal to deal with the Telegraphers' committees on the lack of evidence that they actually represented the men in the service of the road. Occasionally, the employees on the road were canvassed by representatives of the management to ascertain the union strength, and the returns so obtained (not likely to be exceptionally accurate, because of the fear of blacklisting) were used to refute the committee's claim to the right of representation. Not until federal control was there any way to secure an impartial secret ballot by the employees on any road to determine the committee's right to speak for the employees in this branch of the service.

As one might expect under the contemporary conditions many of the early schedules of the Telegraphers attempted to erect some safeguards against hostile action by forbidding discrimination against employees on account of union membership or activity in committee work. Provision was also made in many cases that men should be relieved from duty and given transportation, whenever possible, to attend union meetings.⁴ Such rules are still to be found occasionally. A more frequent stipulation of modern schedules is that union committeemen shall be given relief and transportation when engaged in the adjustment of differences with the management.⁵

³ See below, pp. 162-3.

⁴ See, for example, *Telegrapher*, XIV (1897), p. 25.

⁵ O. R. T., *Schedules and Wage Scales*, 1918, *passim*.

By the beginning of federal control the slow but steady increase in the number of roads covered by agreements, and the building up of a greater body of experience with dealing on both sides, had gone far in reducing the frequency of resort to measures antagonistic to the union, although there was still, and probably always will be, a tendency to employ any means of coercion available at times of high feeling and tension. Much had been hoped of a provision in the Erdman Act of 1898 which forbade discrimination against railroad employees on account of union membership, but an attempt by the Telegraphers to use it against the New Haven in 1899-1900 had no result save to embitter still further the ill-feeling then prevalent,⁶ and the further effort to invoke its terms against the Louisville & Nashville in 1906-07 was terminated by the decision of the Supreme Court holding that section of the law unconstitutional. Thereafter the extension of union recognition was achieved only as the committees were able to force or induce their officials to receive them.

As a result of the protection extended to the railway unions during federal control by General Order No. 8, and the policy of the Railroad Administration of having signed agreements on all roads, contractual relations were established by the Telegraphers with practically all of the carriers of any size in the country. Most of the agreements so obtained, even with previously hostile roads, were retained after the return to private control. Chief among the roads on which the Order was unable to preserve its hold were the Pennsylvania, the Atlantic Coast Line, the Delaware & Hudson, and the Reading; the remainder were for the most part minor carriers on which the maintenance of financially independent subordinate divisions was practically impossible.⁷

As yet the decision of the Supreme Court in the Texas & New Orleans Clerks⁸ case in 1930 has had no observable effect on the status of the Telegraphers' committees on roads which deny them recognition. In this case the court upheld the constitutionality of those sections of the Railway Labor Act which provide for the free selection of representatives by the employees without interference by the carrier, and require that committees so chosen be

⁶ *Telegrapher*, XV (1898), pp. 439-41; XVI (1899), pp. 895-7, 908-10; XVII (1900), pp. 885-7.

⁷ Among these are the Pittsburgh, Shawmut & Northern, the St. Johnsbury & Lake Champlain, the Lehigh & New England, and the Toledo, Peoria & Western. *Convention Proceedings*, 1927, pp. 365-7, 411, 415-16; 1930, pp. 123-4, 173-5, 206.

⁸ 281 U.S. 548 (1930).

granted audience within twenty days of the receipt of a request for a conference. Although this may prove to be of some assistance in securing recognition, the officers of the Order have been slow to place a great deal of reliance on it. There is a possibility of gerrymandering the railroad for representative purposes, or of so dividing the classes of employees for the purposes of negotiation as to split union jurisdictions and encourage dual organizations. Likewise the requirement that the representatives of the employees be received for a conference does not compel the negotiation of an agreement, nor does it require the railway officials to agree to arbitrate the issues. If the organization were prepared to go the length of striking in support of its claim, and there were danger of a serious interruption of interstate commerce, the President of the United States might appoint a special board of investigation to inquire into the matter, but the company would be under no legal compulsion to accept a report favoring union recognition. The law does promise to be of advantage to the Telegraphers, however, in that it is likely to increase the difficulty of breaking off relations with the Order once they are established. As long as a majority of the employees remain in the organization they can prevent or at least hamper the recognition of a rival company group.

2. *Company Unionism and Individual Dealing*

Prior to the War employee representation independent of trade unionism had not been widely developed by non-union employers as an alternative to unionism. In the railroad telegraph and station service there were no organizations openly supported by individual roads, although there were a number of small dual organizations in the service whose scope did not extend far beyond the individual system. In 1907 a rival union called the Order of Railroad Telegraphers, Dispatchers, Agents and Signalmen was formed by former officers and members of the Order, mainly on the Pennsylvania, Eastern lines.⁹ On the Reading there was another group, known as the Independent Order of Railway Employees, which merged with the Order of Railroad Telegraphers in 1918.¹⁰ An independent Brotherhood of Railway Towermen and Signalmen on the Boston & Maine also amalgamated with the Order in 1919.¹¹ Aside from these there is no record of dual organizations on a system basis prior to the War.

⁹ *Convention Proceedings, 1907*, pp. 20-1, 45-7, 160-1, 181-2, 190, 196-200, 208-10; 1909, pp. 13-14.

¹⁰ *Telegrapher, XXXV* (1918), p. 1022.

¹¹ *Convention Proceedings, 1921*, p. 13.

THE PENNSYLVANIA CASE

For some years before 1907 the general committee representing the local divisions of the Order on the Pennsylvania was received by the railway officials but at the time of the passage of the Maryland hours law and the Federal Hours of Service Act trouble developed over the union policy as to the training of new men. Friction within the local organization led to the formation of an "independent" union on the system, which thereafter was received by the management in preference to the general committee of the Order. In 1909 and again in 1912 the general committee unsuccessfully invoked the assistance of the federal mediators in an effort to secure audience for the discussion of grievances and working conditions. The result was that the Order was able to do little more than maintain a skeleton organization on the road until the beginning of federal control.¹²

When General Order No. 8 opened the way for organizing activities the system division was galvanized into life. Early in 1919 the general committees on both the Eastern and Western lines of the Pennsylvania began an active campaign to secure signed agreements incorporating the terms of Supplement 21.¹³ This was done on the lines west of Pittsburgh, after instructions to that effect had been issued to the federal managers of the railroads by the Director of the Division of Operation, the agreement becoming effective on October 1, 1919, but on the lines east of Pittsburgh the Order of Railroad Telegraphers, Dispatchers, Agents and Signalmen disputed jurisdiction. The case was taken to the Director General, who ordered an election to determine which organization was actually representative of the employees. In the election of December 15, 1919, 4,360 out of a total of 5,474 ballots cast favored the Order of Railroad Telegraphers, which was accordingly recognized by the Railroad Administration. However, federal control expired prior to the conclusion of schedule negotiations. When conferences were resumed following the return to private control a widening rift developed on certain of the basic rules, the fundamental point of difference being the unwillingness of the carrier to include "exclusive agents" in the schedule. Nego-

¹² *ibid.*, 1907, pp. 6, 20-2; 1909, pp. 14, 79-80, 87; 1911, p. 15; 1913, pp. 15-16; U.S. Commission on Industrial Relations, *Report and Testimony*, XI, pp. 10069-10425, *passim*, especially pp. 10137-8, 10144.

¹³ *Convention Proceedings*, 1919, pp. 49-50.

tiations continued throughout 1920 and 1921 without reconciling these differences.¹⁴

Early in 1921 the management of the Pennsylvania announced the extension of its plan of employee representation to the telegraph service, the election of committeemen to be held in June. The Telegraphers' general committee objected to the plan on the ground that they were already the duly elected representatives of the agents and telegraphers. They urged that if the road wished to conduct another ballot to assure itself of the representative character of the committee, it should include in the ballot a space for a vote for the organization as such. The carrier, however, ignored this protest and proceeded with the election. Warned by the experience of the Shop Crafts, the general committee instructed its membership to vote for their local chairmen as individuals, with the result that in every instance they were reelected to serve on the Pennsylvania system committee.¹⁵

In its dual relationship of union and company committee the general committee continued to press its proposed schedule and to claim recognition as a union group. The company, however, took an even more extreme stand than before, refusing to consider the retention of agencies of any description in the schedule. In the fall of 1921 President Manion coached the general committee in the negotiation of certain rules, acceptable to both sides, which were incorporated in what was understood by the committee to be an agreement, to become effective January 1, 1922. The carrier, however, declined to put this "agreement" in effect, although it subsequently issued a set of "regulations" whose terms were much the same. The unsettled controversy over the inclusion of the station agents in the scope rule was carried to the Labor Board, which held, in Decision 2622, that all agents save those designated as officials in Ex Parte 72, February 5, 1924, should be included. The carrier took the position that it had designated all its agents as officials, this being one of the functions intrusted to it by the owners of the property, and that the Board had no jurisdiction to pass on the issue. Accordingly it refused to apply or recognize the decision.¹⁶

¹⁴ *Telegrapher*, XXXVIII (1921), p. 719; Decision 2622, V R. L. B. 695, September 25, 1924.

¹⁵ Decision 2079, V R. L. B. 37, January 15, 1924, statement of the case; *Telegrapher*, XXXVIII (1921), pp. 1030-3.

¹⁶ *ibid.*, XXXVIII (1921), pp. 1245, 1357-8, 1474; XXXIX (1922), p. 6; Decision 2622, V R. L. B. 695, September 25, 1924.

In January 1923 the situation became much more precarious when the carrier announced that it would hold a new election under revised regulations. The electoral districts were rearranged, and agent-telegraphers, agent-telephoners, and exclusive agents were declared ineligible either to vote or to hold office as committeemen. The general committee took the position that although the company was within its rights in ascertaining by ballot what individuals or organizations were representative of its employees, it should conform to the procedure laid down by the Labor Board in Decisions 218 and 825 to assure an impartial election. Particular objection was made to the exclusion of the agents from the election, to the redistricting of the road, to the omission of the name of the union from the ballot, and to the holding of a new election prior to the expiration of the terms of the existing committeemen. The management ignored this protest and conducted the election as planned. Inasmuch as the existing general committee included a number of agents in its membership, and these were no longer permitted to serve as representatives, the Telegraphers were no longer able to elect the entire company committee by the simple expedient of voting for the union committeemen as individuals. A complaint was immediately taken to the Labor Board by the union general committee. A year later, on January 15, 1924, the Board ruled that the case was not properly before it on the ground that the Order of Railroad Telegraphers as such did not represent the employees of the Pennsylvania, although it conceded that the same committeemen had been elected, as individuals, to represent those employees. To this decision A. O. Wharton wrote a spirited dissent.¹⁷ The Labor Board did permit the general committee to amend the statement of its complaint so as to appear before the Board in the rôle of company committee, and on February 2 a supplementary hearing was held. The committee then complained that the management had announced a new election to be held February 8 under still further revised electoral regulations. In this hearing the representatives of the carriers contended ingenuously that the fact that the committee bringing the complaint was chosen in the elections complained of estopped it from attacking the validity of the election. The Board brushed these technicalities aside; in Decision 2130, February 5, 1924, it declared the previous elections in violation of the Transportation Act and directed the holding of a secret ballot in which the employees might vote for organizations or

¹⁷ Decision 2079, V R. L. B. 37, January 15, 1924.

individuals as they chose.¹⁸ This decision was ignored by the carrier. In the course of the summer of 1924 it seemed likely that a strike would break out, with union recognition, representation of agents, and the general revision of rules all at stake. The Labor Board finally took jurisdiction in the dispute. In Decision 2622, September 25, 1924, it ordered the inclusion of all agents excepting occupants of large agencies in the schedule. It also proceeded to hold an election on the road. In Decision 2781, January 17, 1925, it sustained the Order as the authorized representative agency on the Pennsylvania. The returns were as follows:¹⁹

Ballots mailed out by the Labor Board	7,760
Ballots returned to the Board	4,826
Number voting for the O. R. T.	4,258
Number voting for Pennsylvania Railroad Employees' Representation Plan	318
Invalidated (blanks, incomplete, or names not on list furnished by employees)	129
Number voting for miscellaneous organizations or individuals	121

This decision, as well as Decision 3003, February 20, 1925, passing upon disputed rules, was ignored by the carrier, which since that time has continued to deal exclusively with the company committee. Under the revised electoral rules this is no longer coincident with the general committee of the Order. Had it continued to be so, it is doubtful if the organization would have raised a great deal of objection to the employee representation plan. The fundamental point of difference came when the company refused to permit the agents to participate in the plan and removed their positions from the schedule. Had the organization assented to this step on the Pennsylvania it would have lost the agencies throughout the country and would have found its membership and its scheduled positions cut nearly in half.²⁰

THE READING CASE

On the Philadelphia & Reading Supplement 21 was incorporated in a signed agreement prior to the expiration of federal control. This agreement continued in effect until after the issuance of Decision 119, abrogating the existing national agreements. Follow-

¹⁸ Decision 2130, V R. L. B. 110, February 5, 1924.

¹⁹ Decision 2781, VI R. L. B. 15, January 17, 1925.

²⁰ Decisions 3003, VI R. L. B. 310, February 20, 1925, and 3713, VI R. L. B. 1069, June 17, 1925.

ing the appearance of this decision, which was at first generally thought to apply to the Telegraphers' schedules established during federal control, the general committee submitted a proposition on working rules. June 14, 1921, was set as the date for conference. In the meanwhile, however, the Order petitioned for an interpretation of the decision and the committee requested that negotiations be deferred pending a decision by the Labor Board. To this the carrier would not agree, and the conference was adjourned. Notice was then served on the committee that the schedule would be abrogated after the expiration of the required thirty days' notice, and on the day following the termination of the notice period, ballots were distributed among the employees for an election of representatives to carry on negotiations relative to a new schedule in line with the principles laid down in Decision 119. The result was the reelection of the union committeemen as individual representatives. The carrier then advised the committee that it was ready to proceed with the drafting of new working rules, but the committee demanded recognition as a union committee before it would go on with the negotiations. As a result the carrier on its own motion applied the rules established by the Labor Board in Decision 757.²¹

In May 1922 a local chairman of the original committee was dismissed for cause and an election was conducted by the carrier to fill this place. The committee contended that in this instance an effort was made to force the choice of a non-member of the organization, and that a majority of the agents were improperly excluded from the election. In Decision 1828, June 8, 1923, the Labor Board sustained the action of the carrier in conducting the new election in the same manner as the former elections, apparently on the score that the general issue of representation was not properly brought in. A spirited dissent was submitted by Wharton and Grable, contending that a new election should have been ordered.²²

In April 1923, however, the issue of representation arose directly, following the refusal of a request for a conference on wage readjustments filed by the general chairman as an officer of the Order. In May the carrier advised the employees' committee that it was prepared to take up the wage question, and a conference was held on May 18. At this conference the general chairman

²¹ See Decision 832, III R. L. B. 223, March 31, 1922, which sustained the carrier in doing so in view of the refusal of the committee to confer on rules.

²² Decision 1828, IV R. L. B. 382, June 8, 1923.

attempted to submit authorization from a large number of employees naming the organization as their representative. He also protested the admission to the meeting of the general committee of three local chairmen named by company ballots subsequent to the original general election. Consideration of both contentions were denied. The committee then appealed the case to the Labor Board, which on the evidence decided that the Order should be recognized or an impartial election held to decide the issue.²³ This decision was ignored.

Since 1923 the Reading officials have dealt with a mixed committee. Four members are local chairmen of the Order, elected on the four divisions of the road on which a majority of the employees are members of the organization; three are non-members of the union, elected on the three divisions where the union does not possess a clear majority. As long as the Telegraphers are unable to elect the entire company committee the management takes the position that it will not deal directly with the general committee of the Order. At the same time organizing activities to bring up the membership on the weak divisions apparently have not been encouraged.²⁴

The position of the company in this case is very significant, particularly in connection with the terms of the Railway Labor Act. Fundamentally the contention of the Order is that if a majority of the employees on a railroad *system* as a whole favor the organization, it should be recognized as representative. The position of the Reading management is that if there is a division on which a majority of the employees do not belong to the union they are entitled to elect an independent representative in place of the union local chairman for the district. From the union point of view a vital issue is involved in this clash of opinion as to the proper area for self-determination, because the principle as applied by the Reading places a premium on decentralized organization by small groups of employees, not necessarily even covering a whole system, and establishes a possible basis for utilizing the Railway Labor Act to deny recognition to a union even when it possesses a clear majority of the employees on a system.

THE DELAWARE & HUDSON CASE

During 1924 the general committee on the Delaware & Hudson attempted to secure a revision of wage rates but was unable to come

²³ Decision 1955, IV R. L. B. 600, July 27, 1923; *Telegrapher*, XL (1923), pp. 1056-66.

²⁴ *Convention Proceedings*, 1927, pp. 362, 415; 1930, pp. 98, 145-6.

to direct agreement and appealed the case to the Labor Board. While the case was pending a voluntary increase of 3c per hour was put in effect. Decision 2557 carried a further increase of 1c per hour. Early in 1924 another dispute arose as a result of the action of the carrier in removing 87 agencies from the schedule and putting them on a monthly basis of pay. This action occurred after the revision of Ex Parte 72 by the Interstate Commerce Commission, February 5, 1924, and in Decision 2856 the Labor Board directed that the agencies be continued in the schedule unless and until removed by agreement or decision of the Board.²⁵

This decision was not complied with by the carrier. On the contrary individual employees were interviewed and offered additional pay and other inducements to sign "individual" contracts including a provision that "no one is or will hereafter be authorized to represent me." In June 1925 the management advised the general committee that it no longer represented a majority of the employees and therefore could not be recognized. Since that time the employees, apparently, have not been permitted to proceed through representatives of any sort.²⁶

APPRAISAL

While the extent of the non-union area, occupied either by employee representation plans or individual dealings, is by no means insignificant, it is also clear that there has been practically no tendency to increase in the past five or six years, and, under the more harmonious relations which have very generally been established in the railroad service, there seems to be little prospect of such an increase. On many roads the Order enjoys a long history of harmonious relations and continuous dealing which unquestionably stands it in good stead in this instance.

Furthermore, the analysis of the limited contact of the Order with alternative forms of representation indicates that only one, on the Pennsylvania, was worked out for its own sake, on a road traditionally opposed to dealing with unions as such. In the other cases—particularly the Atlantic Coast Line—the plans were introduced in the course of definite conflicts with the local organization.²⁷ From this the inference may perhaps fairly be drawn that

²⁵ Decisions 2557, V R. L. B. 606, July 11, 1924; 2856, VI R. L. B. 125, January 27, 1925; *Convention Proceedings, 1927*, pp. 408-9.

²⁶ *Convention Proceedings, 1927*, pp. 408-9.

²⁷ With reference to the Atlantic Coast Line case, see above, pp. 59-60.

the company union, if and when employed, is likely to be used as a fighting weapon rather than as a means of securing improved morale or greater operating efficiency. The threat of a company union is potentially a bargaining point in the hands of the employer to parry the threat of a strike.

In fact there are few ways in which employee representation in the telegraph service gives much promise of reducing operating expenses. The company adopting such a plan must assume the salary of the general officers and the costs of committee work previously supported by the employees themselves. At the same time the companies using such plans have so far followed the policy of meeting every concession secured on adjacent roads by approximately equivalent concessions to their own employees. This has meant a minimum of relaxation of working rules. In some industries and in some branches of the railroad service employee representation may give some promise of reducing operating costs by cutting down resistance to changes in methods of production, eliminating restriction of output, and improving morale. As will be seen, however, in discussing technical changes in methods of operation, the possibility of group resistance to changed methods in the telegraph service is small, and has in fact seldom appeared. Beyond this, so much of an employee's work is outside his own control that restriction of output in the usual sense is scarcely possible.

Since the threat of company unionism has not appeared on a large scale in the telegraph service it has not been necessary, so far at least, to develop a union counter-offensive to the degree that the Shop Crafts, for example, have sought to do with union-management cooperation. As a matter of fact it would probably be a great deal more difficult to work out any very tangible program for increasing production in the telegraph service save through the development of esprit de corps and the encouragement of alert and efficient work by individual members. Union officers contend, however, that where the organization is recognized and fairly dealt with the union does develop loyalty to the company, and that the road which is widely known to be fair is in position to receive not only the cooperation of its own employees but also the benefit of advertising and traffic solicitation by union agents throughout the country. Beyond this the union answer to company unionism has not yet been developed.

**PART III. UNION POLICIES RELATING TO
CONDITIONS OF EMPLOYMENT**

CHAPTER X

THE WAGE SCHEDULE

1. *The Character of the Wage Rate Problem*

IN THE railroad telegraph and station service the straight time rate on a monthly, daily or hourly basis has been the almost invariable method of payment. It is difficult if not impossible to measure definitely the productive output of station agents, towermen, or other employees within the jurisdiction of the Order by any objective standard, and therefore piece-work, premium and bonus schemes, or other special forms of remuneration have never been introduced.

Conditions in the service are, however, such as to raise problems in bargaining on wage rates for the Telegraphers which are not usually encountered by other crafts. Ordinarily unions in time-working trades seek to establish by *local* agreement a minimum time rate for all men working by the same methods on the same kind of material, and make little attempt to bargain on rates in excess of the minimum. The rates actually paid tend to fall within a narrow range because all the men employed on the same kind of work appear to do about the same amount. In the telegraph and station service, however, there are at least a dozen different classes of employees covered by the same schedule, and within each class there are countless variations in the kind and amount of work to be done at different places. The employees are distributed singly or in small numbers along the line of the railroad under working and living conditions of varying desirability. It is therefore virtually impossible to compare the performance of different employees, and it is likewise impossible for them to "standardize" their output by the adoption of a stint or other measure of output. The amount of work to be done depends, for the most part, on conditions which the employees do not control: the station agent must handle the business of his particular station; the towerman does not determine the number of train movements. No single rate could be fixed which would fairly compensate such divergent services, and the union therefore cannot stop short with the negotiation of a minimum time rate; to do so would leave the rating of the vast majority of the positions to individual bargaining or

to the tender mercies of the employer alone. The union is therefore obliged to undertake the laborious task of bargaining with the employer at some time or other on the rate for each position covered by the schedule. The rating process applies to the jobs, of course, and not to the individual employees. The seniority system is usually depended upon to assure an equitable distribution of the jobs of varying desirability among the employees without favoritism or undesirable competition.

Obviously the problem of bargaining on wage rates would be simpler, and the results perhaps more equitable, if some objective basis could be worked out for the analysis and classification of positions, so that men doing approximately the same kind and amount of work at different locations would get the same pay. With such standardized groupings, and differential rates as between groups based on real differences in the amount and kind of work, a rough equivalence of reward and output would be assured. Although some progress has been made toward the achievement of this ideal the Order has for the most part been compelled to bargain as best it could for employees doing unstandardized work under highly diverse conditions. One might well wonder that collective bargaining could be carried on at all under such unfavorable conditions. Fortunately the working conditions, although not standardized from one place to another, do not change frequently or rapidly, so that when a rate has once been fixed for a position it does not require perpetual tinkering to keep it in adjustment.

If the general committee and the managing officials were agreed on the substantial equity of existing differentials between different schedule positions, wage changes could be confined to percentage changes in the existing rates of all positions, leaving internal relationships unaltered. A flat increase of so many cents per hour for all positions would be equally simple to apply, and would carry no suggestion of favoritism, but it would tend to narrow existing differentials and benefit the lower-paid men in greater degree than the more highly paid.

It is seldom, however, that the existing wage relationships are entirely acceptable to both sides. Alleged inequalities have repeatedly demanded attention in the bargaining process. The traditional practice has been for a general committee to negotiate a lump-sum increase for the system and leave this to be distributed among the individual positions by the railway officials and union committeemen in a joint conference in which the relative claims of different

positions are weighed on their merits. Sometimes the entire increase is distributed in this way; sometimes a part is applied "flat" in a uniform increase to all positions and the remainder used to eliminate or reduce inequalities. Sometimes, too, the aggregate increase is prorated among the different divisions or districts of a road in order to assure equalization of the benefits of the revision of the wage scale and prevent inordinately low positions in one district from absorbing all the funds available for the reduction of inequalities. Participation by the local chairmen and divisional railway officials in the process of distribution is depended on for intimate information as to the needs and merits of the different positions.

The disadvantages of this process from the union point of view are obvious. The distribution of increases is not impersonal but rests fundamentally on judgments for which the union officials have a share of responsibility. This leaves the way open to complaints of discrimination or favoritism from those union members who find smaller increases assigned to their positions than they think justified. Furthermore, the increases are rarely large enough to give everyone something and still leave a sufficient remainder to eliminate all the existing inequalities; the practical effect may be simply a more or less opportunistic grading up of the excessively low positions without establishing them on a parity with similar positions elsewhere on the road. In fact one of the severest criticisms directed at the system is that it has produced an infinite differentiation of positions and rates. It has been easier to consider each position "on its merits" than to work out standards of classification which would make the rating process more objective. Nevertheless the Telegraphers have made substantial progress toward a more exact approximation of remuneration to service, largely as a by-product of increased standardization of working conditions demanded for other reasons, but also, in part, as a result of the conscious recognition of the desirability of a more scientific basis for the determination of relative wages as a means of eliminating friction between the management and the union and within the union itself.

2. Factors contributing to the Instability and Non-Standardization of Wage Rates

Although the standardization of wage rates was not heavily stressed as a union objective prior to federal control, the progress of the Telegraphers toward more uniform working conditions tended to make the wage rates of different positions more definite

and to facilitate their comparison and classification. In some early schedules, for example, a monthly salary was fixed to cover all service rendered. In the absence of a definite limit to the number of hours to be worked per day, or some provision for overtime, the actual number of hours of service was indeterminate and so also was the hourly wage. Under such conditions a comparison of wage rates of different positions, relative to the duties performed, was difficult or impossible. An important gain of early union activity was, therefore, the more exact definition of the basic working day, which, although not the same for all positions, made it possible to detect variations in the real rates of pay for similar work. This did not, however, itself reduce the variety of work to be done, or simplify the problem of classifying different positions into a relatively few grades or classes to which uniform class rates could be applied.

A development which did represent a step toward the simplification of the bargaining process was the negotiation of standard differentials for "extras." In addition to the duties regularly connected with the telegraphic or station service the incumbents of particular scheduled positions frequently had supplementary tasks assigned such as the care of adjacent switch or signal lamps, the control of highway crossing gates, or the operation of steam or gasoline pumping engines at water tanks. The general committees often sought to have these requirements abolished on the ground that they were not a proper part of a Telegrapher's work, but the managing officials opposed any change on the ground that such duties were assigned to the Telegraphers only when it would be very inconvenient to have them performed by the regular forces. The issue was generally disposed of to the satisfaction of both sides by fixing a standard differential to be added to the basic rate of pay at each position for each "extra" duty. Thus the rules frequently specified that the monthly rate should be increased by \$3 for tending four switch lamps or less, and an extra of \$5 was normal for handling crossing gates. As a result basic wage rates could be fixed independently of the extras.¹

Another way in which the work of different positions was indirectly made more comparable was by the establishment of special

¹ Such arrangements go back to the early schedules of the '90's. See *Telegrapher*, IX (1892), p. 558; XV (1898), p. 26; XVI (1899), pp. 270-1; XVII (1900), p. 423. Also, O. R. T., *Schedules and Wage Scales*, 1918, *passim*; Joint Committee, O. R. T. and Regional Directors, *Report on Rules and Working Conditions*, 1920, *passim*; Decision 757, III R. L. B. 156, March 3, 1922.

rules freeing the Telegraphers from the performance of certain types of objectionable work. Among such duties expressly enumerated in typical schedules since 1896 are these: piling wood; sifting coal; scrubbing stations; shovelling snow; wiping, coaling or tending locomotives; cleaning cars; stencilling cars; tending flower gardens; cutting wood; cleaning chimneys, stock cars or out-buildings; patrolling track. The Southern Pacific schedule of 1902 exempted Telegraphers from "menial duties" in general.² The elimination of such tasks not only satisfied the dignity of the craft but also tended to reduce the extreme diversity of services performed by men in the same class. This made their positions more directly comparable.

One of the principal issues of this character, which assumed major proportions just before the War, was the handling of United States mail by station agents. The railway mail contracts with the Post Office Department made the carriers responsible for the delivery and collection of mail from all postoffices within a quarter mile of a railroad station. This duty devolved upon the agents at such stations. The initiation of the parcel post service in 1912 aggravated the situation by increasing the volume of postal matter and at the same time reducing the express business and the commissions received on it by the station agents.³

In 1913, 1915, and 1917 the conventions of the Grand Division condemned the handling of mail as not only foreign to the duties of station agents but also inimical to the safety of the travelling public because it interfered with proper attention to the handling of train orders. Relief was sought in two directions; first, by federal legislation, and second, by direct agreement with the carriers to eliminate this duty. In 1916 the House of Representatives passed a resolution looking to the relief of the agents at the discretion of the Postmaster General, but the measure was lost in the Senate. In 1917 President Perham was directed to continue his efforts to secure favorable legislative action. Another resolution called for a general movement not later than January 1, 1918, to secure absolute relief by direct agreement, failing which the agents

² *Telegrapher*, XIV (1897), pp. 19-27; XVI (1899), pp. 270-1, 824; XVIII (1901), p. 104; XIX (1902) pp. 240, 599, 602, 1428; O. R. T., *Schedules and Wage Scales*, 1918, p. 567 and *passim*.

The national schedule committee received a list of twenty-five objectionable duties, including most of those enumerated above, for consideration in 1919, but did not adopt a proposal on the subject. O. R. T., National Schedule Committee, *Minutes*, September 1-9, 1919, pp. 17-18.

³ *Telegrapher*, XXIX (1912), pp. 1277-8; XXX (1913), p. 426.

were thereafter to refuse to handle the mails. The belligerent tone of this resolution was belied by a proviso that no general committee should participate unless it was prepared to enforce the demand. Our entrance into the War forestalled action of any kind.⁴

One of the union demands presented to the Lane Commission was complete relief from handling mail, but in the later appearance before the Board of Railroad Wages and Working Conditions complete relief or a "reasonable extra compensation" was requested for the service. Supplements 10, 11, and 13 simply provided that when this duty became "unduly burdensome" or interfered with the proper operation of trains, relief should be granted. In 1919 the national schedule committee went back to the original demand for absolute release. At the same time the Telegraphers secured permission to intervene in hearings by the Interstate Commerce Commission on railway mail pay, at which they argued that the railroads should be separately compensated by the Post Office Department for "side, terminal or transfer service," so that the employees might secure compensation for it in turn. On December 23, 1919, the Commission directed that the railway companies be so compensated, on the basis of the wage cost of the service plus 3 per cent.⁵

The general committees were then instructed to demand complete relief, and finally the case went to the Labor Board. A survey conducted by the national union showed that mail was handled at about 4,500 out of 15,000 stations, and that about 5,000 employees were affected. The Labor Board declined to take jurisdiction in the case, following which direct negotiations were resumed. The Post Office Department finally relieved the situation by requiring most of the fourth-class postmasters to handle their own mail or by transferring the work to outside contractors. By 1924 the grievance had practically disappeared. To that extent another of the variable factors was eliminated from the picture.⁶

Probably more serious than the United States mail service as a cause of non-standardization and instability in the work and

⁴ *Telegrapher*, XXX (1913), pp. 972-3; XXXIII (1916), p. 739; *Convention Proceedings*, 1913, pp. 47-8, 200-1, 212; 1915, pp. 21-4, 182, 208-9, 216; 1917, pp. 13-16, 199, 222, 224-5, 232.

⁵ *Telegrapher*, XXXV (1918), pp. 429-34, 1142, 1157-65; XXXVI (1919), p. 7; XXXVII (1920), p. 427; XXXVIII (1921), pp. 901-7; Joint Committee, O. R. T. and Regional Directors, *Report*, 1920, pp. 87-9.

⁶ *Telegrapher*, XXXVIII (1921), pp. 901-7; *Convention Proceedings*, 1921, pp. 16-17; 1924, pp. 17-18.

earnings of employees in the telegraph and station service has been the payment of commissions by the express, or commercial telegraph companies, or both, to agents serving them jointly with their primary employers, the railroad companies. On some roads the agents have also received commissions on milk and other dairy products shipped through their offices. The aggregate commissions received from such sources vary not only from office to office on the same road, but also from year to year, and may thus produce marked and *unstable* differences in the earnings of agents whose duties as a whole are practically the same but are differently distributed. The significance of the commissions, for the present discussion, lies in the fact that although the express and telegraph companies look on them as gratuities, the amount of the commissions received at a station is taken into account when the wage paid by the railroad company is fixed. The agents themselves receive no separate compensation save the commissions from the express and telegraph companies. If an agency brings in large commissions it can be treated as a concession, and a low wage fixed as the price of occupying the concession. It is therefore necessary as a matter of justice that wage rates be readjusted if, over a period of time, there is a serious change in the volume of business at a particular agency or if the express business, with the accompanying commissions, is withdrawn.

Although such cases have ordinarily arisen as individual grievances, or have cropped up for adjustment at times when the entire wage scale was being overhauled, the general issue of the proper handling of the commissions has also come up in two or three very important instances.

In 1917 the Santa Fe, then an unscheduled road, abolished all commissions and put its agents on a straight time basis. After the War a widespread movement on the part of other carriers in the same direction began to develop.⁷ The question became acute in June 1921 when the Toledo, St. Louis & Western announced that after July 1 all express commissions would be retained by the company, but made no motion to readjust the wage rates of the agents. The Telegraphers took the case to the Labor Board, and argued, in protest, that the commissions had always been taken into account in distributing wage increases and had been assumed to be a part of the compensation of the agencies; that the withdrawal of the commissions effected an average reduction in com-

⁷ See Decision 2825, VI R. L. B. 67, January 22, 1925.

compensation of 10½c per hour, and was in effect a wage reduction. The carrier replied that where extra help was required to do the work it was supplied by the railroad company; that the wage rate covered both work done for the railroad itself and for the express company, and therefore the commissions amounted to double payment for the same work. It argued, finally, that the agents received sufficient compensation without the commissions—frequently more, in proportion to the responsibilities of their positions, than any other citizens in the towns which they served. The Labor Board sustained the contention of the employees that this was a thinly veiled wage cut, without opportunity for conference or any attempt to readjust wage rates so as to compensate for lost commissions, and ordered the restoration of all sums withheld.⁸

The question of the proper procedure in adjusting the compensation of specific agencies arose in connection with the revision of working rules in 1922. In its first general decision dealing with working conditions the Labor Board incorporated the following rule:⁹

“When express or Western Union commissions are discontinued or created at any office, thereby reducing or increasing the average monthly compensation paid to any position, prompt adjustment of the salary affected will be made conforming to rates paid for similar positions.”

Immediately following the appearance of this rule the Southern Pacific (Pacific System) announced that all express commissions would be abolished on May 1, 1922, and the wage rates of all positions affected would be readjusted as prescribed by the rule. The railway officials stated that this action was taken in the belief that the commissions were detrimental to the service. Accordingly they classified the agencies affected into groups according to the amount of each kind of business handled, and fixed uniform hourly rates for each one, with increases which ranged from ¼c to 14c per hour. They then invited the general committee to confer on the rates thus established. The committee refused to accept the settlement on the ground that under the rule commissions could not be withdrawn as long as the agents were still required to handle the business. This issue went to the Labor Board, which sustained the employees' contention.¹⁰

⁸ Decision 1367, III R. L. B. 961, November 18, 1922.

⁹ Decision 757, III R. L. B. 161, March 3, 1922.

¹⁰ Decision 1634, IV R. L. B. 139, March 2, 1923; *Telegrapher*, XL (1923), pp. 664-6, 891-9; *Convention Proceedings*, 1924, pp. 28-9.

The refusal of the general committee to accept the commutation of commissions into permanent wages is said to have been due mainly to the unwillingness of the carrier to include in the distribution certain additional amounts which it had been accustomed to allow as compensation for reductions in the *rate* of commissions since 1906. The grand officers favored the acceptance of the settlement because it would have converted the commissions into permanent wage increases and would also have reduced the instability of the work and earnings of the agents. At that time the commissions amounted to approximately \$300,000 a year. Since then the decline in express business has resulted in a reduction of commissions to an amount estimated at \$200,000 in 1928. In other words the failure to accept the settlement cost the employees as a group an aggregate of about \$100,000 a year. In 1924 the grand officers and the committee on the Maine Central agreed to the conversion of express commissions into wage increases despite vigorous individual protests. Union officers state that the result was an ultimate improvement in relations within the division itself and with the managing officials.¹¹

If in the long run such settlements could be made it would be a simpler matter to classify positions for rate-making purposes, inasmuch as it would no longer be necessary to consider two or more components in comparing the earnings of different agencies, nor would so great a degree of differentiation in the analysis of the work be necessary. In this direction it would seem evident that the grand officers have recognized the advantage of such a movement but have not yet been able to make much headway with it against the conservatism of the rank and file and the definite opposition of the small group whose individual commissions are large.

Another factor which complicates the wage-fixing process for the Telegraphers is the variation in living costs and the desirability of living conditions at different points on the same railroad. In the case of living costs the difficulties which grow out of the lack of *uniformity* over the entire road may be intensified by *relative* changes with the passage of time. If living costs shift materially in one part of the territory covered by a single road, as compared with another, they may subject the wage structure on the road to very severe strain. This was exemplified on the Southeastern

¹¹ Statement of union officials to the author; also *Convention Proceedings*, 1927, p. 412; 1930, p. 133.

roads during the Florida land boom in 1925. On the other hand it is sometimes necessary to offer special inducements or concessions to employees at undesirable or isolated posts in order to have them manned. Housing is often supplied by the company, especially to station agents, and sometimes water, coal, light, or other supplies are furnished at nominal prices or free of charge.¹² Although such services obviously increase the difficulty of comparing the wage rates of different positions, the general committees have generally opposed any attempt on the part of the railroad companies to withdraw or commute them, and have at time sought to have them more widely employed. In 1919, for example, the national schedule committee endeavored to secure a rule requiring the carriers to supply free living quarters, fuel, light, water, and ice, for each employee at isolated points. The regional directors' conferees objected with reason that such a rule would involve endless controversy over the definition of an isolated point, and that the situation could better be taken care of locally.¹³

No definite policy as regards the extent of the allowance to be made for differences in cost of living from place to place over the same road has ever been adopted by the Order. In 1918 President Perham proposed, before the Board of Railroad Wages and Working Conditions, that *location allowances* should be worked out to compensate for differences in desirability of living conditions and variations in living costs from place to place, but failed to suggest any method for fixing the amount of the differentials or the basic rates to which they should be added.¹⁴ While a schedule of place differentials might facilitate the fixation of "class" rates on the basis of the kind and amount of work performed it would probably be necessary to fix the differential for each location by collective bargaining, and the differentials so fixed would not be entirely stable.

3. *The Adjustment of Individual Wage Rates*

Ordinarily the rating of individual positions takes place as a part of the process of adjusting wage rates for the entire group, but there are times when the general committee must take up the case of an individual position by itself. Such a step is necessary when a new position is created, or when a change in the duties or responsibilities of an existing position between schedule revisions

¹² O. R. T., *Schedules and Wage Scales*, 1918, *passim*.

¹³ Joint Committee, O. R. T. and Regional Directors, *Report*, 1920, pp. 102-8.

¹⁴ *Telegrapher*, XXXV (1918), pp. 1189-91.

results in a demand from either side for a readjustment in its compensation.

When a new position is created the wage rate is fixed by the management before it is put up to be bid in by a qualified man under the seniority rule. If the employees believe that the rate fixed is out of line with that paid at other places for work of like character and amount, the general committee must take up the issue as a grievance case and secure a readjustment of the rate if possible. One of the earliest rules appearing in the Telegraphers' schedules provided that when new positions were created the rate should be the same as that of other positions of the same class already in the schedule. Subsequent changes in the rule have been designed mainly to make the standard of comparison more definite.¹⁵ There is no conflict over the principle of the rule, but serious controversy as to the proper existing position or group of positions to be taken as a standard is quite possible in the absence of mutual agreement on some objective basis of comparison.

More serious difficulties arise when the wage rate of an existing position is reduced by the management, or the work increased for the same compensation, or a new position created to take over a part or all of the work of a position which has been abolished. The organization is compelled to take cognizance of all such changes to safeguard its members against possible arbitrary action and to forestall wage reductions effected through nominal changes in the work or responsibilities of individual positions or groups of positions.

During federal control specific guarantees were incorporated in the orders of the Railroad Administration that "the entering of employees in the positions occupied in the service or changing their classification or work shall not operate to establish a less favorable rate of pay or condition of employment" than that provided by the terms of the orders.¹⁶ This was intended to prevent the evasion of the full measure of wage increases by nominal changes in classification, and was construed to mean that the wage rate of a particular position should not be reduced in the

¹⁵ See *Telegrapher*, IX (1893), pp. 557-8; Joint Committee, O. R. T. and Regional Directors, *Report*, 1920, p. 8.

¹⁶ Supplement 10, Article III (b); Supplement 13, Article III (b), and Supplement 21. U.S. Railroad Administration, *General Order No. 27*, pp. 96, 103, 156. A similar rule was recommended by the joint committee on rules and working conditions in 1920. *Report*, p. 9.

absence of a clear showing that the duties and responsibilities of the job had changed proportionately.¹⁷

As in the case of the rule governing the classification of new positions there has been no conflict over the principle of this rule, but plenty of room for dispute as to the facts. Where reclassification at a lower rate has been proposed because of the removal of telegraphic work from a position involving mixed duties the general committees have ordinarily contended that the use of the wires was a minor incident to the work of the position and its removal an insufficient cause for a reduction. It is not so certain, however, that they would approve the addition of wire work without some adjustment in compensation.

In many instances a change in the volume of express commissions received at an agency, or the removal of such work altogether, is the source of a grievance case which has to be handled individually by the general committee. The principles concerned in the rating of such positions are similar to those involved in a general reclassification case, but are embodied specifically in a commissions rule which has already been cited.

A survey of secondary disputes which went to Board of Adjustment No. 3 during federal control, and to the Labor Board after the War, clearly shows that the classification issue was at that time the most important single source of controversy. It accounted for 25 per cent or more of the cases in which the Telegraphers were concerned. This was of course an abnormal situation which resulted from the serious disruption of existing relationships by the war-time wage orders. Of about 80 such cases which went to the Labor Board in the six years 1920-25, 32 involved the abolition or consolidation of existing positions; 16 the rating of new positions; 15 a change of classification, usually accompanied by the removal of the position from the schedule; 21 a reduction in rates of pay for existing jobs; 15 the issue of proper classification; and 19 the transfer of work to other classes. The position of the Labor Board was, generally, that the carriers had the right to abolish or consolidate positions, but that if they wished to remove existing positions from the schedule or reduce the rates they should do so only after notice to the general committees and opportunity for conference. In several cases which concerned the abolition of certain positions and the creation of new ones to perform practically the same duties at lower rates the Board held that the old rates

¹⁷ For example, see Decisions, Railway Board of Adjustment No. 3, 1919, Dockets T-33, T-39, pp. 320-1, 327-8.

should apply.¹⁸ Since the abolition of the Labor Board such cases have been handled as individual grievances on the different roads, but have become much less numerous as the post-war readjustments have worked themselves out.

4. *System versus Regional or National Handling of General Wage Readjustments*

A. SYSTEM BARGAINING PRIOR TO THE WAR

Before the War bargaining on general changes in wage rates was carried on exclusively on a system basis. The normal practice was to negotiate a lump sum increase, part of it to be applied as a uniform or as a percentage increase, and a part to be distributed jointly so as to "eliminate inequalities." Little attention was apparently devoted, however, to any definite standardization of wage rates as between positions of like duties and responsibilities from place to place on the same road, and there naturally was even less of standardization as between different roads. Standardization of wage rates regionally was, in fact, practically unattainable with the system basis of bargaining, not only because of the technical difficulties of classification, but also because of the marked differences in the strength of the organization from road to road, even in the same territory. In any movement for standardization of rates the Telegraphers on the strongly organized roads would have had to carry those on the less strongly organized, and would have found their own rate of progress impeded. In other words they would have faced pressure for standardization *down* rather than *up* to higher levels.

B. EXPERIENCE WITH LARGE-SCALE WAGE CHANGES, 1918-21

With the beginning of federal control the traditional method of system bargaining was abruptly supplanted by national determination of wages, under which horizontal increases were applied to existing wage rates throughout the country. This presupposed that existing wage relationships were equitable and satisfactory, but this was not entirely true. Furthermore the wage orders themselves in certain respects operated to upset many adjustments already made, although in general they exercised a tremendous influence for the standardization of rates and brought that issue into the foreground.

¹⁸ For illustrative cases, see Decisions 365, 1085, 1779, 2194, 2471, 2555, 3360, 3704, of the Railroad Labor Board.

The first wage order issued by the Director General, General Order No. 27, set up a graduated scale of increases for all employees, irrespective of class of service, which gave the largest percentage increases to the lowest-paid workers. Furthermore because the wage increases of these groups during 1916 and 1917 had run short of those secured by the better organized crafts the wage order sought to improve their relative position by specifying that the increases should be added to wage rates as of December 31, 1915. While the increases granted fell short of those desired by the Telegraphers their chief objection was that the selection of 1915 as a base absorbed the substantial concessions won in 1916 and 1917 and also wiped out all the adjustments of inequalities effected during those two years.¹⁹

Supplement 13 met these two objections by providing that the rates of pay on January 1, 1918, should be employed in computing "basic" rates instead of those of 1915, and that these should be increased 13c per hour or, where necessary, enough more to bring them to a minimum hourly rate of 48c.²⁰ The basic rates were not, however, the *actual* hourly rates as of January 1, 1918; had this been so, existing relationships would have remained substantially the same, save for the effect of the higher minimum. The Railroad Administration had accepted the principle of the eight-hour day, and in keeping with this Supplement 13 sought to make the shift to the basic eight-hour day with a minimum relative reduction in daily earnings. Therefore it provided that for men formerly working eight, nine or ten hours per day the daily wage as of January 1, 1918, should be divided by eight to determine the new basic hourly rate; for men working more than ten hours the earnings of ten hours should nevertheless be taken as representative of daily earnings and divided by eight to ascertain the basic rate. The result was that while the basic rates of the eight-hour men were left unchanged from their actual hourly rates on January 1, 1918, those of men working more than eight hours were increased by amounts ranging up to a maximum of 25 per cent.

The effect of the application of the constructive eight-hour day in calculating basic rates was clearly to narrow existing differentials. Had the men who formerly worked more than eight hours

¹⁹ *Telegrapher*, XXXV (1918), pp. 1140-2.

²⁰ Supplement 13 also granted an additional 2c per hour in lieu of vacations, which were abolished as of January 1, 1919. The 48c minimum included this allowance.

continued to do so it would also have resulted in an actual inversion of daily earnings, but this was not generally true; the policy of the Railroad Administration favored the actual eight-hour day wherever possible, and the punitive overtime provisions of Supplement 13 reduced service in excess of the basic day to a minimum. The extent to which previous differentials were eliminated or reduced is indicated by statistics compiled by the organization in November 1919 to show the effect of Supplement 13. This study covered 64,736 positions, of which 7,319, or more than 11 per cent were on the minimum rate of 48c; 35,307 or more than 55 per cent received less than 55c; and 51,821 or 80 per cent received less than 60c.²¹ Available figures do not show the actual disparity in wages for different groups in the service in 1917, but the average wage in that year was less than 28c per hour.²²

A more serious disruption of existing relationships resulted from the formula prescribed for determining the basic *daily* rates as of January 1, 1918. Such a formula was necessary because the Telegraphers were almost universally paid on a monthly basis before the War. Supplement 13 provided that the monthly wage should be multiplied by twelve, and then divided by 306 (365 days less 52 Sundays and 7 holidays) to ascertain the basic daily rate; in other words it *assumed* the six-day week as well as the eight-hour day. Where the calendar month was the basis of remuneration, as it was on most roads, the monthly salary covered Sunday as well as week-day service. On these roads the agent at a two- or three-trick office frequently received the same *monthly* compensation as the operators, but worked only six days a week instead of seven, so that his actual *daily* rate was higher. In such a case, however, the formula of Supplement 13 gave the same basic daily rate to the operators as to the agent, and if they continued to work seven days a week, as was usually necessary, the monthly compensation of the operators would thereafter *exceed* that of their superior. The operation of the rule therefore inevitably produced widespread friction and discontent, and in some instances men bid out of their existing jobs into less responsible but better-paid positions.

An even more troublesome situation developed on the twenty-one roads on which the "twenty-six day month" had prevailed. There the monthly salary covered only week-day service, and Sunday work was paid for as overtime, *pro rata*. On these roads,

²¹ O. R. T., *Recapitulation of Positions Specified in Preamble of Supplement 13*.

²² I. C. C., *Statistics of Railways, 1917*, pp. 20, 22.

therefore, the application of the formula to monthly salary left the Sunday earnings of the seven-day men out of the account, whereas they were included in the computation of the basic daily rate on all other roads. This discrimination became the basis of emphatic protest, despite the fact that the formula in this case did not produce nearly as serious a disruption of existing relationships as on the roads having the calendar month as a wage basis. The seven-day men contended that they had paid for their Sunday overtime by accepting smaller increases in monthly compensation than they would have received had the calendar month been retained, and that therefore Supplement 13 did not do them full justice in comparison with the seven-day men on other roads.

About 15,000 men were affected by the issue, and the case was taken to Board of Adjustment No. 3, which ruled that the earnings of the calendar month should be employed in calculating basic hourly rates. The managements contested this ruling and it went to the Board of Railroad Wages and Working Conditions, on whose recommendation it was reaffirmed by the Director General in Interpretation 8 to Supplement 13, on August 16, 1919. It was admitted by both sides that the rule gave rise to serious inequalities, though it is doubtful if they were more serious than those encountered on roads which had the calendar month to start with. The railway executives continued to protest the rule, and ultimately the Director of the Division of Operation held a conference in an effort to settle the issue directly. President Manion proposed for the Telegraphers that the inequalities be dealt with by taking the lump sum involved, about \$1,250,000 a year, and using it to eliminate maladjustments which had been encountered in converting monthly rates into hourly rates on the roads in question. This solution was rejected by the managements. The Telegraphers then held out for a strict application of the rule rather than forgo the increases altogether. As a result 11,008 men received average annual increases of \$114, and 4,027 failed to benefit.²⁸

THE MOVEMENT FOR NATIONAL "STANDARDIZATION" OF WAGE RATES

The election of Manion to the presidency of the Order in 1919 marked an avowed change in union policy as well as in leadership.

²⁸ Decision 1448, III R. L. B. 1019, December 5, 1922; *Convention Proceedings*, 1921, pp. 13-14; A. R. E., Conference Committee, *Statements*, IV (February 2-3, 1921), pp. 95-110.

He advocated a national movement for the standardization of wage rates and working conditions, and contended that it was not impossible to work out definite classifications of positions with differentials between them and uniform rates within each class. Of the fundamental problem he said:²⁴

“General offices, relay, dispatcher, yard and reporting offices can be easily classified. Agencies are more complex, it is true, but I venture to say that practically all our General Committees have classified the agencies on their respective roads on one basis or another. A basic rule governing the conditions upon which classification should be predicated, and made applicable to all roads, could be laid down by the General Chairman’s Committee, upon which the General Committees of each property could effect a classification of its agencies, to be submitted to the General Chairmen’s Committee for approval and incorporation into the General Proposition.”

It was evidently Manion’s idea that some basis could be established for fixing uniform rates of pay for all positions with substantially similar duties and responsibilities, not only on the same road but over the country as a whole. The national schedule committee in an effort to carry out this proposal made a comprehensive study of wage rates on 128 American roads, but was unable to frame any objective basis for assimilating the rates of comparable positions. Instead it proposed something quite different; first, that the large number of existing rates be reduced by placing all positions within a certain range or bracket of rates on a single new “class” rate; and second, that these classes on all roads be assimilated in some way, not clearly defined, to the rates currently paid on the Southern Pacific, which were probably the highest in the country. In this way, for example, 173 existing rates for station agents ranging from 48¼c to \$1.40 per hour were to be reduced to 24, varying for the most part by 5c differentials from 65c to \$1.67. Thus all agents receiving from 48c to 52c per hour were to be “equalized” on a uniform basic hourly rate of 60c, to which a uniform increase of 17c per hour was to be added. In the other branches of the service a similar procedure was to be followed.²⁵

Before the Board of Railroad Wages and Working Conditions Manion argued, on December 4, 1919, that the large number of existing differentials was unnecessary to reflect actual differences

²⁴ *Convention Proceedings*, 1919, p. 197.

²⁵ O. R. T., National Schedule Committee, *Minutes*, September 10, 1919, p. 10; *Telegrapher*, XXXVI (1919), pp. 1200-1; XXXVII (1920), pp. 3-5.

in work and responsibility, and that a smaller number of groups, with clear differentials, would serve equally well and overcome the tendency to excessive differentiation. One of the members of the board, Mr. Gaines, recalled that a year before officers of the Order had opposed any disturbance of existing differentials. Manion replied that the policy of the organization *had* changed but that all differentials had not been eliminated. Another member of the board, Mr. Demody (fourth vice-president of the Order, on leave of absence) intervened to point out that the present proposal involved less uniformity of rates than would have been produced by the 60c minimum requested the year before, inasmuch as that would have put fully 80 per cent of the positions on an equality at the minimum rate.²⁶

As we have already seen, the Telegraphers were unable to carry through their wage movement before the end of federal control. They presented their program without essential changes before the railway executives in the joint conferences of April 1920, and ultimately their demands went, with those of the other organizations, to the Labor Board. On May 1, 1920, Manion, in his argument before the Board, explained that existing wage rates were unsatisfactory to the Telegraphers not only because they were inadequate but also because they were poorly gauged to the duties and responsibilities of different positions. This unsatisfactory situation he attributed to the traditional method of wage adjustment:²⁷

"This may be attributed in the main to the methods followed by the Railroads and our committees in fixing rates. In past negotiations it was customary for the railroads to award a lump sum of money for apportionment among the employees. The appropriation thus made would then be distributed by representatives of the railroads and representatives of the employees in joint session upon the principle of application, 'a little to everybody,' and if anything was left after such application, it was applied to a few positions where the rates of pay were inordinately low as agreed to by the two parties to the distribution. The result of this system of application of wage increases was the creation of a number of rates of pay without regard to equalization or standardization until today we find 182 different rates of pay in effect among the classes we represent.

"The anomalous condition thus created, of employees performing the same class of service in the same town and in some cases in the same building for which they receive different rates of pay, is a con-

²⁶ *Telegrapher*, XXXVII (1920), p. 5.

²⁷ *ibid.*, XXXVII (1920), p. 558.

sequence of this unbusinesslike method of distribution of wage increases."

The carriers opposed this proposal on the ground that the existing rate structure had been built up out of years of experience and that even 182 rates did not express the actual variations in duties, responsibility and necessary skill. They objected also to the use of the Southern Pacific rates as a basis of standardization on the ground that the peculiar territory traversed by that road necessitated extremely high rates to attract the necessary employees. They contended that wages must necessarily be adjusted to different conditions on different roads, and that uniform rates for the entire country could not be made for any class of positions, whether on the basis of maximum, minimum, or average living requirements, which would not result in serious injustice. They concluded:²⁹

"Standardization requested by these employees would likely result in later demands for differentiation and this cycle would likely be kept up ad infinitum as the exponents of standardization or differentiation prevail in the councils of the organization.

"It is unreasonable to expect that the skill and responsibility of 65,000 positions throughout the United States can be evaluated in the light of the facts now available or that can be obtained within a reasonable time and reclassification made by your Board justly and reasonably into 24 rates."

As the Labor Board was under pressure for a decision on the general wage issue it passed over the question of inequalities or standardization and in Decision 2 awarded a horizontal increase of 10c per hour to all positions in the Telegraphers' schedules except the small non-telegraph agencies, which were raised 5c. The wage reduction of 1921 was likewise a horizontal decrease of 6c per hour for all positions save the small non-telegraph agencies, which lost the entire 5c increase of the year before.

When the 1922 movement for further reductions reached the Labor Board, Manion emphatically contended, in the hearings, that the Telegraphers should receive no further general reduction at least until after their long-standing complaint on inequalities

²⁹ A. R. E., Conference Committee, *Statements*, I (May 17-June 10, 1920), pp. 166-7. An outline of the Telegraphers' schedule of proposed standard rates appears on pp. 170-4.

had been disposed of.²⁹ The Labor Board did withhold action on the general wage issue, so far as the Telegraphers were concerned, and on December 7, 1922, it announced a resolution, previously adopted, that no action would be taken pending an opportunity to investigate the inequalities complained of.³⁰

By curious chance this resolution appeared just two days *after* the Labor Board handed down Decision 1448 in a renewed controversy over wage adjustments made during federal control under Interpretation 8. When the carriers began the movement for general wage reductions in 1922 those affected by Interpretation 8 also demanded the abrogation of all wage adjustments made in conformity to it. While the general case was pending they secured a separate hearing on this issue, in which they again canvassed the demoralizing effects which followed the inversion or disturbance of previously existing relationships between positions of greater and lesser responsibility. The Telegraphers conceded the existence of serious maladjustments, as they had in 1919, but again contended that these should be eliminated by using the lump sum of money involved to even up inequalities on the individual roads concerned. This proposal once more fell on deaf ears, and the Labor Board granted the request of the carriers for the abrogation of Interpretation 8. This action it justified with the amazing statement that:³¹

"It appears that the employees who have benefited by the inequalities resulting from the application of Interpretation No. 8 have received the full amount of the increase provided for in the orders and decisions of the United States Railroad Administration and the Labor Board, and that the higher rates of pay accruing to them through the application of said Interpretation No. 8 have resulted from the inclusion in the monthly rate used as the basis for computing the hourly rate under Supplement No. 13, compensation for service which was paid for additionally as overtime. This does not appear to have been contemplated by any decision of the United States Railroad Administration increasing the rates of pay of any class of employees."

To this decision, which displayed no comprehension of the basic nature of the issues, A. O. Wharton wrote a spirited dissent, in which he pointed out the fact that before it was finally issued Interpretation 8 was reviewed successively by Board of Adjust-

²⁹ *Telegrapher*, XXXIX (1922), pp. 96-9, 389-400; *Convention Proceedings*, 1924, pp. 8-9.

³⁰ Quoted in Decision 1698, IV R. L. B. 213, March 13, 1923.

³¹ Decision 1448, III R. L. B. 1019, 1023-4.

ment No. 3, the Board of Railroad Wages and Working Conditions, and the Director General, and was approved also by the Director of the Division of Operation. As a measure of justice he urged a settlement along the lines proposed by the organization but this, he revealed, had been defeated by a 5-3 vote of the Labor Board.⁸²

The Telegraphers secured a rehearing of the case, at which they showed that a number of the carriers had come to direct agreement with the committees to use the money to eliminate inequalities, and urged that a general settlement on the same basis be granted. The Board, however, simply reaffirmed its previous decision. This action, purporting to deal with the question of inequalities, was regarded by the Telegraphers as a deliberate and unfair attack on themselves, in view of the statement of the Board, in the Resolution on Docket 1300, that it had not yet had time to consider the issue of inequalities on its merits.⁸³

During the rehearsals on Interpretation 8 the Telegraphers requested that the general wage issue be remanded for direct negotiations. A number of agreements had already been drawn in this way and there seemed to be reason to believe that many more could be worked out if the case were removed from the docket of the Board. This union request, which significantly marked the abandonment of the dream of national standardization of wages and ended the era of horizontal wage adjustments, was granted in Decision 1698, March 13, 1923.⁸⁴

C. SYSTEM AND INTER-SYSTEM EQUALIZATION OF WAGES SINCE 1923

As we have seen, none of the general wage orders from 1918 to 1922 set up any criteria for the adjustment of wage rates as between different positions or classes of positions on the same or adjoining systems. During the closing months of 1922 the general committees began to make progress by direct negotiations of the pre-war variety. On the Chicago & North Western and a few other roads they were able to secure an agreement, even before the Labor Board's decision on Interpretation 8, to use the money involved to adjust inequalities. Similar settlements ultimately fol-

⁸² *ibid.*, pp. 1024-8.

⁸³ Decision 1679, IV R. L. B. 194, March 9, 1923; *Telegrapher*, XL (1923), pp. 28-39, 112-13, 217, 249-59; *Convention Proceedings*, 1924, pp. 10-11.

⁸⁴ Decision 1698, IV R. L. B. 213, March 13, 1923; *Convention Proceedings*, 1924, p. 12.

lowed on practically all the roads affected by that decision.⁸⁵ At the same time, however, many of the general committees which were demanding the upward revision of their wage scales were not able to obtain satisfactory concessions, and carried their claims to the Labor Board individually. The Board consolidated the proceedings in most instances, and in six subsequent decisions it passed on the wage scales and working rules for as many groups of roads. In Decision 2025, the first of this character, the Board declared that no general increases were warranted at the time, but that certain inequalities did in fact exist (1) as between positions on the same road, and (2) as between roads. Later cases were disposed of in practically the same manner. With reference to the issue of inequalities the Board said:⁸⁶

"In endeavoring to correct the inequalities referred to, standardization of the wages of this class of employees is not attempted nor is such a condition deemed either practical or just.

"The Board has increased the rates on certain roads with a view to bringing them in harmony with rates on comparable carriers and to the end that the employees may receive just and reasonable wages.

"The task of establishing a proper relationship between the rates of pay for different positions on the same carrier has not been undertaken by the Board, but a method is provided by which certain of the carriers and the employees can agree upon such adjustments within the limits of the increases herein granted."

To this end the Board provided for increases of varying amount for the employees of the lower-paid roads of each territory, and directed that the aggregate increase on each road should be distributed by joint action of the railway officials and the general committee. No more effective way of assuring equitable relative rates on the system could be thought of than that traditionally employed before the War, defective as it was. By giving no increases to the roads whose average wage rates were relatively high, and varying amounts to those whose averages were lower, the Board undoubtedly did quite a bit to increase the degree of *territorial* standardization of rates.

With the termination of the Labor Board in 1926 there was no longer any definite machinery for the standardization or equalization of wage rates as between roads, but it is doubtful if this was a cause of mourning to the Telegraphers, who believed that the

⁸⁵ *Telegrapher*, XL (1923), pp. 653, 726, 950-1.

⁸⁶ Decision 2025, IV R. L. B. 739, November 22, 1923; and also Decisions 2115, 2434, 2557, 2686, 3266, 3767.

Labor Board tended to standardize by holding back the increases which they could secure on the more strongly organized roads, rather than by leaving them free to go ahead as they could and bringing the rates of the poorer-paid up to the new levels. Since 1926 the general committees have made their wage settlements independently, and standardization as between different roads has not been a conspicuous union objective. However, as increases have been won on one road after another in a sort of cycle, some measure of equalization has been achieved. Union officers in fact state that the actual diversity of rates for comparable work from road to road is much less than relative average rates would suggest. Some roads, for example, may have a high average rate because they require a larger number of higher-paid men than are needed on adjacent carriers, or vice versa, although class for class the rates are practically the same. It seems fairly clear from the union experience, however, that a greater degree of standardization of rates on the individual systems, on some more or less objective basis, must precede any real standardization as between systems.

5. Is Standardization of Wage Rates Impossible?

It is evident that many of the conditions that interfered with the systematic classification of positions in the past are still existent, although in certain directions their influence has been mitigated. The marked standardization of hours of service and working rules achieved since 1918 has reduced the diversity and facilitated the comparison of duties at different points. Furthermore the greatly reduced range from minimum to maximum hourly rates means that a reasonably small number of class rates could be inaugurated without extensive shifting of individual wage rates.

On some roads a definite attempt has been made to work out a basis of classification acceptable to both sides, particularly for those groups whose work is least diversified, such as the operators and towermen. Even before the War the signal towers on the New York Central east of Buffalo were classified in ten groups, with monthly rates of pay ranging from \$66 to \$88. Later the towers on the New Haven were thrown into four groups, three with uniform rates and the fourth containing the "mongrels." On the Oregon Short Line the station agencies, which present the most serious difficulties, were assigned to twenty different groups with fixed differentials between them. The schedule also provides that

if conditions at an agency change the management and general chairman shall jointly readjust its classification; if they fail to agree, the whole committee may be called in, after which the case is handled as a grievance. Thus the union comes into the rating process at the beginning rather than as a protestant after the rate has been fixed by management alone.⁸⁷

These few instances serve mainly to emphasize the rarity with which there has been any joint attempt to develop a comprehensive scheme of rating positions. The Telegraphers have undoubtedly been reluctant to concede that wage rates should be determined by objective criteria alone, just as most other trade unions have in the past resisted the measurements of scientific management. Before the Wage Board in 1918 Perham argued that as a man's responsibilities and duties increased his wage should be increased, but denied that differences in work could be measured by such an objective standard as train movements, even in the case of non-telegraphic levermen.⁸⁸ The fear is that a mechanical rule would lack flexibility and lead to the neglect of important but intangible elements in the work of particular positions.

Since the War, union opposition to scientific management has declined and in some instances the unions have participated in the fundamental studies. In the case of the Telegraphers little of that sort of thing has yet been done, though it would seem that time and motion studies of the work of signal towers, comprehensive analyses of traffic density, accurate counts of train order and message work, and comparative studies of the volume of business at different agencies would assist materially in classifying positions of all kinds. If undertaken jointly such surveys would simplify the problems of bargaining on particular positions by reducing the number of unmeasured factors involved. They would not appreciably affect the ability of the union to gain concessions for the group and might improve its position by reducing the possibilities of friction. Since 1918 a number of extensive investigations of various conditions affecting the work of union members throughout the country, and the creation of a permanent statistical and research division at the union headquarters, have reflected an increasing recognition of the advantage, and even the practical necessity, of a more scientific approach to the problems of wages and working conditions.

⁸⁷ Statement of union officers to the author. See also O. R. T., *Schedules and Wage Scales*, 1918, p. 432.

⁸⁸ *Telegrapher*, XXXV (1918), pp. 1193-6.

Thus far the organization has not had to face the question of whether wage rates should be uniform for comparable work over an entire road, or adjusted to differences in cost of living and desirability of living conditions. On this point the interests of the members themselves do not necessarily coincide. The present methods of dealing do not make necessary the adoption of a hard-and-fast policy, but standardization of wage rates would have to proceed exclusively on one basis or the other. Inasmuch as wide differences of opinion could legitimately arise on both sides regarding the proper allowances to be made for these variable factors it seems likely that standardization would have to rest solely on the basis of the comparative duties of different positions, just as piece rates set over a wide geographical area by regional bargaining tend toward uniformity without regard to local living conditions. The prospect for standardization of wage groupings within the near future would seem to be very slight, but the developments of the past fifteen years have brought that objective more nearly within reach should the policy of the union as a whole swing in that direction.

CHAPTER XI

HOURS OF SERVICE AND RELIEF PERIODS

FROM the early days of the organization the limitation of hours of service has been an objective of collective action correlative in importance with the increase of wage rates. The changes of the past forty years stand out in the greatest relief in the case of men employed in single-shift jobs at small stations. In the earlier days living quarters adjacent to the station or office were very often provided by the railroad company, so that the operator or agent-operator was always available for a "call" to service. Sometimes the exigencies of the train schedule involved meeting regular trains at intervals throughout the night, so that the employee was never free to go very far away from his job. On some roads a monthly salary was fixed to cover all service rendered; under such circumstances both the amount and duration of the work, and the rate of pay per hour, were indeterminate. Much union activity has consequently centered on defining the limits of the working day, shortening it as much as possible, and securing additional compensation for service outside the regularly assigned hours. At the same time a great deal of attention has also been given to the attempt to secure additional relief time for rest and recuperation, particularly for men working under conditions involving nervous strain.

1. *The Limitation of Hours of Service*

The limitation of hours of service is accomplished by the joint application of a number of basic rules which, with the seniority rules, constitute the heart of any schedule. Of these, the basic day, meal hour, intermittent service, starting-time spread, suspension of service, guarantee, overtime, and call rules are the most significant. During federal control and the régime of the Labor Board they became very widely standardized, so that the conditions of service are now practically uniform over all the important railways of the country.

A. THE BASIC DAY

The term *basic day* as used in railroad circles refers to the number of hours in an assignment which must elapse before overtime

payment begins. The term *normal day* is applied to the number of hours actually worked as a regular thing, since it is sometimes impracticable to terminate an assignment within the basic number of hours specified.

In the telegraph and station service there was, prior to the War, a considerable degree of variation in the length of individual assignments, depending mainly on the number of men regularly employed at a given station and the number of hours of continuous service required by the train schedule. Where an office was operated day and night continuously and the traffic was comparatively heavy, three men were usually employed, working three eight- or nine-hour shifts or "tricks" even in the early days. At two-trick offices the assignments ranged from eight or nine hours up to twelve according to traffic conditions. At one-trick offices the men almost invariably worked twelve hours or more, or had no definite limit to the amount of service which could be required. Many of the early rules fixing a basic day of twelve hours were largely vitiated by their failure to require that the hours of service be consecutive, or by the proviso that employees might be assigned to meet regularly scheduled trains arriving before or after working hours without overtime payment for the service.¹

Before 1900 comparatively little was accomplished in shortening the basic day, but there was considerable progress in strengthening the rule. Thus where twelve hours' service was assigned it was ordinarily required to be consecutive. In many cases a meal hour free from service was provided in the course of the shift. The aggregate number of hours to be worked if the trick was split or irregular was also reduced in some instances. In a few schedules the hours at stations served by three or more men were fixed at ten, with no meal hour.²

After 1905 the attention of the organization was devoted, for a number of years, to the effort to secure the limitation of hours of service by state and federal legislation, in which they were aided by the prevailing drift of public feeling. The effect of long hours upon the alertness of responsible employees had been emphasized by a number of accidents directly attributable to fatigue, which seemed to warrant legislative action in the interests of public safety.

¹ The Southern Pacific (Pacific System) schedule of 1899 limited the aggregate service on split tricks to eight hours; the Northern Pacific schedule of 1901 fixed the limit at ten. *Telegrapher*, XVI (1899), pp. 821-30, 823; XVIII (1901), pp. 104-5.

² *ibid.*, XIX (1902), pp. 239-41, 473-4.

Curiously enough the first measure proposing to limit the hours of telegraphers, introduced in the Maryland legislature in 1902, received very little support from the operators themselves. By 1905, however, it was actively sponsored by the organization, despite some opposition within the ranks, and in 1906 was finally enacted. Similar measures elsewhere received organized support and were quickly placed on the statute books of Missouri, Nevada, North Carolina, New York, Virginia, Texas, Arkansas, Connecticut, and Wisconsin. These state laws were for the most part invalidated by adverse decisions in the courts, holding them to be in conflict with the federal power to regulate interstate commerce even in the absence of equivalent federal legislation.³

Even before the state laws were invalidated, the train and engine service organizations and the Telegraphers had initiated a movement to secure federal legislation. Early in 1907 Congress enacted the Hours of Service Act, covering all employees engaged in the movement of trains. It provided that train and engine crews might work not more than sixteen consecutive hours, to be followed by at least ten consecutive hours of rest, and that dispatchers, telegraphers, and others handling train orders, should not work more than nine hours in twenty-four at offices "continuously operated," nor more than thirteen hours at offices open only part of the day, with allowance for extra service in emergencies.⁴

The sections covering the telegraphers were vigorously attacked by railway officials as class legislation. Strenuous efforts were made to secure an extension of time beyond March 4, 1908, the effective date of the law, which would have amounted to its virtual suspension. On February 27, 1908, the Interstate Commerce Commission conducted hearings on requests for relief from the application of the law to large numbers of offices filed by more than fifty carriers. The latter pleaded that an adequate supply of competent operators was not available, at least in normal times; that reduced earnings during the depression made compliance financially impossible; and that safety would not be increased, because many of the smaller offices would have to be closed. The Commission, however, pointed out that there were about 7,300 offices operated continuously on twelve-hour shifts, and that the requests for relief affected approximately 4,700 of them. It held that, while it had the power to grant

³ *Telegrapher*, XXIII (1906), pp. 265-8, 588-92, 726, 1380, 1516-17, 1673, 1784-5; XXIV (1907), pp. 663-72, 886-92, 1149-50, 1238-40; XXVI (1909), p. 367; *Railway Age*, XLI (1906), pp. 1003, 1028, 1217, 1238; XLII (1906), p. 212; XLIV (1907), pp. 23, 208, 262, 412, 475.

⁴ 34 Stat., 59th Cong., 2d sess., ch. 2939.

relief in specific cases, a general suspension of the law, such as was involved in the petition of the carriers, would constitute an unwarranted interference with the mandate of Congress and could not be granted.⁵

In actual effect the Hours of Service Act fell far short of the Telegraphers' expectations. On many roads the spirit of the law was evaded by resorting to "split tricks" by which the aggregate number of hours specified by the act were spread over a longer interval. This practice was sustained by the Supreme Court in the Santa Fe case in 1911. It held that the omission of the word "consecutive" from the restrictive wording of the section covering employees handling train orders, and its inclusion in the section dealing with train crews, indicated that the intention of Congress was to apply the restrictions only to aggregate service.⁶ Under this interpretation the actual spread of the service might be extended as much as desired by giving short periods of release at times when the train schedule did not require service. Furthermore, as the law applied only to those classes of employees actually engaged in train operation,⁷ it left a substantial part of the membership uncovered. As a result special rules, which applied only to employees covered by the federal law, appeared in the schedules on a number of roads.⁸

The continued efforts of the Telegraphers to secure legislation remedying the defects of the Hours of Service Act were supplemented by direct negotiations intended to improve the hours assigned over those established by the Act. By 1917 this effort had met with very general success, although the hours of different classes in the service were still far from standardized. In his testimony before the Board of Railroad Wages and Working Conditions in August 1918, Perham stated that on 94 scheduled roads practically all stations requiring three shifts or more were on an eight-hour basis, and that a majority of two-shift positions were also on an eight-hour basis. In the case of one-shift positions the normal assignments varied: on 31 roads eleven hours of service in a twelve-hour spread was normal; on 19 roads a ten-hour assignment was customary; and on 26 a further reduction to nine hours had been secured. These figures ordinarily referred to the actual working hours; in one- and two-shift positions the number

⁵ *Telegrapher*, XXV (1908), pp. 159-75, 357-67, 553, 1083-93, 1265-82, 1663-6; *Railway Age*, XLIV (1907), pp. 208, 412; XLV (1908), pp. 69, 177, 192, 210, 266, 297, 305, 309.

⁶ *U.S. v. Atchison, Topeka & Santa Fe Railway Co.*, 220 U.S. 37 (1911).

⁷ *Chicago & Alton Railroad Co. v. U.S.*, 247 U.S. 197 (1918).

⁸ O. R. T., *Schedules and Wage Scales*, 1918, *passim*.

of consecutive hours from starting time to release was increased by the addition of a meal hour for which the company was not required to pay.⁹

One of the major results of federal control as far as the Telegraphers were concerned was the almost universal application of the eight-hour day to all classes of positions. General Order No. 27 gave explicit recognition to the principle of the eight-hour day, although it conceded that some difficulties might be encountered in reducing the normal day to those limits in every branch of the service.

When the Telegraphers appeared before the Wage Board in August 1918, they requested a basic day of eight hours for telegraphers, and six hours for men in a "tense condition of employment," such as dispatchers and train directors, with time and one-half for overtime on week-days and double time on Sundays and holidays. Representatives of the organization deprecated the idea that this would result in an increase in the number of employees required, or that any substantial increase in the amount of overtime payments would be necessary.¹⁰

Supplement 10 provided, with one minor exception, that eight consecutive hours, without allowance for meals, should constitute a day's work for telegraphers employed where two or more shifts were worked, and that eight consecutive hours, exclusive of meal hour (within a spread of nine consecutive hours, in other words) should constitute a day's work for one-shift jobs. Supplement 11, covering non-telegraphic agents, provided that eight hours, exclusive of meal hour, should constitute a day's work. Three groups of agents were excluded from the operation of the Supplement: (a) part-time employees receiving less than \$30 a month on January 1, 1918; (b) men paid on a commission basis, or on a combination of salary and commission basis, by the railroad company; and (c) agents at small stations receiving less than \$50 a month prior to January 1, 1918.

Supplement 13 merged the agents and operators on the more favorable terms provided in Supplement 10, retaining the exceptions previously incorporated in Supplement 11, which affected only a small number of positions. The chief difference was that Supplement 10 had applied overtime at time and one-half for all service after eight consecutive hours, while Supplement 11 had made the rates for the ninth and tenth hours pro rata, so that no

⁹ *Telegrapher*, XXXV (1918), pp. 1144-5.

¹⁰ *ibid.*, XXXV (1918), pp. 1005-6, 1144-5, 1169-78.

penalty was involved in requiring service up to ten hours from the agents. Supplement 13 applied punitive overtime rates to all service in excess of eight consecutive hours (or nine elapsed hours at one-shift offices where the meal hour was regularly allowed), and so definitely tied down the basic day for all classes to eight hours.

When the Order sought the establishment of the national schedule in the fall of 1919 the regional directors' conferees proposed the continuation of the prevailing rule. The Telegraphers asked for a basic day of eight consecutive hours with an allowance of twenty minutes for lunch between the fourth and sixth hours of each trick without loss of pay, and again requested the six-hour day for men under nervous tension. No agreement was reached on these issues.¹¹

The Telegraphers' rules did not again come up for general consideration until the individual carriers initiated a movement for the revision of working rules in the closing months of 1921 and carried the disputes to the Labor Board. In Decision 757, March 3, 1922, the Board ruled adversely to the organization on a number of important points, the most serious losses being (1) the authorization of the assignment of split tricks at certain classes of one-shift offices under an intermittent service rule, and (2) the substitution of pro rata for punitive overtime rates for the ninth hour of service. However, these changes, which will be discussed below, proved to be but temporary, and in Decision 2025, November 22, 1923, the Board revised the standard rules governing hours of service so as to restore the limits set up for the basic day during federal control.

B. SPLIT TRICKS AND INTERMITTENT SERVICE

The separation of an assignment into two or more parts by the granting of intervals of release from duty enables the employer to spread out a given number of hours' service over a greater extent of elapsed time, so that one man may meet widely spaced trains with a minimum amount of overtime. With the longer hours of service which generally prevailed thirty years ago there was less necessity for the actual division of the working day in this way, yet even in the '90's the carriers often reserved the right to arrange the hours, or required agents at one-trick offices to meet regularly scheduled trains before or after hours without overtime.¹²

¹¹ Joint Committee, O. R. T. and Regional Directors, *Report*, 1920, pp. 24-32.

¹² *Telegrapher*, VIII (1892), p. 529; IX (1893), pp. 45-6, 171-2, 557-8.

The union did not at first seek the complete elimination of split tricks; an inspection of representative schedules in force in 1900-03 indicates, however, that where twelve hours of consecutive service were not definitely fixed as a day's work for one-shift offices the aggregate number of hours' service to be performed was reduced below twelve, or at least a provision was made that not less than eight consecutive hours of release from duty should intervene before the beginning of another assignment. In a number of schedules split tricks were confined to branch lines and only one split permitted. The meal period was never counted as a split.¹³

As we have already seen, the Supreme Court greatly reduced the effectiveness of the Hours of Service Act by sustaining the use of the split trick in the Santa Fe case. Under this decision it was permissible to assign men at one-shift offices to work an aggregate of thirteen hours in twenty-four and to require four additional hours not more than three days a week under "emergency" conditions. Thereafter the general committees made the contractual limitation of the use of split tricks a prominent objective. By 1917 many schedules provided that the hours at one-shift offices should be consecutive, without reservation. In a few agreements split tricks were authorized for certain classes of employees, especially those coming under the Hours of Service Act. The Northern Pacific schedule provided that all telegraphers employed at one-shift offices should work eight hours, with a meal hour and one split, in a spread of ten consecutive hours, while exclusive agents might be assigned to ten consecutive hours, exclusive of meal hour, in an eleven-hour spread.¹⁴ In some cases men in one-shift offices on branch lines were required to work eleven consecutive hours and meet one regular train outside of hours without overtime. Although such rules as have been cited amply illustrate the lack of standardization of working conditions, they also show the general progress with the establishment of outside limits within which the service was to be performed.

¹³ On the Northern Pacific, for example, aggregate service on split tricks was not to exceed ten hours; on the Frisco the limit was eleven hours, and split tricks were to be assigned only on branch lines. The Southern Pacific schedule fixed an eight-hour limit to aggregate service, limited the splits to one, and provided that the rest period should be consecutive. The Union Pacific agreement permitted split tricks in branch line service, but guaranteed eight consecutive hours' rest after sixteen consecutive hours of service. The Oregon Short Line schedule permitted split tricks on branch lines. *Telegrapher*, XVIII (1901), p. 104; XIX (1902), pp. 241, 603, 1426-7, 1443; XX (1903), pp. 19-20.

¹⁴ O. R. T., *Schedules and Wage Scales*, 1918, p. 481.

Supplement 13 represented a long step forward for the organization because split tricks were completely eliminated and even one-shift offices brought down to a nine-hour spread including the meal hour. Likewise one of the severest losses suffered by the Order after the War was the incorporation of an intermittent service rule in Decision 757, reestablishing split tricks under certain conditions. This rule provided that¹⁸

"At one-shift offices, where service is intermittent, eight hours actual time on duty within a spread of twelve hours shall constitute a day's work. Employees filling such positions shall be paid overtime for all time actually on duty or held for duty in excess of eight hours from the time required to report for duty to the time of release within twelve consecutive hours computed continuously from the time first required to report until final release. Time shall be counted as continuous service in all cases where the interval of release from duty does not exceed one hour.

.

"This rule shall not be construed as authorizing the working of split tricks where continuous service is required.

"Intermittent service is understood to mean service of a character where during the hours of assignment there is no work to be performed for periods of more than one hour's duration and service of the employees can not otherwise be utilized.

"Employees covered by this rule will be paid not less than eight hours within a spread of twelve consecutive hours."

Inevitably this rule gave rise to innumerable disputes because it established no objective test for determining when service actually was intermittent. It was a backward step which potentially affected a large number of one-shift offices. Naturally it was bitterly resented by the men who had become accustomed to the shorter work-day in the three preceding years.

The organization accordingly initiated a study of the differences in the interpretation placed upon the rule by the managing officials of the different railroads; large numbers of appeals were taken by individual committees to the Labor Board; and finally a formal request for an interpretation by the Board of the disputed rules was filed on October 16, 1922. In presenting the request Manion stated that the union study had revealed wide variations in the application of the intermittent service rule. On some roads all one-shift offices had been placed on a twelve-hour basis; occasionally even two- and three-shift offices had been reclassified as inter-

¹⁸ Rule 3, III R. L. B. 156, March 3, 1922.

mittent service stations. On the other hand there were thirty-five roads on which the application of the rule had been restricted to small non-telegraph agencies, a group to which the Order contended it should be restricted. Manion argued that if there was any service of any sort whatever that the employees could perform *as well* during the period of release as later their positions could not be classified as intermittent.¹⁶

In Decision 2025, rendered about a year later, the Labor Board accepted the organization's interpretation of the rule, restricting its application to small non-telegraph and non-telephone agencies at which service was intermittent. This was followed shortly afterwards by an interpretation of the rule which made its restricted application clear.¹⁷ Further controversies over the basic day were thereby eliminated in large degree; there were less than 3,500 small non-telegraph or non-telephone agencies in the country, and even a part of them were exempt under the modified rule. Thus the present rule, standard throughout the country, prescribes eight consecutive hours exclusive of meal hour for all except one-shift positions, where the spread may be increased to nine hours by granting a meal period.¹⁸

C. MEAL HOURS

The meal hour has always been a feature of the service at one-shift offices. Before the War it was often found in two- and three-trick offices when the regular assignment was nine hours. The chief changes since the early days have been (1) provisions that overtime rates be paid to men required to work during their meal hours, and (2) reductions in the meal-hour spread, that is, narrowing the time limits within which the meal hour must be granted. The narrowing of the spread of course makes it impossible to relieve some men for meals and so is a potential source of increased overtime payments.

The most interesting point with reference to the meal hour is that so long as the men were paid on a monthly, weekly or daily

¹⁶ *Telegrapher*, XXXIX (1922), pp. 922-7; *Convention Proceedings*, 1924, pp. 7-8; O. R. T., *Circular Letter No. 39* (MS), September 12, 1922.

¹⁷ Interpretation No. 1 to Decisions 757-2025, V R. L. B. 915, April 15, 1924.

¹⁸ There were occasional controversies over the definition of a one-shift position. For example, if there were an exclusive agent at a station, at which three telegraphers were employed, he would be considered to have a one-shift job if he did no work similar to that of the agent-telegraphers; if the agent did perform some telegraphic work his position would not be regarded as a single-shift job even though the telegraphers did no work similar to his duties as an agent. Interpretation No. 4 to Supplement 13, Art. V, Question 27, quoted in U.S. Railroad Administration, *General Order No. 27*, p. 114.

basis the meal hour was regarded as a device which reduced the amount of service required. When the hourly basis of payment was substituted, however, it no longer appeared as though the man was being paid for an hour which he did not work. Thus, where an assignment at a single-shift office before the War had often been "twelve hours *inclusive* of meal hour," it became, after Supplement 13, "eight hours' service *exclusive* of meal hour." Instead of being looked upon as an hour off on company time it came to be regarded as a company device to spread out the service to take care of widely spaced trains with a minimum of overtime. It is interesting to note that the tentative national standard schedule of 1919 proposed to eliminate the meal hour at one-shift offices and place all employees on a straight eight-hour basis—on the ground that few men were ever sure of having relief for their meals, and that it was desirable to have the amount of service required made perfectly definite—and at the same time it introduced a rule requiring the carriers to allow all eight-hour men twenty minutes for lunch between the fourth and sixth hours of their tricks, with penalty overtime if not allowed. This move was obviously an effort to pass back the cost of the meal hour to the companies, as well as to reduce the spread of time covered by the day's work. Naturally it elicited no support from the regional directors' conferees.¹⁹

Supplement 13 did not fix any limits within which the meal hour was to be allowed. Supplement 21, which established rules to govern the service on previously unscheduled roads, provided that it must be granted between eleven and two o'clock day or night, and that if an employee were not relieved within that interval he should be paid for the hour at time and one-half and in addition be given thirty minutes for lunch without loss of pay at the earliest opportunity. In Decision 757 the Labor Board reduced the meal-hour spread to two hours, between eleven-thirty and one-thirty, but substituted pro rata rates for overtime rates of pay for the hour if worked, and also cut to twenty minutes the time to be allowed subsequently for lunch. This rule eliminated any penalty attaching to a normal assignment of nine hours at one-shift offices, save the twenty minutes to be allowed for lunch, and proved to be a source of considerable discontent. In Decision 2025 and subsequent decisions the Board increased the lunch interval to thirty minutes but left the pro rata rate in effect. Since that

¹⁹ Joint Committee, O. R. T. and Regional Directors, *Report*, 1920, pp. 30-2.

time punitive overtime rates have been restored on some roads by direct negotiation.²⁰

D. STARTING TIME

Ordinarily in industry, and even in some branches of the railroad service, the entire group of employees begins work and quits at approximately the same time, so that the starting time and closing hour may be adjusted as conveniently as possible to the length of the working day or shift. In the station and telegraph service, however, the hours at which the services of the employees are required vary from station to station and office to office in accordance with the train schedule. A uniform starting hour would often involve the presence of employees at their posts long before there was urgent work to do, or make necessary additional overtime payments to take care of service after the expiration of the regular assignment.

In the early days the carriers were free to fix the hours of service to suit the requirements of the schedules, but from 1900 to 1917 the committees on many roads were successful in negotiating limitations upon the starting-time spread, that is, the range of hours between which an assignment might begin. The greatest difficulty, of course, was encountered in securing such limits for offices operated on one or two shifts. There were wide variations in the starting-time rules from road to road, and seldom did they apply to all classes in the service. A comparatively frequent rule was that the regular starting time for single-shift positions should be fixed between 6 and 8 o'clock, day or night. This sometimes applied only to positions not connected with the handling of train orders, and sometimes only to those open more than a specified number of hours per day, say ten, eleven, or twelve. The starting time for two- and three-trick offices was occasionally defined. As the service at the three-trick offices was usually continuous, the starting time was of less importance to the carrier except in case the first trick involved station service or other duties not performed by the second- and third-trick men.²¹

From the union point of view there were two principal reasons for seeking to establish starting-time rules. First, it was a way of obtaining a greater degree of adjustment of hours to the conven-

²⁰ As in the Baltimore & Ohio schedule, effective October 1, 1925, Art. X, sec. 2, f-h.

²¹ *Telegrapher*, XIX (1902), p. 600; XXVII (1910), p. 212; XXX (1913), p. 1230; O. R. T., *Schedules and Wage Scales*, 1918, pp. 122, 131, 176, 181, 200-1, and *passim*.

ience of the majority of the men working; and second, by limiting the spread of hours within which an assignment could regularly be fixed, it tended to increase the number of instances in which calls or overtime had to be paid for. The starting-time rules in force before the War rarely imposed appreciable burdens on the carriers or caused a great deal of overtime. Not only were the rules themselves far from stringent, but the general prevalence of the twelve-hour day made it possible to cover the normal service in most cases with some leeway.

The universal application of the eight-hour day during federal control made the starting-time issue more acute from the railroads' point of view because the rule interfered with the rearrangement of the service to reduce or eliminate overtime. The railway executives accordingly objected that a starting-time spread of 6 to 8 o'clock was unduly restrictive. In Supplement 21 a starting-time rule was established which fixed the spread for one-shift offices at 6 to 9 a.m. and 5 to 9 p.m., and provided that in other offices no trick should begin between midnight and 5 a.m. Later in the year, in the tentative national schedule, the Telegraphers proposed even more stringent restrictions upon the starting time. The regional directors' conferees contended that the great majority of telegraphers already worked within the hours specified, but that to adopt a hard-and-fast rule would cause unwarranted increases in expense because the operating conditions could not be changed to conform to the rules proposed. They made a counter-proposal that regular assignments should have a fixed starting time which should not be changed without thirty-six hours' advance notice, that the starting-time spread for one-shift offices already included in Supplement 21 be adopted generally, and that no restriction be placed on the starting time at offices where two or more shifts were worked.²²

In Decision 757 the Labor Board eliminated the starting-time spread for one-shift offices, provided that at three-shift offices no trick should begin between midnight and 6 a.m., and added the rule proposed by the representatives of the roads in 1919 requiring thirty-six hours' notice of change of starting time.²³ This decision deprived the starting-time rule of much of its force, but in Decision 2025 and later decisions the rule was strengthened slightly by requiring that a starting time be agreed to in conference between the railway officials and union committees. Following this ruling

²² *Report*, 1920, pp. 43-5.

²³ Rule 7.

the committees were very generally able to secure the restoration of the two-hour spread.²⁴

The requirement that there be a fixed starting time—to be changed only on adequate notice—when taken in conjunction with the basic-day rules, went far to render definite the daily assignment. However, controversy arose on a number of roads as to whether the regular assignments had to begin at the same hour on each day. This issue arose most frequently in connection with Sunday service, as the train schedules on Sunday frequently differ from those of week-days, but there were also cases involving variations in the week-day assignments. A typical case was that of a relay operator on the Sante Fe, working eight hours a day, who was required to report at a different hour on Saturday and Sunday than on the other five days of the week, but was paid straight time for the work. The committee contended that he should receive pay for “calls” for reporting on those two days in advance of the regular starting time of his week-day assignments. The carrier contended that the rule did not require that the starting time for each day be the same, but that by posting bulletins from day to day giving thirty-six hours’ notice it had in fact established these as regular assignments in accordance with the rule. The Labor Board ruled for the employees.²⁵ It also sustained a contention made by the employees in a number of other cases, namely, that the carrier was not free to make a different eight-hour assignment on Sundays without paying at overtime rates for service falling outside the hours of the regular week-day assignment.²⁶ The direct negotiation of starting-time rules since 1924 has gone far in eliminating the source of such controversies.

E. RULES GOVERNING THE PAYMENT OF OVERTIME

It is fairly clear that whether or not the normal day tends to coincide with the basic day depends primarily on the exigencies of the train schedule. However, the severity of the penalty placed on service outside the limits of the basic day is also an important factor. It is essential, therefore, to consider (1) the conditions under which overtime is to be paid, and (2) the extent to which the rates are actually punitive. The issue of extra payment for Sunday service will be considered later under a separate heading. Technically, service which is simply a continuation of work beyond

²⁴ *Convention Proceedings*, 1924, p. 13.

²⁵ Decision 3682, VI R. L. B. 1038, June 3, 1925.

²⁶ Decisions 2060, 2648, 3240 are typical.

the regular period assigned is overtime, while service which requires the return of the employee to his office after release and before the starting time of the next assignment constitutes a "call" —or a call and overtime if the period on duty exceeds prescribed limits. On some roads a distinction was made, before the War, between regular and irregular service. Thus, some schedules established definite "extras" or differential rates for men regularly required to meet one or more trains scheduled to arrive outside the assigned hours. These extras were paid in lieu of overtime for such regular service, without eliminating overtime for other work of an irregular character. Such arrangements might be regarded as commuted overtime. Other service outside of regular hours was normally taken care of under the call and overtime rules.

A number of schedules between 1892 and 1903 fixed definite extras for meeting regular trains outside of assigned hours. The Baltimore & Ohio schedule of 1892 provided that at one-trick offices an allowance of \$7.50 per month might be substituted for overtime for meeting regular night trains but that this would not cover special or irregular service. Since the prevailing rates for meeting trains after hours was about 25c per call, this rule fixed the compensation on a basis equivalent to one call per night without reference to the length of the interval from the time of release to the arrival of the train. A similar rule appeared in the Frisco schedule of 1902. In two Canadian schedules negotiated shortly afterwards, the amount of the extra was graduated in accordance with the length of time off duty. On the Grand Trunk the extra ranged from \$3 a month for a train arriving within one hour up to \$6 for one arriving within three to four hours after release. On the Inter-colonial the range was from \$3.50 to \$6.50 for similar service. Such arrangements, however, seem to have been comparatively rare, and by 1917 had almost entirely disappeared.²⁷

Most of the early schedules provided that when an employee was required to return to his office after release he should be compensated for the individual call. Sometimes agent-telegraphers were required to meet trains within a certain spread before or after the regular hours without extra compensation. In other instances a lower rate was prescribed when the train was regularly to be met. In still other cases a lower rate was prescribed for calls within a defined spread: the Chicago, Milwaukee & St. Paul schedule of 1903, for example, fixed the rate at 25c per call between 5 a.m. and

²⁷ *Telegrapher*, IX (1893), pp. 558-9; XIX (1902), pp. 241, 603; XX (1903), pp. 29-32.

10 p.m. and at 50c during the remainder of the night. In the majority of the schedules a call was counted and paid for as an hour's work even though it might involve service ranging from a few minutes up to the full hour. Usually a minimum of 25c was fixed for the call with the proviso that if pro rata rates were higher they should apply instead. If the service extended beyond an hour the excess was ordinarily paid for as overtime, the total compensation consisting of the call rate for the first hour plus the overtime rate for the remainder. In a few cases, however, a higher rate was paid for a call: the Chicago & Grand Trunk schedule of 1892 provided that a call should count as one-quarter of a day's work, and the same provision occurred in the New York Central schedule of 1902.²⁸

The schedules in force in 1917 reveal a wide diversity in call rules, ranging from payment at pro rata with no specified minimum up to 90c for the first hour and pro rata thereafter. The most general rule fixed a compensation of 50c for the first hour and regular overtime rates thereafter, the latter usually being pro rata with a 35c minimum. Since the average hourly rate of pay in 1917 was something less than 30c per hour even the overtime rates embodied something of a punitive element and the call averaged somewhat more than an hour and one-half for service ranging from a few minutes to an hour.

Overtime rates before the War were almost always pro rata above a specified minimum, which was usually fixed far enough above the prevailing average wage to have some punitive effect. Even where overtime earnings were actually pro rata, however, a punitive effect existed, because the men were largely on a monthly salary basis. It made no immediate difference to the company if an employee on an assignment of twelve hours was able to do his work in fewer hours, as it would have had he been employed on an hourly basis, but it did immediately increase operating expense if he was required to work outside his regular hours.

Overtime was usually computed on the basis that less than thirty minutes did not count and that from thirty to sixty minutes would be counted as an hour. This arrangement probably favored the company more than the employee because it excluded all cases in which the service ran a few minutes beyond the assignment. However it unquestionably minimized opposition to the reduction of two- and three-trick jobs to the eight-hour basis where it was

²⁸ *Telegrapher*, IX (1893), pp. 27-8; XV (1898), p. 27; XVI (1899), pp. 270-1, 831; XIX (1902), p. 474; XX (1903), pp. 542-4; O. R. T., *Schedules and Wage Scales*, 1918, *passim*.

necessary for the man on one trick to transfer the orders to the operator on the following trick.

In August 1918 the Telegraphers requested that the overtime rate for all positions be fixed at time and one-half for week-day service. Supplement 10 granted this request to the employees within its scope, and also provided that calls should be paid for as two hours' service at overtime rates, that is, three hours' pay for a period of service ranging from a few minutes up to two hours. Supplement 11 fixed the overtime rates for exclusive agents on a pro rata basis for the ninth and tenth hours, and time and one-half thereafter. The call rule was the same as for the telegraphers.

The overtime provision of Supplement 11 was one of the major grievances giving rise to the insurgent movement in 1918. Not only did the agents object to the lower rate for the first and second overtime hours but they contended, with some reason, that the rule in effect established a normal ten-hour day for them because there was no penalty attached to the requirement of service in excess of the basic eight-hour day.

Supplement 13 acceded to the demand of the Telegraphers that exclusive agents be placed on the same basis as the other classes, and extended the call and overtime rules of Supplement 10 to cover them. These rules provided that:²⁹

"Overtime shall be computed at the rate of time and one-half time. Even hours shall be paid for at the end of each pay period, fractions thereof will be carried forward.

"When notified or called to work outside of established hours, employees will be paid a minimum allowance of two hours at overtime rate.

"Employees will not be required to suspend work during regular hours or to absorb overtime."

These provisions remained in effect until March 1922, when they were modified by the Labor Board so as to permit the carriers to pay for the ninth hour of service pro rata. Taken in conjunction with the revised meal-hour rule and the intermittent service rule this change became the source of a great deal of friction. The phraseology of the call rule was also changed to read, ambiguously, that:³⁰

"Employees notified or called to perform work not continuous with the regular work period will be allowed a minimum of three hours

²⁹ U.S. Railroad Administration, *General Order No. 27*, p. 104.

³⁰ Decision 757, Rules 4, 5, and 7.

for two hours' work or less, and if held on duty in excess of two hours, time and one-half will be allowed on the minute basis."

The rule of Supplement 13, that employees should not be required to suspend work during hours, or "absorb" overtime, was reincorporated without significant change.

A typical example of the friction growing out of the revision of overtime rates is the case of an operator at a one-trick office who was required to work ten consecutive hours at pro rata rates. The committee claimed that where the meal hour was worked it was the pro rata (ninth) hour and that the final hour of the day should be compensated at time and one-half. The carrier contended that the meal hour was not an overtime hour at all since the meal-hour rule as revised by the Board provided that it should be paid for as straight time. The Board sustained the carrier.²¹ This decision in effect authorized the restoration of the ten-hour day for one-shift jobs without penalty. Together with the intermittent service rule it made possible the extension of the actual spread of the working day to thirteen hours at one-trick offices without payment of punitive overtime.

The incorporation of the phrase "not continuous with the regular work period" in the call rule of Decision 757 likewise provided a prolific source of dispute. In some cases the carriers interpreted this to mean that if an employee were called to work two hours in advance of his regular starting time and worked straight through to the regular hour of release (working ten consecutive hours) he could be paid for ten and one-half hours' work, contending that since the service was continuous with the regular assignment the two extra hours could be paid for as follows: one hour pro rata (the ninth hour) and one hour at time and one-half. If it were a one-shift office the actual spread of hours under this interpretation could be increased to eleven hours for the same pay by allowing a meal hour, or the actual service could be increased to eleven hours for eleven and one-half hours' pay, by requiring the employee to work the meal hour. The union contended, on the other hand, that if a man were required to report in advance of regular starting time, he should be paid for a call, that is, three hours' time, even though the service on the call carried over to the regular starting time. Under this construction a man who was called at 6:30 a.m. thirty minutes in advance of his regular starting time,

²¹ Decision 2866, VI R. L. B. 141, January 29, 1925.

and worked eight hours and a half, would be paid for eleven hours (three hours for the call, and eight straight time hours).⁸²

In practice the application of the rule on different roads varied between the two extremes. Widespread complaints quickly followed, which were investigated in the union study already mentioned in connection with intermittent service. When controversy over the application of several of the rules reached an acute stage on the Wabash, President Manion petitioned the Labor Board to suspend the operation of the rules pending a hearing on their proper application. This the Board declined to do, but announced that the issues would again be taken under consideration.⁸³ The question was largely disposed of by Decision 2025 and Interpretation No. 1 to Decisions 757-2025 in November 1923 and April 1924. The Board then construed the rules to mean that if an employee were required to report before starting time he should be paid for a call, even where he continued to work through the regular assignment. It also held that if an employee on intermittent service were required to return to work during his assigned period of release he should be paid for a call, and that if service extended beyond the twelve-hour spread it must be paid for under the call and overtime rules.⁸⁴ These interpretations were largely favorable to the union position. At the same time the Board disposed of the most serious source of dispute by revising the overtime rule so as to make all service beyond eight hours payable at time and one-half. In making this change it remarked:⁸⁵

“ . . . after observing the operation of the overtime rule for more than a year and since giving the entire question further consideration, [the Board] is of the opinion that the insistence of this class of employees that they should be allowed time and one-half for all time in excess of the basic eight-hour day is a just and reasonable contention. The overtime work of the majority of this class of employees is so largely under the control of the carrier that the time and one-half rule will not impose any appreciable burden.”

With the incorporation of the modified provisions in schedules throughout the country by direct agreement or decision of the

⁸² Decisions 2662, V R. L. B. 777, October 4, 1924; 3213, VI R. L. B. 562, March 26, 1925.

⁸³ Decision 1234, III R. L. B. 708, October 6, 1922.

⁸⁴ Interpretation No. 1 to Decisions 757 and 2025, V R. L. B. 915, April 15, 1924.

⁸⁵ Decision 2025, Rule 4, comment.

Board the overtime situation has been pretty well standardized and controversies on the basic day have ceased to be serious.⁸⁶

2. *Periodic Relief for Rest and Recreation*

The railroad is to a large extent a continuous-service agency. Thus, while there is ordinarily some reduction or rearrangement of train schedules on Sundays and holidays the services of the telegraphers, agents and others covered by the Telegraphers' agreements are frequently required, for at least part of the day, seven days a week. The organization has long contended that the confining nature of the work, as well as the heavy responsibilities of some classes of positions, necessitate not only the reduction in daily hours but also the provision of additional opportunities for recuperation. Efforts to achieve the latter objective have included attempts to secure punitive overtime rates for required Sunday service, annual vacations, with or without weekly "relief days," and the six-day week. Although the different programs have overlapped to a certain extent, it will be more convenient to consider them separately.

A. SUNDAY AND HOLIDAY SERVICE

Even in the early days some success accompanied the efforts of the committees to secure reductions in the amount of Sunday and holiday service, the concessions usually amounting to the promise that employees would be excused from service "whenever possible without detriment to the service" which of course meant that it cost the carriers very little. In some cases it was provided that the employees should report at the regular time on Sunday but would be excused without deduction from wages if not needed. In other cases a rearrangement of hours on Sunday was sanctioned in the agreement so as to reduce the time required on duty. Inasmuch as the men were paid a monthly salary, the reduction of hours on Sunday was the equivalent of giving time off with pay but it was not felt as a burden by the companies because the rates were already fixed and the concession entailed no increase in the wage bill. In some schedules there was a reduction in the number of hours constituting a day's work on Sunday, with overtime for all service outside these limits.⁸⁷ It is impossible to estimate the extent to which

⁸⁶ *Convention Proceedings*, 1924, p. 13.

⁸⁷ *Telegrapher*, IX (1893), pp. 104-5, 557; XIV (1897), pp. 19-27; XVI (1899), pp. 270, 826, 905; XVII (1900), p. 113; XVIII (1901), pp. 20, 104; XIX (1902), pp. 135, 602-3, 1430.

such rules as these produced actual relief from full service on the seventh day.

On some roads the committees elected to handle the Sunday and holiday service question in another way, demanding that where such service was required it should be paid for as overtime. The first such rule appeared in the Central of New Jersey schedule of 1893, which provided for the payment of pro rata rates for all service on Sundays. Men working eight-hour shifts were not included. As the monthly salaries were ordinarily understood to cover service on all days of the calendar month, this amounted to double time for Sunday work and placed a definite penalty on the requirement of such service. The precedent was not quickly followed up, but a similar rule finally appeared in the Canadian Pacific schedule of 1902, and in the next few years came to be fairly general on Canadian roads, but not in the United States.³⁸ There were a few roads in the New England territory on which the daily basis of payment was established. On these Sunday service was ordinarily paid for at regular straight-time rates. On the New Haven, where the men were paid by the week, six-day men required to report on Sunday were given a half a day for a call, and a full day's pay for five hours' service or more.³⁹

In 1916 a number of committees in the United States demanded extra payment for Sunday service where required. This demand became one of the prominent issues in the New York Central-Nickel Plate arbitration of that year. The award, which granted pro rata overtime for Sunday service, gave rise to a dispute on the Nickel Plate as to the basis of computation of the overtime rates, and the arbitration board was reconvened. It interpreted the award to mean that the pro rata rates should be determined by assuming that the monthly compensation covered the working days of the month, that is, that daily rates should be ascertained by dividing the salary by 26 instead of 30 or 31.⁴⁰ This system of computing total earnings on the basis of monthly salary for twenty-six days, plus overtime for Sundays where worked, came to be called the twenty-six-day month. It was avowedly an attempt to secure a punitive rate for Sunday service which would reduce such service without reducing earnings, but the carriers contended, with some

³⁸ *Ibid.*, IX (1893), p. 307; XIX (1902), p. 599; Decision 1448, III R. L. B. 1019, 1024.

³⁹ O. R. T., *Schedules and Wage Scales*, 1918, pp. 43, 127, 451.

⁴⁰ *Convention Proceedings*, 1917, pp. 9-10, 160.

reason, that it was a veiled wage increase because much Sunday service was unavoidable.

In 1917 a number of committees in the Chicago territory demanded the twenty-six-day month, and a general understanding was reached on the roads involved in the dispute that the award of the arbitrators in the Rock Island case would be followed in other settlements. The arbitrators granted the twenty-six-day month and a wage increase of 13.3 per cent, the employees stating afterwards that they accepted this in preference to a 22 per cent increase on the calendar month basis, partially absorbing the otherwise punitive effect of the change. Following the award similar terms were established on twelve other roads in the territory. By the end of the year there were about thirty roads in the United States and Canada on which extra pay was given for Sunday service.⁴¹

Before the Lane Commission early in 1918 Perham included in his proposals the establishment of the twenty-six-day month on all roads. The subsequent substitution of the hourly basis of payment for monthly salary made it necessary to approach the Sunday service issue from a new angle. Accordingly, the Telegraphers' request for the modification of General Order No. 27 included a rule requiring payment for all work on Sundays and specified legal holidays at double time rates.⁴² This request provoked sharp criticism from the Board of Railroad Wages and Working Conditions. Perham defended the proposed punitive rate on the ground that it would reduce the amount of Sunday service required, but was hard pressed to show how a material reduction could be effected without interference with necessary railway service. In response to a query as to the possibility of using split tricks on Sunday a union witness replied that the men wanted consecutive hours on Sunday as well as any other day. At this one of the members of the Board, Mr. Lindsey, remarked: "Then you want the compensation rather than the sentimental object." The rejoinder of the witness was that the men did not want to work on Sunday, but that if they had to do so, they wanted a continuous rate. Perham intervened to explain the objection to split tricks on the ground that the periods of relief were frequently so short as to make the day useless for any other purpose.⁴³ The testimony did not make out a strong case for the heavily punitive rates proposed.

⁴¹ *Telegrapher*, XXXV (1918), pp. 426, 587, 1006.

⁴² *ibid.*, XXXV (1918), p. 1142.

⁴³ *ibid.*, XXXV (1918), pp. 1179-84.

Supplements 10 and 11 made no reference to Sunday pay, and accordingly the request was reiterated in the rehearing of the case before the Wage Board in December 1918.⁴⁴

In Supplement 13 the Director General dealt with the issue at length. He expressed strong sympathy with the desire for relief from Sunday service, and granted the special desirability of relief on that day. However, although he admitted that much unnecessary service had been required in the past, he pointed out that some labor on Sunday was unavoidable, and contended that the change from the monthly to the hourly basis of compensation would itself serve as a deterrent to unnecessary service. It would now be necessary to pay additionally for every hour of such service, even at pro rata, so that men required to work seven days a week would, under the new basis of computing hourly rates, have those rates augmented by their Sunday earnings inasmuch as the monthly rates were multiplied by 12 and divided by 306 to determine daily rates. This was equivalent to the assumption that the annual earnings used as a base were secured in six days a week. He concluded with the statement that it had not been practicable to concede punitive rates. The purpose of such rates where granted was to penalize Sunday and holiday work, and inasmuch as it was impossible for the carriers to eliminate such work, punitive rates would not reduce it in any greater degree than would the straight hourly rates, supplemented by special instructions to be issued directing the reduction of Sunday and holiday work to a minimum.⁴⁵

In the fall of 1919 another effort was made to establish punitive overtime rates. A rule was incorporated in the proposed national schedule requiring the compensation of all Sunday and holiday service under the call and overtime rules. This proposal was flatly rejected by the regional directors' conferees on the ground that the Director General had already ruled on the overtime issue. They made a counter-proposal, however, that when a telegrapher worked the entire number of hours constituting the week-day assignment he should be paid pro rata; that when he worked less than the normal number of hours, but within the spread of the week-day assignment, he should be paid for a call for two hours or less, and pro rata thereafter; and that all service outside the regular week-day assignment should be paid for under the call and overtime

⁴⁴ *ibid.*, XXXVI (1919), p. 7.

⁴⁵ Supplement 13, Art. X, U.S. Railroad Administration, *General Order No. 27*, pp. 105-6.

rules.⁴⁶ This proposal is of considerable interest because it was adopted by the Labor Board without substantial change in Decision 757.

When the organization presented its case to the Labor Board in January 1920 it restricted its submission to the wage issue and the demand for time-and-one-half rates for Sunday and holiday service. The Board, however, did not pass on the latter issue until the rules as a whole came up for consideration. In Decision 757 it once more turned down the request for punitive rates and adopted the rule already outlined. Thereafter the organization abandoned, for the time, its effort to secure punitive rates for service performed on Sundays and concentrated its attention on other forms of actual relief.

B. VACATIONS AND RELIEF DAYS WITH PAY

On some roads the general committees long before the War had taken up the question of leisure in the form of annual vacations or weekly or fortnightly relief days. As early as 1892 the Baltimore & Ohio schedule granted train dispatchers fifteen days' vacation per year and block operators two relief days per month with pay. Similar rules appeared with increasing frequency in subsequent schedules. By 1917 sixty-seven roads had vacation rules in effect by agreement giving annual vacations ranging from seven to twenty days, and averaging 12.44 days, to 38,070 employees covered by the Telegraphers' schedules. On forty-seven roads the rule had been secured by direct negotiation; on nine through the efforts of federal mediators, and on eleven as a result of arbitration. On a majority of the roads the vacations accrued only to those employees who satisfied the conditions for eligibility. On seventeen roads, for example, the eligibility of some or all of the classes depended on the length of the daily assignment, some rules providing that only men working more than nine or ten hours per day would be eligible. On twenty roads eligibility was based, in whole or in part, on the performance of service on Sundays and holidays; while on thirty-one roads the length of continuous service with the road was a factor in determining eligibility to, or the length of, the vacation, or both. In addition to the employees who enjoyed vacations by contractual rule there were eight or more other roads, some of them unscheduled, on which employees in the telegraph and station service were given vacations by practice.⁴⁷

⁴⁶ *Report, 1920*, pp. 47-9.

⁴⁷ O. R. T., *Brief on Vacations with Pay*, Baltimore & Ohio Arbitration, 1927, Appendices A-H (MS).

As in the case of other conditions which were not standardized before the War, the Telegraphers requested a universal vacation rule in their presentation to the Wage Board in August 1918, on the ground that such opportunities for recreation were made necessary by the confining nature of the work and the responsibility and nervous tension frequently involved.⁴⁸

Supplement 10, however, standardized conditions not by extending the rule but by abolishing vacations and relief days with pay, effective January 1, 1919. Supplement 13 dealt with the ensuing protest by allowing every employee an increase of 2c per hour in lieu of vacations, although this did not increase the minimum hourly rate of 48c. This benefited the men who had not previously enjoyed vacations, but caused a great deal of discontent among those who had, because the aggregate increase in earnings ran short of the extra pay which would have been earned under the vacation rules had the time been worked.⁴⁹ The men affected by the change were not greatly mollified by the reflection that a substantial number not previously benefiting by the rule had received equivalent increases.

Thereafter the Telegraphers made a number of attempts to re-establish the vacations with pay but were regularly met with the objection that the vacations had been "bought" from them and therefore could not be reestablished. To this they rejoined bitterly that when the carriers demanded wage reductions in 1921 they included the 2c vacation allowance in their figures on basic wages, thus forcing the employees in the long run to surrender their vacations without compensation.

The tentative national schedule contained a vacation rule to the effect that employees in the service one year should be allowed three weeks' vacation with pay. The regional directors' conferees replied first of all that the request exceeded the jurisdiction of the conference committee, and in the second place that it would establish a precedent of paying hourly rated employees for hours not worked to the extent of ten million hours per year, or the equivalent of the services of four thousand full-time men.⁵⁰

The vacation issue was withheld from the Labor Board in 1920,

⁴⁸ *Telegrapher*, XXXV (1918), pp. 1142, 1198-1205.

⁴⁹ Assuming that a man worked eight hours a day for 365 days in the year, his earnings from the 2c allowance would be \$58.40, equivalent to 121.8 hours' pay at the 48c minimum hourly rate, or approximately fifteen eight-hour days. Men getting more than the minimum, who previously enjoyed two weeks' vacation, lost by the change.

⁵⁰ *Report*, 1920, pp. 40-2, 63-6; *Telegrapher*, XLI (1924), pp. 1214-18.

but during 1921 and 1922 a number of committees went to the Board with requests for vacations ranging in length from fourteen to twenty days. The carriers opposed the rules on the ground that they contravened the principles laid down by the Board in Decision 119 to guide the formulation of system schedules to replace the national agreements. One of them enjoined economical and efficient management by the carriers and another stated broadly that eight hours' service should be performed for eight hours' pay. These two expressions appeared as catch phrases throughout the subsequent discussion of the issue. In Decision 757 the Labor Board sidestepped the issue by stating that the question of vacations and sick leave with pay was one which should be left to the individual carriers and their employees for direct agreement. The carriers refused any concessions in further direct negotiations, and the question came back to the Board. In Decisions 2025 and 2374 the Board again remanded the issues without decisive action.⁵¹

After this series of adverse decisions on the general question, the organization took it up as it affected a particular class of men in the service, namely, men working in railroad terminals under especially tense conditions. Direct agreements had already been negotiated with a number of important terminals, including the Boston, Grand Central, and Kansas City Terminals, which granted vacations of from ten to fourteen days per year in addition to relief days. Relief days existed by agreement on a number of additional terminal properties. The Order determined to make a test case of the request of the employees on the St. Louis Terminal for two weeks' vacation with pay, but in Decision 2434 the Labor Board also remanded this special form of the issue for direct negotiation.⁵²

Toward the end of 1924 cases involving vacations began to pile up, and the Labor Board elected to hear the case again on its merits. After extended hearings the Board disposed of the request by stating that:⁵³

"A very comprehensive brief was presented in support of the request for a vacation rule, and it was claimed that when vacations for employees in this class of service were discontinued by the United States Railroad Administration an injustice was done in that the employees were not sufficiently compensated in lieu thereof. This allegation was disproved by the carrier in the present dispute, and, in

⁵¹ O. R. T., *Brief on Vacations*, 1927, pp. 12-14; Decision 2374, V R. L. B. 344, April 14, 1924.

⁵² O. R. T., *Brief on Vacations*, 1927, pp. 14-15; Decision 2434, V R. L. B. 449, May 20, 1924.

⁵³ Decision 2836, VI R. L. B. 85, January 23, 1925.

fact, it was shown that the allowance made by the railroad administration in lieu of vacations greatly exceeded the monetary value of the vacation practice. The only class of employees for whom the board has authorized a vacation rule is in clerical service, and the vacation depends upon the work of the employee to whom it is allowed being kept up by other employees, as well as there being no additional expense to the carrier account of allowing the vacation. These conditions are not possible in telegraph service."

Vacations with pay were accordingly denied. This decision led the organization to abandon any further attempt to secure general vacation rules for the time being, but it once more took up the case of the terminal men as a possible entering wedge.

In the eyes of the general committee on the St. Louis Terminal the words of the Labor Board in Decision 2434 made it mandatory to establish a vacation rule even though the precise terms of the rule were left to direct negotiation. This interpretation was not accepted by the management, so the case again went to the Labor Board. After a hearing the Board turned down the rule proposed by the employees but recommended that direct negotiations be resumed on relief days.⁵⁴ The committee then requested one day off per week with pay; the carrier proposed one day off without pay. Unable to agree directly they made a joint submission to the Board, which resulted in the promulgation of a rule in Decision 3888, October 9, 1925, to the effect that employees working positions essential to the continuous operation of the terminal should be assigned one regular relief day every two weeks, Sunday if possible, without loss of pay, and that men required to work their relief days should be paid additionally for the day at time-and-one-half-time rates.⁵⁵ The decision in the St. Louis Terminal case recognized relief days for employees working under extreme tension but made no progress with the establishment of relief for other classes or vacations for any class in the service.

By 1927 relief days, and in some instances vacations with pay, had been established on a number of additional terminals by agreement or practice. There were also a few carriers in the United States which accorded vacations or relief days, or both, more or less generally to employees in the telegraph service, including the Columbus & Greenville, the Richmond, Fredericksburg & Potomac, the Duluth, Winnipeg & Pacific, and the Lehigh & Hudson. In Canada these privileges had never been abrogated. In 1927, there-

⁵⁴ Decision 3198, VI R. L. B. 545, March 25, 1925.

⁵⁵ VI R. L. B. 1222.

fore, the Telegraphers determined to make a final attempt to secure the establishment of a vacation rule, and carried the issue to arbitration on the Baltimore & Ohio.⁵⁶ Although an elaborate brief was prepared and submitted, the award of the arbitrators denied the request for a vacation rule. This defeat ended the drive for vacations on American roads for the time being at least.

C. THE SIX-DAY WEEK

Following the Baltimore & Ohio case the Order shifted its approach to the entire question of securing greater opportunities for leisure. The lack of success with the Sunday overtime and vacation programs was sufficient to turn the attention of the organization to some other plan, but the extensive displacement of men after 1921 was an even greater incentive to work out a method of securing relief which at the same time would serve to offset the decline in employment. Earlier in 1927 the Grand Division had adopted a resolution favoring the five-day week as a union objective.⁵⁷ The definite initiation of the relief day or the shorter working week program was undoubtedly spurred by the action of the Pennsylvania in 1927, giving its employees in the service two relief days per month under an arrangement by which hourly rates were increased sufficiently to take care of the loss of one of the two days' pay.⁵⁸

In the New York Central negotiations of 1927-28 the committees, with the exception of the Michigan Central group, demanded one relief day per week, with pay, for all classes of service. The Michigan Central committee, because of its contact with Canadian conditions, asked for punitive overtime rates for Sunday service. The case ultimately went to arbitration. The award, rendered April 28, 1928, denied the request for punitive overtime for Sunday and holiday service on the Michigan Central, but granted the request for relief days on the other lines *without* compensatory wage increases. It provided that the relief-day system might be extended to the Michigan Central if desired, and laid down a series of conditions covering the installation of the plan, leaving it to the cooperation of the two parties to work out the assignments so as to eliminate overtime. The award did not readjust hourly wage rates sufficiently to offset the four days' loss

⁵⁶ O. R. T., *Brief on Vacations, 1927*.

⁵⁷ *Convention Proceedings, 1927*, pp. 323, 459-61.

⁵⁸ Statement of R. V. Massey, vice-president of the Pennsylvania, to the author.

in earnings involved: the wage increase granted was 3.3c per hour, approximately \$7.50 per month, or about twelve hours' pay under the prevailing rates on the road. This sum was intended to be used mainly in the elimination of inequalities.⁵⁹ Although the men directly affected were inclined to complain at their loss in earnings, the objections lost their force as the new conditions came into effect and the opening of relief positions began to take care of men cut off in reductions of force elsewhere.

Following the New York Central arbitration the Pennsylvania increased the number of relief days for its employees to one per week. This served as a further stimulus to the formal initiation of a general movement for the six-day week in 1929. An interesting point in connection with this movement is the reversal of the position of the union as to the practicability of such a plan. During a hearing in July 1923, on the Telegraphers' request for punitive rates for Sunday and holiday service President Manion pointed out that the employees in other classes had been given punitive rates for Sunday service or else one day off in seven, taken care of by relief in rotation. The latter system, he said, was not practicable for the employees covered by the Telegraphers' schedules because approximately 50 per cent of them were bonded employees and would have to be checked out by the auditor each time relieved or else assume responsibilities for shortages arising during their absence. He added that the employees did not desire relief on any other day save Sunday because that was the only day on which they could spend the time with their friends and neighbors. It was apparent, of course, that not all could be relieved, but the men who were required to remain on duty were making an extra sacrifice warranting a higher rate.⁶⁰

It seems evident that in this instance the difficulties of the "swing relief" system were magnified in a last effort to put over the program of Sunday overtime. It was possible to meet the technical objection raised by the union by employing bonded relief men to work a group of offices in regular rotation. On the Canadian Pacific the swing relief system had been put in effect for terminal offices by 1922, eliminating a considerable amount of Sunday overtime. Although the system was not at first welcomed by the men who lost overtime it did not prove impracticable.⁶¹

⁵⁹ U.S. Board of Mediation, *Report*, 1928, pp. 47-50.

⁶⁰ *Telegrapher*, XL (1923), pp. 767-9.

⁶¹ *ibid.*, XLI (1924), p. 1154; *Convention Proceedings*, 1924, p. 184.

By the fall of 1929 about forty-five of the general committees had filed proposals for the revision of rules, including the demand for relief days with pay, and the New York Central committees were seeking wage increases at least sufficient to offset the loss in earnings resulting from the initiation of the six-day week.⁶² We have seen that this movement was halted by the onset of the depression, and that the arbitrators in the Illinois Central case of 1931 conceded the six-day week but refused the compensatory wage increases—the most important point of difference between the two sides.⁶³

In the recent discussion of the proposed federal legislation for the reduction of hours of service as a means of increasing employment the representatives of the Order have favored the five-day week rather than the six-hour day, on the ground that it is much better adapted to their branch of the service, as undoubtedly it is. It would be prohibitively expensive for the railroads to install, at their own expense, two six-hour shifts at small offices now operated eight or nine hours per day. If the hours could be, and were, cut to six per day, no increase in employment would result, and the earnings of the employees would almost certainly be reduced. The employment of the requisite number of relief men to substitute for the regular men in rotation is a less costly alternative which promises a greater actual increase in employment, with a smaller probable sacrifice in earnings by the present employees.⁶⁴

⁶² *Telegrapher*, XLVII (1930), p. 132.

⁶³ *ibid.*, XLVIII (1931), pp. 926-42.

⁶⁴ *ibid.*, XLIX (1932), pp. 394-5.

CHAPTER XII

LABOR SUPPLY AND TECHNOLOGICAL CHANGE

WHETHER we turn our attention to the consideration of the Order as an agency for collective action, or to a survey of the ends to which such action is directed, we find that there are few issues which do not tie in closely with the market problem of the supply of and demand for the services of union members. Formal training in economic theory has never been necessary to convince the Telegraphers that low wages and inferior working conditions are due to an oversupply of operators. Thus, although the long downward trend in the money wages of telegraphers from about 1870 to 1896 was mainly a part of the general readjustment in wages and prices which reflected the appreciation of the currency, it was attributed by early unionists to the excessive ease of entrance to the trade. Even during its career as a non-protective organization from 1886 to 1891 the Order sought some limitation of the supply of men competing for jobs by promoting restrictions on the teaching of the craft and similar measures.

A much larger share of union activity has, however, centered on protecting—and if possible improving—the demand for union men, that is, the number and range of positions open to them. This is important not only because of its obvious relation to wage rates and working conditions, but also because of its bearing on the question of employment, and, indirectly, on the survival of the union itself. In an industry characterized by important changes in methods of operation a considerable degree of jurisdictional flexibility is necessary if the organization is to keep abreast of current conditions and prevent its supersession by newer industrial groupings.

The present chapter embraces a brief survey, first, of union efforts to regulate the supply of labor; second, the adaptation of its jurisdictional claims to meet changing technical demands; and third, the union attitude toward those changed methods of operation which affect the demand for, and employment of, union members. The final section is devoted to the union program for handling displacement and unemployment.

1. *Attempts to Regulate the Supply of Labor*

Although the early attempts to improve the conditions of the craft placed a great deal of emphasis on control of the supply of operators the union has never been in position—never extensively enough organized—to make compliance with union regulations a prerequisite to employment in the telegraph service. The efforts to reduce the competition for employment have been limited, practically, to three proposals: first, to restrict by union rule and contractual agreement the teaching of telegraphy; second, to secure state legislation requiring that all telegraphers be licensed as a safety measure; and third, to limit the potential competition of other crafts, particularly the commercial telegraphers, by promoting unionization in tangent fields. Of these projects only the first has ever borne any practical fruit.

A. RESTRICTIONS ON THE TEACHING OF TELEGRAPHY

The Order has never developed or sought to enforce formal apprenticeship regulations, but the obligation of the union member has always included a pledge to give instruction in telegraphy only to carefully selected candidates after securing permission from the president.¹

In the early days the ordinary method of learning telegraphy was to become a "student" in one of the smaller agencies and pick up a knowledge of the code through practical experience while helping with the routine work of the station. The agents found the system agreeable because the small fees paid by the students provided an added source of income, and their labors lightened the work of the masters. For many years this source of recruits was far more important than the telegraph schools or "colleges" because even the graduates of the latter institutions had to be broken in to the railroad routine along with some regular agent or operator. For years the Order waged verbal warfare on the "professors" whose individual self-interest blinded them to the welfare of the craft, and for some time maintained a blacklist in a

¹ *Telegrapher*, VI (1890), pp. 289, 465; X (1894), pp. 676, 760-1, 1110-12; XI (1895), pp. 158-60; XV (1898), pp. 145-6, 328, 502-8, 776, 926.

For some time the obligation forbade teaching "other than to a member of the Order who is actually employed on a railroad in a position coming within the jurisdiction of the Order, providing it be sanctioned by the President." In 1924 the rule was changed, to require only that the candidate be approved by the local chairman, the general chairman or chief telegrapher, and the president. *Convention Proceedings*, 1924, pp. 363-4, 367, 400.

not conspicuously successful effort to discourage their unwelcome activities.²

A closely allied avenue of entrance to the craft was through the position of helper, clerk, or baggageman at stations. Where such employees had access to the wire table they were usually able to pick up the code and ultimately to qualify as operators. Sometimes the railroads installed messengers at the stations and expected the operators to instruct them. These methods were deprecated by the organization but effective means of control were never devised.³

The ineffectiveness of union control over the means of learning the trade was emphasized by President Perham in 1908 in testimony before the Senate Committee on Interstate and Foreign Commerce relative to the supply of men available to meet the requirements of the Hours of Service Act of 1907. The railroad executives had charged that the Order was attempting to limit the training of men for the telegraph service. Perham admitted that the national union had advised against indiscriminate teaching to meet the expected increase in demand, and that the number of students approved in 1907 had fallen far short of annual replacements, but he contended that the other sources of supply were so numerous that the union rule was not an important factor. Applicants for instruction were investigated, he said, and advised against it if age or physical condition were unfavorable to permanent employment. Applications of minor relatives of members were approved because there was greater assurance that they would be properly instructed, and *because they would be taught anyway*.⁴

After 1900 the course of events greatly reduced the importance of the teaching issue. Changed methods of operation, of which the use of the telephone was only one, greatly reduced the relative importance of telegraphic skill, while the extension of the union jurisdiction to include non-telegraphic positions brought many non-telegraphers within the union ranks. The union could not then deny the latter an opportunity to qualify themselves for promotion to telegraphic positions. Probably one of the most important factors in allaying the issue on the union side was the almost universal adoption of the seniority system, which meant, in general, that the competition of those seeking entrance to the trade was

² *Telegrapher*, XI (1895), pp. 191-2, 389-90; XIX (1902), pp. 339-41; XXV (1908), pp. 171-2.

³ *ibid.*, XIX (1902), pp. 383-4; XXIII (1906), pp. 1161-2; XXIV (1907), p. 861.

⁴ *ibid.*, XXV (1908), pp. 165-6, 171-2.

confined to the positions at the bottom of the list or on the "extra board." The railroads, on the other hand, were not greatly exercised, as long as a sufficient supply of new men was currently available to fill vacancies. They have very generally acquiesced in the incorporation of rules in the schedules which limit the teaching of students. In 1920 the joint committee representing the Telegraphers and the regional directors unanimously approved a standard rule that employees should not be required to teach telegraphy,⁵ and in 1924 the Labor Board ruled, in Decision 2374, that telegraphers might not be required to teach telegraphy, although they might do so with the consent of the carrier. There are no indications that the teaching issue has been a source of conflict in recent years.⁶

B. ATTEMPTS TO RESTRICT NUMBERS THROUGH STATE LICENSING

Another project which elicited widespread discussion in the organization at the turn of the century would have mobilized union support for state or federal legislation requiring telegraphers to pass a qualifying examination and secure a license or certificate of competency to be eligible for employment in the railroad service. This was advocated as a safety measure but was also expected to restrict the flow of men into the trade.⁷

The project was extensively debated but did not command strong support; there was some fear that such legislation would prove a boomerang to the members. In 1903 the legislative committee of the Grand Division reported that the time was not ripe to press the issue. In 1905 definite action on the measure was sidetracked, despite Perham's report that public support had been aroused by a number of serious railway accidents and that bills which proposed the licensing of railway operators had been introduced in a number of state legislatures. The issue was finally shelved in the 1907 convention by the adoption of a resolution introduced by E. J. Manion, then an officer of the New Haven committee, to the effect that continued agitation of the licensing question was diverting attention from the real issues of the times and should be subordinated to the more important objectives of improved working conditions and reduced hours.⁸

⁵ *Report*, 1920, p. 70.

⁶ V R. L. B. 344, April 14, 1924.

⁷ *Telegrapher*, X (1894), p. 1133; XIII (1896), p. 396; XIV (1897), pp. 91-2; XVI (1899), p. 291.

⁸ *Convention Proceedings*, 1903, p. 145; 1905, pp. 23, 173-4; 1907, pp. 163, 200, 208.

C. EFFORTS TO LIMIT POTENTIAL COMPETITION
OF OTHER CRAFTS

For the railroad telegraphers the problem of the supply of labor is not solely a matter of the ease or difficulty of acquiring their specific qualifications; it involves also the potential competition of men in other crafts whose training has fitted them in part at least to fill certain classes of positions to which the telegraphers lay claim. There are many clerks, signalmen, electrical workers, switchmen, maintenance-of-way men, and others, with duties tangent to those of members of the Order, who could be substituted for the latter with more or less temporary difficulty. The commercial telegraphers also constitute a potential supply of operators, outside the railroad service, which has appeared at times as a specter to the railroad fraternity. As a rule the commercial operators have commanded higher wage rates because of the intensity of their work and the greater speed necessary for handling heavy wire traffic, but there has always been the danger that improved conditions on the railroads, or lessened demand in the commercial service, would precipitate a shift.

To limit this potential competition some sort of organization in the commercial field seemed desirable, yet experience with the short-lived organizations of the '70's and '80's had convinced the railroad operators that the conditions in the two branches of the service were so dissimilar as to make a bifurcated organization impractical.⁹ Proposals to open the Order to commercial operators were repeatedly voted down in early sessions of the Grand Division. Finally, in 1897, officers of the Order sponsored the organization of the Brotherhood of Commercial Telegraphers in the hope that scabbing in strikes could be limited and some method of controlling transfers from one service to the other worked out.¹⁰

The Brotherhood remained little more than a skeleton organization until after 1900, when assistance was secured from the American Federation of Labor and an active organizer put in the field. Thereafter its growth was impeded by factionalism and secession until 1903 when the rival sections were finally amalgamated as the Commercial Telegraphers' Union of America. In 1906 an agreement was negotiated between the two unions which drew a mutually exclusive jurisdictional line, set up a tentative basis for cooperative action in the furtherance of common interests, and

⁹ *Telegrapher*, XIX (1902), p. 987.

¹⁰ *Convention Proceedings*, 1897, pp. 25-6, 95-6.

defined the obligations of members of each organization in case of strike by the other.¹¹

The commercial union never fulfilled the hopes of the railroad operators that it would develop into a strong buffer union. An ill-advised strike in 1907 permanently alienated the none-too-friendly Western Union Company, and another unsuccessful conflict in 1919 left the field occupied by a company union.¹² In recent years the advent of the teletype transmitters and printers has apparently sounded the death-knell of the commercial operator and brought on widespread displacement. The railroad telegraphers have therefore been left to their own resources in protecting the market for their own services, with little hope of establishing effective control over the supply side through their own or allied organizations.

D. UNION MEMBERSHIP POLICY

Since there are so many avenues of admission to the craft which the Order has not been able to control it has had practically no choice in its membership policy. It has never had such an extensive organization, or such a control over the means of learning the trade, as would make it possible to exclude men from employment by denying them admission to the union. Instead the problem of the Telegraphers has always been to make the membership more inclusive, to extend it to all roads and to all eligible employees on each road. They have not attempted the impossible end of establishing a monopolistic control of the market but have sought, through an inclusive policy, to eliminate that competition between the individuals who are in the labor market which might because of the imperfections of the market mechanism otherwise produce a rate below the "true competitive rate." Thus any white person of good moral character, eighteen years of age or more, who is actually employed on a railroad in a position coming within the jurisdiction of the Order, is eligible for membership. Any person who fulfills the personal requirements, and has had three years' experience, is eligible even if not currently employed in the railroad service.¹³

¹¹ *Convention Proceedings*, 1903, pp. 21-8; 1907, pp. 23-4.

¹² *ibid.*, 1909, pp. 22-3; 1921, pp. 5-6.

¹³ *Constitution*, 1930, Art. XV, Sec. 1.

Women are freely admitted to membership and have occasionally served the organization in official positions, especially as delegates to the Grand Division. Negroes are not admitted to membership; there are, however, comparatively few negroes in the service. See *Convention Proceedings*, 1911, pp. 210-11; 1927, pp. 247, 311.

Until 1927 the union law required at least a year's experience prior to admission to membership. This probationary period was intended to assure some degree of competence to the members, but it was in fact singularly devoid of advantage to the organization, inasmuch as the only way in which the candidate could qualify was to occupy a scheduled position, enjoying the benefits of the schedule without contributing to the support of the union. There was always the danger that he might elect to continue to do so.¹⁴

Some unions seek to cope with this problem by seeking the closed shop, not as a monopoly device but as a means of holding the rank and file in line. The Telegraphers, however, like the other railroad organizations, have never made the closed shop a serious union objective. Not only would the proposal encounter stubborn resistance from the railroads, but where the union is strongly organized the seniority system operates as one of several strong forces for union solidarity, and the closed shop would be of doubtful advantage.

2. Union Jurisdictional Claims as Related to the Demand for Labor

If the Order is, as it seems, practically unable to control the supply side of the labor market beyond the short-run period of time, is it in any better position to influence the demand for the services of its members? For a craft union this is not merely a question of immediate wages rates but, insofar as the craft organization is predicated on a particular group of technical processes, it is also a matter of union survival in the industrial scheme. There is always danger that altered methods of operation may lead to the transfer of important sections of the work to less skilled men or to other classes of employees outside the jurisdiction of the union, resulting in unemployment for union members and attenuated significance for the organization. While such developments may be beyond union control it is vitally important that the union affected seek in every possible way to maintain its place in the industry, even though that may involve the scrapping of craft lines.

The Order of Railroad Telegraphers has been fortunate in that, although sweeping changes have been made in the methods of train operation in the past forty-five years, they have for the most part come in gradually. Thus it has been possible for the union to anticipate the changes and broaden the industrial basis on which it

¹⁴ *Convention Proceedings, 1927*, pp. 231, 297-8.

rests by taking in cognate groups of employees. The result has been to provide a larger body to absorb the shocks of particular technical changes, and to diffuse the effects of the decline in the importance of telegraphic skill. The problem is not solved, of course, simply by amending the union eligibility rule; it is then necessary to obtain the adherence of the new classes, and to secure the recognition of the jurisdictional claim by the railway managements. Sometimes these objectives have proved difficult or impossible to achieve.

A. EXTENSION OF THE UNION ELIGIBILITY RULE

Originally membership in the Order was restricted to train dispatchers, telegraphers, agent-telegraphers and linemen, that is, to railroad employees who used the telegraph instrument as a part, but not necessarily all, of the day's work. It was not long before sentiment developed in favor of the extension of the union jurisdiction in a number of directions to take in non-telegraphic employees whose work was otherwise analogous to, or closely associated with, that of groups already in the union.

The first important extension of jurisdiction was the admission of non-telegraphic levermen employed in interlocking plants. In these towers, which controlled the switches and signals at terminals, junctions, cross-overs and other points on busy rail lines, telegraphers and non-telegraphers were frequently employed side-by-side on almost identical work, so that an anomalous situation grew out of the attempt to draw a line of distinction between them. In 1897 the constitution was amended by adding levermen and electro-pneumatic interlockers to the groups already eligible for admission to membership in the union.¹⁵

When the constitution was extensively revised in 1903 the eligibility rule was recast to include, in addition to the classes previously enumerated, all employees connected with the operation of signal towers and interlocking plants. Perham construed the new rule to mean only those employees who manipulated such devices, and in 1905 the Grand Division endorsed his interpretation by specifically excluding electricians, battery men, lampmen and repairmen, on the ground that they were already eligible for membership in the Brotherhood of Maintenance-of-Way Men which also was affiliated with the American Federation of Labor.¹⁶

As the installation of complex signal and interlocking plants

¹⁵ *Convention Proceedings, 1897*, p. 20.

¹⁶ *ibid.*, 1903, p. 126; 1905, pp. 32, 148-50, 159, 166.

continued, the propriety of including the signal maintainers in the Order was repeatedly urged. In 1916 the Telegraphers and the Signalmen (maintainers) on the New York Central, lines west of Buffalo, joined forces in a cooperative agreement, as a result of which the Signalmen received the benefit of federal mediation under the Newlands Act even though they did not themselves come within the scope of the law. So favorable an impression did this case make that the 1916 convention of the Brotherhood of Railway Signalmen of America voted to seek amalgamation with the Order. The proposal came up in the Telegraphers' 1917 convention, and was endorsed by Perham on the ground that as the railway mileage operated under the block signalling system increased the members of the two organizations were thrown into ever-closer contact, and that the Signalmen were the only ones, aside from the Telegraphers, who were qualified to operate the plants. He suggested that the maintainers be therefore admitted without initiation fees. This recommendation was approved by the committee on grand officers' reports, but the vote of 251 to 188 in favor of the motion fell just short of the two-thirds necessary to amend the constitution.¹⁷

The Signalmen had hoped to benefit by inclusion in the more widely recognized Order, although it is not necessarily true that the Telegraphers would have been able to have them incorporated in existing schedules or supplementary agreements. Amalgamation would have given to the Telegraphers, on the other hand, somewhat greater assurance that whatever the development of automatic signalling and train-control devices their organization would still logically be able to lay claim to all related work. Furthermore, the work of the two groups, while parallel, did not converge on common lines of promotion, nor was there reason to believe that the relaxation of craft lines would involve increased competition for preferred jobs in one branch, with consequent friction and jealousy. In 1919 the project of consolidation of the two unions was revived in the Telegraphers' convention, but the motion was finally amended to call for cooperation rather than outright merger. Any motion in that direction must come from the Telegraphers in view of their rejection of the early overtures of the Signalmen.¹⁸

In the late '90's sentiment began to appear in favor of the extension of the union jurisdiction in another direction, namely,

¹⁷ *ibid.*, 1917, pp. 9, 42-4, 230, 234-5.

¹⁸ *ibid.*, 1919, pp. 223, 241-3, 262, 289-91.

to the non-telegraphic or "exclusive" station agents, whose duties for the most part were identical with those of agent-telegraphers. After the introduction of the telephone in the railroad service such action became imperative, in order to forestall the removal of many agencies from the schedules by the simple process of reclassifying them as telephone positions. In a few instances the Telegraphers' committees represented non-telegraphic agents when specifically authorized by the latter, but the Order was forced to take final action by the appearance of a new organization, the Order of Railroad Station Agents, on a number of Eastern roads in 1906. To head off the new union, which claimed all station agents as such, the 1907 session of the Grand Division adopted a new eligibility rule which specifically included station agents, telephone operators, and operators of staff machines.¹⁹

The extension of union membership to the station agents led logically to the proposal to take in other station employees, such as the cashiers, ticket clerks and assistant agents, or even to embrace the entire clerical force both of the stations and the general offices. In fact it is very difficult to draw a line of distinction between the Order of Railroad Telegraphers and the Brotherhood of Railway and Steamship Clerks on any non-arbitrary basis, although differences in degree of responsibility are ordinarily taken as the criteria. On many roads assistant agents and ticket clerks appear in the Telegraphers' schedules, while in Canada employees clearly belonging in the clerical division have been taken into the Order because the Clerks are not strongly organized there.²⁰

The fact that employees in the tangent branches of the two organizations have so many duties in common is a potential source of difficulty for the reason that if a station agency is included in the Telegraphers' schedule the Telegraphers have the exclusive right to it; a clerk cannot bid on a vacancy even if he is actually qualified to fill the position. In that way one avenue of promotion for the railway clerks has been severely narrowed if not closed.

In 1915 the Brotherhood of Railway and Steamship Clerks proposed amalgamation with the Telegraphers. A plan of consolidation was worked out by grand officers and directors of the two organizations which would have merged their funds, property and membership, and given the clerks definite representation on the roster of grand officers of the new Order of Railroad Telegraphers

¹⁹ *Telegrapher*, XV (1898), pp. 1010-12; XXIII (1906), pp. 987-9, 1302, 1463-4; XXIV (1907), pp. 783, 794; *Convention Proceedings*, 1907, pp. 188-9.

²⁰ *Convention Proceedings*, 1924, p. 189.

and Clerks. The project was recommended to the Grand Division of the Order in 1915 by a special committee to which it was referred, but after extended debate on the floor it was defeated, 213-159.²¹

The plan encountered not only the inertia of the mass of the Telegraphers, but also very real doubts as to the advantage of the move to themselves. The inclusion of the Clerks in the Telegraphers' schedules would have made them eligible to bid on vacant agencies, and so reduced the number of desirable positions reserved to the Telegraphers. Furthermore, the Clerks were not as strongly organized nor as widely recognized by the railway managements as the Order, and it was feared that the result of a merger would be simply to dilute the strength of the latter. On the other hand had the Clerks been thoroughly organized they would have outnumbered the classes already in the Order three to one, so that its distinctive character would have been obliterated.

The question of bidding rights to station agencies has remained a potential source of serious controversy between the two organizations and with the railroads.²² In equity the Clerks have a right to look to the agencies as one avenue of promotion, but if the Telegraphers grant them bidding rights there is little apparent material return to be received for the sacrifice. It is possible that amalgamation, difficult as it is, would be the simplest solution. In 1927, curiously enough, the Grand Division of the Order adopted a resolution favoring the closest cooperation with the Clerks and ultimate federation or consolidation with them or with other organizations, if a satisfactory basis could be secured. To the present time no such steps have been taken, nor is it likely that they will be in the near future.²³

B. EFFORTS TO SECURE RECOGNITION OF JURISDICTIONAL CLAIMS

It is one thing for a union to define the scope of its membership, but quite a different one to secure from the employer the right to represent all the classes in question and the inclusion of their positions in the schedule. If such recognition is not granted there is

²¹ *ibid.*, 1915, pp. 187-8, 239-40.

²² In 1927, for example, the Clerks on the Louisville & Nashville protested the signing of an agreement with the Telegraphers unless the Clerks were given bidding rights on exclusive agencies. In the final settlement the management withdrew its support from the Clerks' contention in exchange for concessions elsewhere. See *Convention Proceedings, 1927*, pp. 424, 436; 1930, p. 215.

²³ *ibid.*, 1927, pp. 328, 460, 466.

little reason to expect permanent adherence to the organization from the particular classes concerned.

On the roads which have recognized the Order at all it has had little difficulty in securing the inclusion in its schedules of the employees in the telegraph service, or those whose duties pertain directly to train operation, such as the telegraphers, agent-telegraphers, towermen, block operators, levermen and interlockers; these classes have always constituted the core of the organization. But where employees have supervisory functions or perform work less directly related to the telegraph service, greater opposition has been offered to their inclusion in the schedules. The greatest amount of controversy has concerned the train dispatchers and the "supervisory" station agents.

The train dispatchership represents one of the most important avenues of promotion for telegraphers whose duties are primarily connected with train operation. They have therefore always been anxious to secure recognition of the right of the Order to represent the dispatchers and their inclusion in the schedules, so that the operators would have rights under the seniority rule to bid on and qualify for vacancies as they occur.

In Canada the Order was very generally conceded the right to represent the dispatchers, and they still are covered by the Telegraphers' schedules. In the United States, however, the jurisdictional claim was never either wholly conceded or denied. The general disposition of the managements was to oppose the claim on the ground that the inclusion of supervisory forces in the union would interfere with discipline. In some cases dispatchers who had entered the union were induced or forced to withdraw. The right to represent train dispatchers was one of the points involved in the Southern Pacific arbitration of 1907. The adverse award in that case was used as a precedent on the great majority of American roads.²⁴

The Order continued to claim the dispatchers, however, and strongly pressed their contention during federal control. In September 1918 the Director General in effect ruled adversely to the Order by classifying the dispatchers as officials whose compensation and terms of employment were to be fixed by himself without

²⁴ *Telegrapher*, VIII (1892), pp. 503-5, 513; IX (1893), pp. 555-6; XVIII (1901), pp. 793-5; XXXV (1918), pp. 1168-71. In 1918 the Telegraphers' agreements on the Chesapeake & Ohio, Florida East Coast, Norfolk & Western, Michigan Central, and Seaboard Air Line, as well as those on the Canadian roads, covered the dispatchers.

reference to the Board of Railroad Wages and Working Conditions. Efforts to secure a reversal of this ruling and a recognition of the Telegraphers' jurisdictional rights continued without success. In the joint conferences of 1919 on the proposed national schedule the regional directors' conferees rejected an amendment of the scope rule to include the dispatchers on the ground that the earlier action of the Director General had effectually disposed of this issue.²⁵

The period following federal control was not favorable for any extension of union jurisdiction, and the issue was allowed to recede into the background. The situation has been complicated by the appearance of a separate organization, the American Train Dispatchers' Association, claiming the dispatchers as such. The Order has never formally recognized the latter as a "standard" railroad organization, but as a matter of fact, the relations between the two unions in recent years have not been strained. There is little reason for the Order to press what is largely a paper claim as far as American roads are concerned; in the long run more is likely to be gained through cooperation between the two than through conflict.

Even before the formal extension of the trade jurisdiction to agents as such, non-telegraphic agents on a number of roads had authorized the Telegraphers' committees to represent them.²⁶ From 1907 on the general committees worked consistently to increase the number of station agencies included in the schedule. They seldom had much difficulty in doing so in the case of the smaller non-telegraphic agencies, but found the managements quite reluctant in the case of the larger stations, at which competitive conditions required the selection of a representative qualified to go out after the business. In the Southern Pacific arbitration of 1907, for example, the award excluded from the schedule all agencies which did not regularly involve telegraphic work if the annual compensation including commissions exceeded \$1,300. On this point the Telegraphers took an appeal to the courts, and in the final compromise settlement the company conceded some classes of exclusive agencies to the schedule while the committee relinquished its claim to others.²⁷ On some roads the agencies of certain classes (sometimes called "star" agencies) were included in the

²⁵ *Convention Proceedings, 1919*, pp. 45-6, 311-12; Joint Committee, O. R. T. and Regional Directors, *Report, 1920*, pp. 2-3.

²⁶ *Telegrapher, XXII (1905)*, p. 252.

²⁷ *Convention Proceedings, 1907*, pp. 7-8; 1909, p. 13.

schedule with reservations which limited the application of the seniority rule in filling vacancies. City agencies were never included.

During federal control the question of the inclusion of the exclusive agencies was brought to a climax by the issuance of Supplements 10 and 11 in November 1918. Supplement 10 applied to "telegraphers, telephone operators (except switchboard operators), agent-telegraphers, agent-telephoners, towermen, levermen, tower and train directors, block operators, and staffmen."²⁸ Supplement 11 covered "agents . . . whose regular assignment does not require the sending or receiving of railroad train orders or messages by telephone or telegraph," with the exception of two special classes, (1) part-time men receiving less than \$30 per month, and (2) occupants of small non-telegraphic agencies whose compensation was \$50 per month or less in January 1918, or agents whose compensation from the railroad itself was partly or wholly on a commission basis. This differentiation of telegraphic and exclusive (non-telegraphic) agencies was construed as tacit sanction for the removal of the exclusive agencies from the Telegraphers' schedules and as an encouragement to dual organizations of agents then seeking recognition. It was one of the leading grievances involved in the insurgent movement of 1918. So vigorous were the protests that Supplements 10 and 11 were withdrawn; the new order, Supplement 13, combined the several groups in a single classification with uniform working conditions.²⁹

Following the formal inclusion of the exclusive agents in the scope of the Telegraphers' wage order the union committees began an active drive for the incorporation of additional agencies in their schedules, as well as other positions enumerated in the supplement. The propriety of this movement was sustained by Interpretation No. 4 to Supplement 13.³⁰ Many cases of disputed classification were taken to Board of Adjustment No. 3, with measurably favorable results.

After the return of the railroads to private control a bitter struggle developed over the "supervisory agents," that is, agents having the supervision of one or more other employees. Many of the carriers contended that all such agents were subordinate officials and therefore improperly included in the schedule. The conflict first began to take shape in hearings held by the Interstate

²⁸ U.S. Railroad Administration, *General Order No. 27*, pp. 95, 98.

²⁹ *ibid.*, p. 103.

³⁰ *ibid.*, pp. 109-10.

Commerce Commission in March 1920 to define the classes of employees and subordinate officials eligible to make nominations to the Labor Board. Representatives of the Association of Railway Executives proposed that junior officers who had confidential relations with management, or dealt with wages, employment or discipline, be classed as officials, while those whose supervision was limited to a single task, and whose working conditions were otherwise similar to those of the employees under them, should be rated as subordinate officials. The Order of Railroad Station Agents, which claimed jurisdiction over the supervisory agents, asked that they be classified as subordinate officials. Representatives of the Order contested both of these proposals.³¹ In its opinion of March 23, 1920, the Commission did not definitely classify the supervisory agents. It said:³²

"The supervisory station agents are those who have supervision of the work of other station employees. They cover the range from the station where one employee other than the agent is employed to the agents at the largest and most important points. They are the official and responsible representatives of the company in its relationships with the public and frequently in a legal sense. Their compensation naturally varies with the responsibilities of their positions. It is not believed that . . . these classes can be consistently included within the term "subordinate official. . . ."

The Labor Committee of the Association of Railway Executives seized on this statement of the Commission and construed it to mean that all supervisory agents were *officials* and therefore outside the jurisdiction of the Labor Board, and presumably beyond the scope of any union contract.³³ The Labor Board, however, left the scope rule substantially unchanged in its first important decision on working rules (Decision 757). Nevertheless the managements on a number of roads refused to continue the exclusive agents in the schedules, and finally a dispute of this character came to the Board from the Philadelphia & Reading. In Decision 1985, rendered on October 17, 1923, the Board accepted the management's argument that by refusing to classify the supervisory agents as subordinate officials, and failing to rate them as employees, the Interstate Commerce Commission meant that they were officials. It forthwith declared itself to be without further

³¹ *Railway Age*, LXVIII (1920), pp. 783-5, 963-4; *Telegrapher*, XXXVII (1920), pp. 702-3; 1287-9; *Convention Proceedings*, 1921, pp. 21-4.

³² Quoted in I R. L. B. 116, 118.

³³ A. R. E., Conference Committee, *Statements*, I (May 17-June 4, 1920), pp. 166-7; IV (February 2-3, 1921), pp. 27-68.

jurisdiction to deal with cases concerning the supervisory agents.⁸⁴ During the proceedings the Telegraphers, alarmed at the prospect of an adverse decision, appealed to the Board to suspend decision pending a rehearing of the issue by the Interstate Commerce Commission. This the Board refused to do, and its adverse decision, which indirectly affected thousands of agents, was a tremendous blow to the organization. On many roads the committees were notified that thenceforth all supervisory agencies would be dropped from their schedules.⁸⁵

In anticipation of the decision a request for a rehearing to clarify its ruling was filed with the Interstate Commerce Commission. This was promptly granted. On February 5, 1924, Ex Parte 72, which embraced the regulations of the Commission on the matter, were amended by the inclusion of a new section which distinguished three grades of supervisory agents:⁸⁶

“(a) Supervisory station agents who, in addition to their supervisory duties, are required to perform work usually performed by telegraphers, telephone operators, ticket sellers, bookkeepers, towermen, levermen, or similar routine duties are employees and, although they may have supervision over one or more other station employees, can not be properly designated subordinate officials.

“(b) Except those referred to in the next succeeding paragraph, supervisory station agents whose duties are wholly supervisory and who are not required to perform routine office work . . . are designated as subordinate officials.

“(c) Supervisory station agents at large and important stations whose duties are wholly supervisory, and who are of necessity vested with greater responsibilities, duties, and authority than the agents hereinbefore classed as subordinate officials, may be designated officials and excluded from the class of subordinate officials.”

This more realistic classification was entirely satisfactory to the Telegraphers, since it substantiated their claim to all the agents save those at the larger stations which had almost never come under their schedules. For the most part the railroads were also satisfied to let the matter drop. A few roads, notably the Pennsylvania, continued to classify all agents, telegraphic or otherwise, as officials, outside of scope of the regulations governing the telegraph service.

⁸⁴ IV R. L. B. 678, October 17, 1923.

⁸⁵ *Telegrapher*, XL (1923), pp. 1056-62; *Convention Proceedings*, 1924, pp. 26-8.

⁸⁶ Quoted in V R. L. B. 947, February 5, 1924.

C. THE CLASSIFICATION ISSUE

Even where the jurisdiction of the union over a particular class of employees is conceded by the management there are likely to be frequent conflicts regarding the proper classification of positions which fall near the borderline. The question may arise in a number of ways. The management may conclude, for example, that an increase in business has so increased the importance of an agency that it should be reclassified as a supervisory agency and removed from the schedule, even though the duties of the incumbent have not been materially changed. Again, the management may eliminate a part of the duties of a position, and then reclassify it in the light of the remaining duties; or it may abolish a position which comes under the Telegraphers' schedule, create a new one in another class, and transfer a part or all of the work to the new position outside the schedule. Obviously such a process is a matter of concern to the organization because it reduces the number of positions open to its members.

The only recourse, before the War, was to handle such a case as a grievance, if the character of the change was thought to be arbitrary and unjust. On the whole, however, employment in telegraph service was increasing, and the reclassification issue was not serious, save in the case of the introduction of telephones to supplant the telegraph. During federal control Supplement 13 was held to require the revision of payroll classifications in conformity with its terms, and the inclusion in the Telegraphers' schedules of all positions to which the supplement properly applied. Disputes relative to the proper classification of individual positions came to Board of Adjustment No. 3 from roads all over the country. They were disposed of on the general principle that if the man in question did work similar to that of classes which were already included, he should be brought within the schedule.⁸⁷

After the return of the railroads to private control a reverse movement set in, partly because of the opposition on some roads to the extended scope of the Telegraphers' schedules, and partly because of changes made, after 1920, to reduce operating expenses. In some cases the carriers abolished existing scheduled positions and created new ones in some other branch of the service. The question then was whether or not the incumbent of the new position was doing work which properly belonged to a Telegrapher.

⁸⁷ A large number of these cases is cited and analyzed in A. R. E., Conference Committee, *Statements*, IV (February 2-3, 1921), pp. 27-75. The Telegraphers' rebuttal appears in their *Brief . . . in Dockets Nos. 1, 2, and 3 (1921)*, *passim*.

The union could not deny the right of a carrier to abolish a position, but they could claim the new post if the duties were analogous to those of scheduled positions.

During federal control, and even under the Labor Board, the union was able to intervene more effectively in reclassification cases than ever before since it was supported by outside authority in the contention that such changes should be made a matter of negotiation. Since 1926 there has been no machinery for the review of such cases, save in exceptionally serious circumstances such as might lead to mediation or arbitration. But by 1926 most of the friction involved in the war-time advance and post-war recession had disappeared, and the jurisdictional issue had passed out of the acute stage.

3. Union Attitude toward Changes in Methods of Operation Which Reduce the Demand for Skilled Men

Until 1920 the number of men employed in the branches of the railroad service covered by the Order had been increasing steadily year by year, although generally at a decelerating rate. This had to a certain extent masked the effects of progressive changes in methods of operation which had been under way for two decades or more. Since 1920 there have been few years in which there has not been a net reduction in scheduled positions, and technological unemployment has been a grim reality. In some instances methods of operation have been so modified as to make possible the absorption of certain tasks by members of another craft as an incident to their own duties. The introduction of the dispatchers' phone for use by train crews to receive train orders is a good example of this development. In other cases it has been possible to transfer a part of the work to less skilled men within the craft, as in the case of the substitution of the telephone for the telegraph. Again, automatic devices have effected a wellnigh complete displacement of the human factor, as in the case of automatic block signalling, automatically interlocked crossovers, and the like. In the following sections the experience of the Telegraphers with the more important of these developments will be sketched in some detail.

A. DEVICES REDUCING THE DEGREE OF SKILL REQUIRED

The first important change in methods of operation which affected the Telegraphers was the development of the telephone as a possible substitute for the telegraph. It was thought that in this way men otherwise competent for positions in the telegraph and

station service would no longer be disqualified by ignorance of the telegraph; that the field of employment open to men disabled in other branches of the service would be materially widened, and that the broader labor market would be reflected in lower wage rates for telephone operators.⁸⁸ The movement did not get far beyond the experimental stage before 1900, but received a tremendous impetus from the increased demand for men following the passage of the Hours of Service Act of 1907, as well as from the pressure for retrenchment which followed the panic of that year. On many roads telegraph positions were abolished, and telephone positions established at lower rates of pay; on some the new positions were filled outside the Telegraphers' schedules.⁸⁹

The Order had already sought to meet the situation by recognizing the telephone and extending its membership to the telephone operators. It at once launched a vigorous campaign to prevent or eliminate any differentials in wages as between telegraph and telephone positions of the same grade. As a clear-sighted division correspondent remarked:⁴⁰

"This is a matter of self-preservation to the telegraphers, as, according to the trend of the times, the telegrapher of today may be the telephoner of tomorrow, and we must be in position to insist that the salaries and working conditions be left alone should the telephone be substituted for the telegraph. Our duties will be exactly the same, our responsibilities will not be lessened and there is no reason why we should be expected to relinquish any of the privileges we now enjoy merely because the means of transmission has been changed. It is, therefore, of the utmost importance that the telephoners be made members of our organization in order that we may be able to legislate for them and to have their positions shown on our schedule, thereby giving us the right to resist any attempt to change the rates of pay on account of a change from telegraph to telephone. . . ."

There was, to be sure, some friction locally between telegraph and telephone operators, but the general committees took a uniform stand, not opposing the introduction of the phones but claiming the right to the telephone jobs at the old rates of wages. It was not possible to prevent wage reductions in all cases, and on some roads telephone differentials were established.⁴¹

⁸⁸ The Illinois Central and Delaware, Lackawanna & Western were pioneers in extensive installations. See *Railway Age*, XXXIII (1902), pp. 103, 175, 654.

⁸⁹ *Telegrapher*, XXV (1908), pp. 480-1, 814, 1617, 1958-9, 2140, 2155; XXVI (1909), pp. 117, 231, 1058, 1185; XXVII (1910), p. 256.

⁴⁰ *ibid.*, XXV (1908), p. 2140.

⁴¹ *Convention Proceedings*, 1909, pp. 25-6; 1911, p. 31.

During 1910 the Telegraphers made substantial progress toward their objective; they were able to secure the inclusion of the telephoners in their schedules, and the reduction or elimination of the differentials, on a number of important carriers, including the Chesapeake & Ohio, the Milwaukee, the New York Central, the Burlington, the Southern, the Atlantic Coast Line, and some others. Possibly the most important single gain was on the Burlington, a pioneer in the use of the phones, on which the old wage rates were restored. The precedents thus established were followed in the next four years on practically all organized roads, so that by 1915 there were few union roads on which serious telephone differentials existed.⁴² On the Santa Fe and Great Northern, however, where no schedules existed, the telephone differentials solidified in the wage structure and were still in existence after the termination of federal control.⁴³

The successful application of the policy of control to the telephone was due largely to the fact that although the change in the method of transmitting information reduced the need for telegraphic skill it did not alter the other duties of the employees directly concerned, namely, the operators and station agents handling train orders and message work. The union therefore could insist with some propriety that the telegraphic duty was incidental, and that as long as the other duties and responsibilities were unchanged there was no warrant for reduction in relative wage rates. This point applied particularly to agent-operators. It was found that the existing employees were familiar with the requirements of their jobs, and able to do the work more efficiently than untrained men from outside or disabled men from other branches of the service. They were therefore able to command a higher rate than new men would despite the decreased demand for their special skill. Finally, the organization was favored in its policy by the fact that few roads found it possible to dispense entirely with the telegraph; the phones were for the most part used as an adjunct to the telegraph facilities. This necessity for continued employment of both classes made it easier to insist that the wage rates be equalized.

It would be wrong to suppose that the organization met the situation without sacrifices. It was necessary to put great pressure

⁴² *Telegrapher*, XXVI (1909), p. 2035; XXVII (1910), pp. 101, 735-6, 925, 995, 1003, 1291, 1301, 1487; XXVIII (1911), pp. 262, 1895; XXIX (1912), pp. 97, 130, 432-3.

⁴³ See Decision 2471, V R. L. B. 527, May 29, 1924.

behind the demand for the inclusion of the telephone positions in the schedule on some roads, which undoubtedly reduced the pressure behind the wage scale as a whole. It is probable that in equalizing the rates of telegraph and telephone positions the former got less than they would have commanded otherwise; in fact this would be the almost inevitable outcome of the customary system of negotiating a lump-sum increase in wages and distributing it in joint conference with managing officials with an eye to the elimination of inequalities as between individual positions.

Experiments with automatic telegraph machines date back at least to the '90's, but not until comparatively recent years did they reach the stage of practical use. Since the War, installations of automatic printers have been made on approximately thirty scheduled roads, mainly to handle message work on trunk lines, as between general and divisional offices, or to take care of intra-office or intra-terminal work. In some instances they have supplanted the telegraph or telephone and in others provided simply a supplementary service. They have not yet been utilized for train order or message work along the road, nor is there prospect that they will be for some time due to the investment involved.

Most of the men displaced by such machines have been relay men or others whose work is almost exclusively telegraphic, with wage rates substantially higher than those of operators with mixed duties. Where the printers have been introduced the general committees have sought to have the positions incorporated in the schedule at not less than the previous rates of pay. In Decision 2374, the Labor Board ruled that telegraphers should be used in the operation of printers and that the positions should be incorporated in the schedules.⁴⁴ On the Southern Pacific (Pacific System) which has pioneered in the use of printers, the rule specifies that the equipment shall be in charge of a telegrapher-mechanician, and that one telegrapher-clerk and one puncher shall be assigned to each machine during the entire period of operation.⁴⁵

In the 1930 session of the Grand Division a special study of the printer situation was authorized. In January 1932 the investigators submitted a final report, in which they summarized their findings as follows:⁴⁶

⁴⁴ V R. L. B. 346, April 14, 1924.

⁴⁵ Decision 3763, VI R. L. B. 1114, June 22, 1925.

⁴⁶ *Telegrapher*, XLIX (1932), pp. 15-18.

THE ORDER OF RAILROAD TELEGRAPHERS

ROAD	PURPOSE		PRINTER POSITIONS INCLUDED SCHEDULE	LOSS OR GAIN IN POSITIONS	RATE OF PAY
	A. TO REPLACE MORSE	MORSE MEN ASSIGNED PRINTER POSITIONS			
	B. TO SUPPLE- MENT MORSE	C. OTHER SERVICE			
S.P. (P)	ABC	Yes	Yes	-50	Less
ATSF	A	No	Yes	-25	Less
CRI&P	AB	No	Yes	-10	Less
IC	ABC	No	Yes	-9	Less
SLSF	A	Yes	Yes	-5	Same
Southern	A	Yes	Yes	-5	Less
CB&Q	AB	No	Yes	-8	Less
Wash.Term.	AC	Yes	Yes	-4	Less
CNOTP,					
AGS, NONE	A	No	Yes	-3	Less
OWRR&N	A	No	Yes	-4	Less
CCCStL	A	Yes	Yes	-2	Same
NP	A	Yes	No	-1	Same
C&O	ABC	Yes	Yes	+5	Same
CMSStP	AC	Yes	Yes	*	Same
GN	BC	Yes*	Yes	+2	*
L&N	B	No	Yes		Less
LASL	AC	Yes	*		Same
Mich.C.	B	*	*		*
MP	A	Yes	Yes		Same
OSL	AB	No	Yes		Less
SAL	A	Yes	Yes		Same
Soo Line	A	No		*	Less
UP	A	No	Yes	*	Less
C&NW	C	No*	No*		*
NYC (W)	C	Yes	No*		Same
NYNH&H	C	No*	No*		Less
TP	C	*			Same
PM	Second-hand machines installed and removed.				

* Data incomplete.

Union officers on the remaining scheduled roads reported that no printer installations had been made.

This survey indicates that the general committees have been able with few exceptions to secure the inclusion of the printer positions in their schedules. In about half the cases former Morse operators have been used to man the machines, although in a number of instances the positions have been filled from outside

because no Morse operator cared to qualify at the lower wage rates usually paid. On some roads the company gave advance notice of its intention to install the machines and provided facilities for the operators to qualify. In the matter of wages the experience has varied widely from road to road. In the majority of cases the printer jobs have been assigned rates of from 60c to 64c per hour, as compared with rates of from 80c to 82c for relay operators. On a number of roads, however, Morse men have been transferred to the printers at their old rates and have made good; in still other instances they have been retained at the old rates in a combination Morse and printer job.

Up to the present time the actual number of men displaced has not been large, but installations will undoubtedly continue to be made in the relay and general office service, and will encroach further on the number of higher-paid telegraph positions which now exist as avenues of promotion for highly expert operators. There is little likelihood that the printers will materially affect the great mass of the Telegraphers employed in telegraph or telephone jobs or agencies out on the line inasmuch as a substantial part of their duties would continue irrespective of the particular mode of communication employed.

B. DEVICES MAKING POSSIBLE THE TRANSFER OF WORK TO OTHER CLASSES: THE DISPATCHERS' TELEPHONE

The Telegraphers have also had considerable experience with devices and changes in methods of operation which make it possible to combine a part of their work with the regular duties of men in other branches of the service, with consequent displacement of operators. The outstanding development of this kind has been the perfecting of the dispatchers' telephone for use by train crews to receive train orders without the intervention of a telegraph or telephone operator. Such installations differ from the telephone installations already reviewed in that the former were used for general as well as train-order work, and involved the *substitution* of a telephone operator for the previous telegraph operator rather than an outright displacement. Soon after 1900, roads whose traffic conditions permitted began to close telegraph offices maintained as train-order stations, replacing them with telephone booths through which train conductors could report and receive orders to govern the subsequent movements of their trains. Such installations at the ends of passing sidings on single tracks

lines proved particularly economical. At many stations which had been operated two shifts or more per day, or where the operator had been paid extra for "calls" outside of the assigned hours, it was now possible by the use of the phones to reduce the number of shifts or eliminate overtime and calls to a large degree.

By 1905 the use of the phones by trainmen had become a matter of concern to the Telegraphers. In that year the Grand Division attacked the practice because it:⁴⁷

" . . . not only places the lives of the trainmen and passengers in jeopardy, but adds to their responsibility, as well as compelling them to perform the duties of the telegraph operator. . . ."

The organization has continued roundly to condemn the practice, and has sought to have it limited (1) by legislation in the interest of public safety; (2) by urging the adoption of restrictive rules by the train and engine service organizations; and (3) by the negotiation of rules in its own schedules to define the conditions under which phones are to be used.

It was at first thought that the federal Hours of Service Act would curb the use of the phones by train crews inasmuch as it prescribed a shorter maximum working day for employees handling train orders than for the train crews. It was assumed that if a trainman used the phone that would bring him automatically under the more restrictive section of the law, and that this would prove an effective deterrent to the extension of the use of the phones. In fact, however, the law had practically no effect. Not only did the decision of the Supreme Court in the Santa Fe case, upholding the legality of the split trick, make the law much less effective in actually limiting the hours of service of telegraphers and others handling train orders than had been expected, but the application of the nine-hour section to train crews remained undecided for nearly a decade. The Interstate Commerce Commission took the position that trainmen who used the telephone to receive train orders did come under the nine-hour section of the act, but this ruling was reversed by the Fifth Circuit Court of Appeals in the Florida East Coast Railway case in 1915. Other federal courts have ruled in the same vein, while the Supreme Court has decided that switchmen who use the phone to receive information relative

⁴⁷ *Convention Proceedings, 1905, pp. 144, 170.*

to train movements come under the law, but that yardmasters do not.⁴⁸

In 1912, and again in 1916, legislative proposals designed to eliminate the split trick and to apply the nine-hour rule specifically to train crews using the phones, save in case of emergency, were introduced in the House of Representatives and favorably reported from committee despite the vigorous opposition of the carriers, but were crowded out by the pressure of other business. The War interrupted further efforts to obtain legislative relief.⁴⁹ In 1929-30 the Railway Labor Executives' Association endorsed the Telegraphers' proposal for the legislative extension of the nine-hour clause to trainmen handling train orders, but no concrete results have yet been attained.⁵⁰

The increasingly frequent requirement that members of train and engine crews make use of the telephones did not pass without protest from the conventions of the several train and engine service organizations. However, these resolutions were without material effect. The most important action before the War was taken in 1916 by the Order of Railway Conductors, which forbade the extension to other roads of a rule already negotiated by the general committee on the Southern Pacific (Atlantic System), which allowed an hour overtime for each call made in this way, on the ground that if the individual trainman stood to benefit in pay by the practice it would be very difficult to control.⁵¹ As a matter of fact, the train crews continued to use the phones about as before because of the pressure of operating necessity. After the War the general committees of the Brotherhoods and the Telegraphers undertook cooperative action on a number of roads on which phones were widely used, and in many cases were able to secure agreements with their managing officials to limit the "indiscriminate" use of the phones. Such understandings have somewhat relieved the situation, but obviously do not reach the heart of the problem.⁵²

⁴⁸ *U.S. v. Atchison, Topeka & Santa Fe Railway Co.*, 220 U.S., 37 (1911); *U.S. v. Florida East Coast Railway Co.*, 222 Fed. 33, (1915); *Chicago & Alton v. U.S.*, 247 U.S. 197 (1918); *Santa Fe Yardmasters' Case*, 269 U.S. 226 (1926); *Convention Proceedings*, 1913, pp. 33-47; 1915, pp. 10-14, 17-21; 1917, pp. 24-30.

⁴⁹ H. Rept. No. 1141, 62d Cong., 2d Sess. (1912); H. Rept. No. 699, 64th Cong., 1st Sess. (1916); *Convention Proceedings*, 1913, pp. 46-7; 1915, p. 20; 1917, pp. 30-35.

⁵⁰ *Convention Proceedings*, 1930, pp. 3-6.

⁵¹ *ibid.*, 1913, pp. 46-7; 1915, pp. 17-21; 1917, pp. 17-22.

⁵² *ibid.*, 1924, p. 15; 1927, pp. 72-3; *Telegrapher*, XLII (1925), pp. 905-6; XLIII (1926), pp. 480-1.

Shortly before the War the Telegraphers began to try to control the telephone situation by negotiating rules to define the conditions under which the phones should be used. Such rules were in force on the Missouri Pacific, the Burlington, the Mobile & Ohio and some others by 1917. They provided that no employee outside the Telegraphers' schedules save train dispatchers would be permitted to handle train orders *at stations where an operator was employed, could be located promptly, and was available, save in emergency, in which case the operator was to be paid for the call.*⁵³

This rule covered only the use of phones at points where operators were actually located, and placed no limitation on their use at "blind sidings" or as part of the "unattended block" system of signalling by which trains could be moved for considerable distances in light traffic areas without operators other than the occasional station agents. On the other hand it provided that if an operator were not "called" he nevertheless would get the pay for it. This tended to reduce the direct saving in the labor cost to be effected by having the train crews use the phones, but at the same time it probably also reduced the hostility of the Telegraphers to the practice.

In 1919 the Telegraphers incorporated a train-order rule in their proposed national schedule which would have forbidden any employee outside the schedule to receive train orders save in emergency, and then only until an operator could be called. The regional directors' conferees opposed this proposal on the ground that it would unduly restrict the use of an extensive telephone investment which had proved capable of expediting traffic without increased hazards. They deprecated any intention of displacing operators, and suggested that where such cases arose they should be handled locally as grievances.⁵⁴

In the latter part of 1920 and 1921 drastic efforts to reduce operating costs brought the telephone issue once more to the fore. The most general complaint came from the Western territory, but some Eastern roads were also involved. Finally, the issue went to the Labor Board in a test case brought by the Telegraphers and the Brotherhoods on the Buffalo, Rochester & Pittsburgh. The Labor Board dealt with the problem in Decision 757, Rule 16, which provided that⁵⁵

⁵³ O. R. T., *Schedules and Wage Scales*, 1918, pp. 160, 219, 386-7, 408; *Telegrapher*, XXXIII (1916), p. 785; XXXIV (1917), pp. 1707-9.

⁵⁴ Joint Committee, O. R. T. and Regional Directors, *Report*, 1920, pp. 96-8.

⁵⁵ III R. L. B. 156, March 3, 1922.

"No employee other than covered by this schedule and train dispatchers will be permitted to handle train orders at telegraph or telephone offices where an operator is employed and is available or can be promptly located, except in an emergency, in which case the telegrapher will be paid for the call."

In essence this simply gave currency to the rule already in force on some roads before the War and amounted to a standardization of practice. The Telegraphers had not requested the punitive call provision, as they were more interested in eliminating the practice than in the protection of earnings from calls, but the Board believed that it was necessary to make the rule which it adopted effective.

After 1922 the displacement of operators by installations of dispatchers' phones apparently slowed down, although it continued to be a source of complaint on some roads. The limit to their utilization has been fixed not primarily by the resistance of the organization—which has made no progress in restricting the use of phones at points where operators are *not* employed—but by operating conditions which determine the actual economy involved. The greatest advantage accrues on lines where traffic is light and can be moved with a minimum of variation from fixed meeting points for regularly scheduled trains. As the volume of traffic increases and train movements become more complex, it becomes necessary to have more men on the line to keep the dispatcher in touch with conditions and reduce time lost through the stopping of trains. In fact one of the most important sources of operating economies in the past ten years has been found in the adoption of operating practices and devices which eliminate train stops. It seems safe to say, therefore, that the telephone as a source of displacement of operators has passed its zenith; the newer developments tend to reduce the number of train orders to be handled either by Telegraphers or train crews.

C. AUTOMATIC TRAIN CONTROL DEVICES WHICH INVOLVE ABSOLUTE DISPLACEMENT

The introduction of manual block signalling, to supplement or replace the train-order system of controlling train movements, was welcomed by the organization because it tended to increase the demand for telegraph or telephone operators to man the block stations. At two conventions, in 1911 and 1915, resolutions favored federal legislation which would require the extension of the manual system. This, it was thought, would not only improve the

demand for operators but would also limit the use of phones by train crews.⁸⁶ Until 1915 the installation of automatic and manual signals proceeded almost at equal pace, but thereafter the aggregate mileage under the manual system began slowly to decline, and the entire increase in mileage protected was accounted for by the automatic system. Taking the country as a whole it is evident that there has not yet been a great deal of net displacement of block operators by automatic installations, although for individual *roads* the transfer from one system to the other has frequently involved a material change in the composition of the force in the telegraph service.

Not even the automatic block system, of course, entirely eliminates the need for towermen to operate switching devices at cross-overs, junction points, and the like, or to supplement the block system when operating conditions require a departure from normal, so that the elimination of block operators' positions does not entail an equivalent reduction in the number of scheduled positions. The denser the traffic the greater the need for towers at short intervals.

Unfortunately the figures of the Interstate Commerce Commission on railway employment do not differentiate the classes in the telegraph service sufficiently to make possible an accurate estimate of the actual amount of displacement resulting from the installation of automatic signals. Prior to the War the displacement was masked by the general upward trend in numbers employed in all branches of the service, which accompanied the increasing volume of railway traffic and the reduction in hours of service. From 1923 to 1930, however, years of marked activity in signal installation, the number of telegraphers, telephoners, and towermen as a whole declined from 27,564 to 21,792, or about 21 per cent, while the other groups covered by the organization showed relatively slight displacement.⁸⁷

When we consider the fact that of the total railway mileage in the country, approximately 242,000, not more than half—116,000 miles—is protected by block signals of any kind, and that of this more than 45 per cent is still operated under the manual system, it becomes apparent that there is a possibility of widespread displacement of telegraphers handling train orders as well

⁸⁶ *Telegrapher*, XXII (1905), p. 904; *Convention Proceedings*, 1911, pp. 35, 176-7; 1915, pp. 20-1, 238.

⁸⁷ I. C. C., *Annual Reports*; "Displacement of Morse Telegraphers in Railroad Systems," *Monthly Labor Review*, May 1932, pp. 1017-28.

as of manual block operators. It is easy, nevertheless, to overestimate the extent of the probable displacement. On roads of light traffic density, operated under the train-order system, most of the train-order work is now done by agent-telegraphers. Regardless of the system of train control, most of these would still be needed as agents. On those roads of heavier traffic density which are now operated under the manual block system, the substitution of automatic signals would not eliminate the need for towermen in considerable numbers.

With a possibility of substantial displacement of its members, or of rearrangement of duties with adverse effects on wages, the Telegraphers might be expected to display hostility to the installation of automatic signalling devices. In fact, neither the national union nor the general committees have sought to obstruct their development. Even the railroads themselves have not been entirely free in the matter, but have been under pressure from the Interstate Commerce Commission and legislative authority to extend the range of their safety devices. The union in its support for the Hours of Service Act and similar legislation has always stressed the public safety as a matter of concern to itself. As automatic signalling has proved its merit in that field, there is, therefore, no logical ground for opposition. In fact the safety factor takes the issue outside the field of bargaining, assuming that the organization possessed the economic power requisite to a policy of exclusion. Some unions, confronted by new ways of doing the work, have successfully adopted the policy of *controlling* the new method, and insisting that their members be used in the operation of the new device. Such a policy is inapplicable to the automatic signal itself, because its primary purpose is the elimination of the human factor. The work of *maintaining* the signals in working order requires a different sort of training; furthermore, it lies within the jurisdiction of another union, so that there is no chance to insist that it be reserved for the displaced men.

In the case of remote or "centralized" control of train movements the threat of displacement applies mainly to operators now handling train orders, or manning small switching plants at junctions, ends of double track, and similar positions, on lines of light or medium traffic density. Its greatest advantage seems to be found on single-track lines at "bottle-necks" where substantial savings may be secured through reduced delays and stops for tonnage trains. It requires an investment comparable to that involved in

automatic block signalling, and this alone is likely to restrict its very extensive adoption for at least many years to come; on the other hand it has little advantage to offer on lines already double- or multiple-tracked and protected by automatic signals.⁵⁸ The actual displacement of men by remote control has not yet been extensive but in time may reach substantial proportions. At the same time, however, the operation of the remote-control machines requires highly competent men, comparable to the train directors and towermen employed in busy city terminals. The Telegraphers have asserted their claim to the remote-control positions, and thus far seem to have been generally successful in having them incorporated in their schedules.⁵⁹ The ultimate result may be that a considerable displacement of telegraphers will be accompanied by the development of a smaller class within the union, occupying more responsible and higher-paid positions. In this case the union seems to be in fair position to carry through the policy of *controlling* the new device and making the most of it.

An interesting technical development in railroad operation which in recent years has proved the basis of a jurisdictional dispute between the Telegraphers and the Trainmen is the development of power-operated switches and car retarders for use in the operation of "hump yards" for the classification of freight cars. In some important yards for the sorting of cars according to destination and the making up of trains the cars as they arrive are pushed up to the top of the hump and allowed to drift down grade by gravity, being diverted to one classification track or another by power-operated switches controlled from centralized cabins. Retarders—power-operated devices which put outward pressure on the flanges of the car wheels as they pass over them—serve to control the car speed and make unnecessary the employment of car riders—brakemen who ride each car to control its speed by applying the brakes manually. The Trainmen's organization has claimed jurisdiction over the hump-yard jobs on the ground that the operators of the power-controlled switches and retarders are doing work formerly done by members of that organization, and that training in yard service is still necessary properly to gauge the speed and handling of the moving cars. The Telegraphers claim the work on the ground that prior to the installation of the

⁵⁸ The *Proceedings* of the Signal Section of the American Railway Association regularly contain reports on the economies of various types of block signal, remote control, train control, and similar installations.

⁵⁹ *Constitution*, 1930, Preamble.

retarders the switch movements were handled by telegraphers, and that the operators are in telegraph or telephone communication with the dispatcher. The work is the same, or analogous to, that which has always been conceded to be within the jurisdiction of the Order.

Efforts on the part of the two organizations to come to agreement on the proper handling of these positions have not yet been successful, pending which a final settlement of their classification has been held up.⁶⁰

4. *The Union Program for Handling Displacement and Unemployment*

Within the past thirty years the classes covered by the Order have experienced many changes in operating technique, ranging from the simple rearrangement of work to the introduction of automatic machines. The telephone has reduced the importance of the telegraphers' distinctive skill, and makes possible the transfer of part of the work to train crews or the clerical forces. Relay and general office men are threatened by the automatic printer. Block operators and interlockers are affected by block signalling, automatic interlocking of railway crossings, and remote control. The staffmen, never a large group, are being replaced by automatic signals. Were the organization confined exclusively to classes connected with train operation the future might seem dark indeed, although the mechanization of operation gives little promise of becoming complete. Fortunately the extension of the union jurisdiction to the station service, and the inclusion of the operator-clerks, gives a substantial core of union members, as yet scarcely affected by technical change, to serve as ballast in a time of stress. The problem of finding employment for the men displaced has become a major union problem, but the union is fortunate in having its risks fairly well distributed. The Telegraphers have attempted to meet the problem in two ways: (1) by developing a placement service of their own, and (2) by seeking to expand the numbers employed via the shorter working week and similar devices.

There were sporadic attempts to develop a placement service at national union headquarters which would assist the out-of-work member to find new employment even before the War, but not until 1919 was a permanent placement bureau set up.⁶¹ It imme-

⁶⁰ *Convention Proceedings*, 1930, pp. 136-40.

⁶¹ *ibid.*, 1921, p. 27.

diately sought the cooperation of the employment officers of the various roads, and on the basis of the requirements filed by them it prepared a comprehensive information blank to be returned by members seeking positions, so that eligibility for employment on any particular road could quickly be determined. The roads were requested to keep the bureau informed of their needs. In some instances they have gone so far as to do all their hiring through the union service and to furnish free transportation to men so employed. The bureau has in turn sought to merit confidence by withholding recommendations from men of poor record and by policing the members to see that advantage is not taken of the transportation offered by the railroads. From 1921 to 1924 about 10,800 applications were filed and 3,000 placements effected; from 1924 to 1927, a period of better demand for labor, there were 3,000 applications and about 1,100 men placed. Union officials believe that many others have benefited indirectly by publicity given to available openings through the *Telegrapher*.⁶²

The employment bureau has been of service in bringing unemployed members in contact with such openings as there are on other roads, but can do nothing to create new positions. With the latter end in view the Telegraphers began a movement in 1927 for the reduction in the length of the normal working week from seven days to six. As it is impracticable to close most of the telegraph and station jobs on Sunday this would necessitate the creation of several thousand "swing-relief" jobs whose incumbents would work a different position each day to enable the regular men to have their days off in rotation.

We have already seen that when the crash came in 1929 this movement was well under way. With the onset of the depression it was naturally impossible to make substantial progress with the union program by direct agreement, at least not without sacrificing the attempt to secure compensatory adjustments in wages. At the same time the unemployment problem was intensified in 1929-31 by further reductions in force affecting approximately 18.25 per cent of the men employed at the beginning of the year 1929. Most of this decline in employment resulted from the closing down of positions as a means of reducing operating costs during the present depression, and does not promise to be permanent. About one-sixth of the men thrown out during the three years have been displaced by changes in methods of operation and cannot look for the re-

⁶² *Convention Proceedings, 1924, p. 19; 1927, p. 74.*

opening of their former jobs when the depression comes to an end.⁶³ In attempting to deal with the current problem the Telegraphers have been associated with the other standard organizations in supporting the program of the Railway Labor Executives' Association. They were represented in the negotiations at Chicago in January 1932, in which the railway executives pledged themselves to an effort to maintain and increase railway employment. In the legislative field they, in common with the other organizations, have been urging the reduction in hours of service on the railroads by federal law. If the depression comes to an end without legislative action in this direction, it seems safe to predict that the organization will resume its drive for the establishment of the six- or the five-day week by direct agreement as a means of coping with the unemployment of union members.⁶⁴

⁶³ Data furnished the author by union officers.

⁶⁴ *Convention Proceedings, 1927*, pp. 323, 459-61; 1930, pp. 8-10.

CHAPTER XIII

HIRING, SENIORITY, AND DISCHARGE

THE interests and activities of the Order are not confined exclusively to the questions of wages, hours, and working conditions of the sort outlined in the preceding chapters but extend also at some points to the relationships of the individual employee and the employer, particularly where the protection of individual interests or rights is essential to or conducive to group solidarity. In some trades the unions seek through the device of the closed shop to impose limits on the freedom of the employer to hire men, and upon the freedom of individuals to work in the plant, outside the membership of the union. The purpose may be to exclude men from the trade in order to secure or retain control of the supply of labor, or it may be simply to preserve a high percentage of organization in the shop without continual organizing activity. In the telegraph service, however, as in the train and engine service, the closed shop has never been an issue for either reason. The effectiveness of the Order in protecting rights and interests of the character reviewed in the following sections is an important factor in keeping up union membership without a closed-shop rule.

1. Hiring

The conditions surrounding the hiring of men for positions in the telegraph and station service are a matter of concern to the Telegraphers because the organization is often called upon to assist its members in finding new positions after voluntary severance, reduction in force, or discharge. One of the most serious obstacles to reemployment is the maximum age limit—usually about forty-five. On some roads there is also complaint that the physical examinations for prospective employees are unnecessarily rigorous, and sometimes exclude men who have been disabled while in the service. Occasionally there are individuals who find it difficult to secure new positions because they cannot get bonds with acceptable bonding companies, and there are others who cannot find employment because they do not bring a clear service record with them.

The organization has done what it could to obtain special consideration from the railroads in the case of individuals who are excluded from employment by any of these restrictions. It has also endeavored without marked success to secure the relaxation of the rules themselves in a number of instances. In 1919, for example, the national schedule committee, on instructions from the Grand Division, incorporated a rule in the proposed national schedule to the effect that there should be no maximum age limit barring applicants for employment. The Regional Directors' conferees objected that where pension or relief plans were in effect, certain rules regarding age at entrance were necessary to assure the financial stability of the funds and prevent undue disbursements in behalf of men whose service with the company had been of comparatively short duration. They maintained also that the right to bar applicants for employment when reasonable age limits had been reached was necessary to the maintenance of efficiency in the service. The responsibility of the carriers under the Employers' Liability Law is another factor in the reluctance to hire older or partially disabled men, who are assumed to represent greater accident hazards.¹

Although the age limit has been opposed formally as an arbitrary rule inflicting hardship on the individual operator or agent who is fully qualified for the service by long experience, the opposition is also due, in part, to the fear of an adverse effect of the rule on union solidarity. Where the age limit is rigidly applied it tends to tie the older men closely to their existing jobs because they know that if they lose their places they will experience great difficulty in securing new ones on other roads. This obviously would tend to handicap effective action in a strike, the more so as the older men frequently occupy the more important positions. On the other hand the age limit in normal times is probably favorable to the maintenance of union strength, inasmuch as it is an inducement to the older men to maintain their membership so as to assure themselves of some measure of protection against possible arbitrary discipline or discharge.

2. *Seniority*

Although seniority rules appear in a few other industries, they have been most extensively developed on the railroads. The exist-

¹ Joint Committee, O. R. T. and Regional Directors, *Report*, 1920, pp. 67-70, 112-18. The Grand Division has repeatedly condemned the age limit in particular. *Convention Proceedings*, 1909, pp. 159, 173, 181; 1913, pp. 202, 211-13; 1919, pp. 262, 289-91.

tence of the system is due to a large extent to the differences in the desirability of jobs open to the same class of employees. The difficulty of apportioning different "runs" to train and engine crews, or stations to individual telegraphers or station agents, without the fear or suspicion of favoritism, makes it of advantage to everyone to have some objective method of distribution established, so long as it does not interfere excessively with the efficient conduct of the service. The simplest possible basis of apportionment is length of service, giving the employees the right to choose positions in the order of their seniority listing. Under straight seniority the man with the longest service record has the right to the best job, and so on down the line. The problem becomes more complex when some of the jobs require special training, capacity, or aptitude not possessed by every member of the group, because it then becomes necessary to establish some method of determining competency to handle the more difficult positions. This leaves room for difference of opinion as to personal ability.

A. PECULIARITIES OF THE SENIORITY PROBLEM IN THE TELEGRAPH SERVICE

Seniority rights have been conceded to a majority, if not all, of the employees under the Telegraphers' schedules since the early days. In fact seniority was probably in effect on some roads even before the first schedules were established. There seems to have been little dispute over the seniority principle except as applied to those classes of positions which require special ability or intangible personal qualifications.²

In the train and engine service most of the men on a division, or seniority district, work out of one or two terminals or division points, and seniority is exercised in the choice of "runs." The men at the top of the list bid in the runs that give the best combination of hours and earnings. The remainder of the jobs are distributed in descending order of desirability. Usually a man can work most of the runs while living at the same place, and shifting from one to another simply involves a change in relative convenience. In the telegraph and station service, however, the men are permanently located at definite stations along the road, and a change from one position to another in the exercise of seniority rights almost inevitably involves a change of residence from one town to another.

² Most of the early rules simply provided that employees should be in line of promotion, and that where merit was equal seniority should prevail. *Telegrapher*, IX (1893), pp. 557-9.

For this reason straight seniority has been given up on many roads. Under straight seniority an employee with a great deal of accumulated seniority would be entitled, if displaced from his existing office for any reason, to exercise his right on any position held by a man junior to himself for which he was qualified; the employee thus displaced could exercise his own rights in the same way, and so on, in turn, all the way down the line. The obvious result of "bumping" of this sort is a widespread uprooting of families and an undesirable disorganization of the service. Agents and operators working under straight seniority are reluctant to buy homes or establish themselves permanently in a town because their tenure is not secure. Strong sentiment in favor of some sort of modification of the seniority rule, which appeared at a comparatively early date, has produced a number of variations from straight seniority without completely eliminating the original form.³

A frequent variation in the seniority rule is one which provides that seniority may be exercised in displacement only against the youngest regularly assigned man, but leaves unimpaired the right to bid in any *vacancy* occurring thereafter to which the accumulated seniority gives title. Thus an older man whose office is abolished cannot displace any man junior to himself except the youngest, whose position he takes temporarily while waiting for something better to turn up. The youngest regular man goes on the extra list in the mean time. This rule is clearly an experiment in social expediency; it protects the majority against indiscriminate bumping, somewhat at the expense of the senior man displaced. The hardship inflicted on the senior man by this rule is not great if he does not have to wait a long time for a better job to open up. If vacancies are few, the older men object that such a rule gives them inadequate protection.⁴

To meet this objection another group of variations has appeared, compromising the two extremes. These rules usually provide for straight seniority, with the exception that a man older in the service may not displace a junior who has held his position for more than a specified number of years, say three or five. This means that after a man has bid in a job which he likes, and has held it through the specified period, he may settle down, buy his

³ The seniority rule has been an almost constant subject of discussion and controversy. *Telegrapher*, XXII (1905), p. 1121; XXIV (1907), p. 1737; XXV (1908), pp. 841, 1008-9, 1168; XXX (1913), p. 310.

⁴ O. R. T., *Schedules and Wage Scales*, 1917, pp. 95, 238, 304, and *passim*.

home, and live without fear of displacement by a senior employee. During the conditional period he may be displaced, the assumption being that he will not regard the assignment as secure until after its expiration. This rule gives somewhat more protection to the older men because they can usually find relatively satisfactory jobs to bid in while waiting for a vacancy on which to exercise seniority.⁵

On many roads "office seniority" exists for certain offices or classes of positions in conjunction with one or other of the rules already outlined. Where a number of men do similar work in a general, divisional, or dispatchers' office, or even at a multi-trick position out on the road, straight seniority may be applied to promotions and reductions in each office. For example, if the first-trick operator in a dispatchers' office is promoted, the vacancy in first trick would be filled by moving up the second-trick man and third-trick man in succession; the vacancy which would be bulletined for general bid out on the road would be, not the first trick, but the third. In case of a reduction in force in the office the youngest man (last trick) would be displaced and would then exercise his seniority under the general rule prevailing on the road. Office seniority ordinarily applies to offices in which some degree of specialized training is necessary, so that frequent shifts in the make-up of the force are undesirable from the standpoint of efficient operation. From the standpoint of the individual employee also the system is of advantage in that it enables him to receive a promotion without leaving the city in which he is located. Some objections have been raised against office seniority on the ground that under it the first-trick man, having longest office seniority, might be junior on the road to the second- or third-trick men, but these objections do not seem to be serious.⁶

It is obvious, of course, that the acid test is applied to any system of seniority at a time of reduction of force. From 1921 to 1929 an interesting situation appeared as a result of the decline in the number of men employed, amounting to about 10 per cent of the total number employed at the peak in 1920. Under such conditions there was little prospect of the opening up of new offices, while the closing out of existing positions swelled the ranks of the men waiting for jobs. Furthermore, the displacement was in considerable degree the result of changed methods of operation, so that

⁵ *Telegrapher*, XXVI (1909), pp. 213-14; O. R. T., *Schedules and Wage Scales*, 1918, pp. 449, 472, 528.

⁶ *Telegrapher*, XXVIII (1911), p. 464; XXXI (1914), p. 148.

the older men were as apt to be cut off as the younger. With a slower rate of turnover in existing jobs the older man who was forced to go on the extra list, or to displace the youngest man while waiting his turn to bid on a vacancy, was apt to find himself faced with the prospect of working indefinitely at an inferior job. With older men forced to bid in inconvenient night tricks while men junior to them are working days it is not surprising to find a renewed discussion of the seniority rule, and increasing sentiment in favor of a restoration of straight seniority despite the disadvantage of wholesale bumping. Such considerations, for example, are said to have led to a return to straight seniority on the Illinois Central.⁷

B. EXTENT OF SENIORITY RIGHTS

Except in the case of very small roads seniority rights seldom apply over the entire system. Usually the road is divided into a number of seniority districts, often corresponding to a superintendent's jurisdiction, and individual rights are confined to the particular district. Where train dispatchers are included in the schedule, their rights usually cover a larger area because they are so few in number. In the case of relay operators a special "relay division" is sometimes established within which conditions resembling office seniority exist.

There has always been a good bit of variation from one road to another in the extent to which the transfer of accumulated seniority from one district to another is allowed. In some of the schedules reported in 1918, the rules permitted an operator to request a transfer to the extra list of another division but did not allow him to carry his accumulated seniority with him. In others, an operator with four years or more of service to his credit had the right to carry one-half of his accumulated seniority to another division, but could exercise it only on vacancies or new positions. Another variation gave sanction to transfers, with the retention of three-fourths of the accumulated seniority, and also the trading of positions and seniority by individual employees. In still another case transfers might be made with full seniority at the discretion of the general superintendent whenever a position on a given division could not be filled because of the lack of a qualified man.⁸ No general controversy over the extent of seniority rights went to the Railroad Administration or the Labor Board. As a

⁷ Statement of union officers to the author.

⁸ O. R. T., *Schedules and Wage Scales*, 1918, pp. 94, 388, 401, 432, 503.

consequence, practice has not been standardized to the same degree as in the case of other rules.

The seniority rules have likewise been far from uniform as regards the classes or individuals who may hold seniority rights. On some roads it has been the rule that only men actually employed in regular positions or as extra men under the schedule, or as salaried officers of the organization, may retain seniority rights. Men absent on leave are usually allowed to retain their rights for a period of time, as are men accepting promotion to official positions, but the rights expire if work under the schedule is not resumed within a specified period of six, nine, or twelve months.⁹ On other roads men who accept promotion to positions outside the schedule, as a train dispatcher, yardmaster, supervisory agent, or superintendent, are allowed to retain accumulated seniority in the telegraph service but may not use it to displace regularly assigned men, except the youngest. In Decision 2374 the Labor Board adopted this form of the rule in settling disputes as to the retention of seniority coming up from the Southern Pacific (Pacific System) and the Hocking Valley.¹⁰ It probably reflects the more prevalent practice today. Where this rule applies, a dispatcher who is displaced in a reduction in force may displace the youngest regularly assigned operator, and hold this position while waiting for a vacancy on which he can exercise his accumulated seniority. In some cases he may be required to go on the extra list until an opening occurs. The usual rule on the Canadian roads, where the dispatchers are also included in the schedule, is to allow them to retain and accumulate seniority as telegraphers and exercise it under the same conditions as apply to the telegraphers themselves.¹¹

The organization has not taken a definite stand for or against the retention of seniority rights by men promoted, although a considerable number of cases went to the Labor Board in which the committees contested the action of the carriers in permitting dispatchers or other minor officials to displace telegraphers. The contention in most of these cases, however, was that there was no schedule rule permitting them to retain seniority rights, and that therefore the carrier was violating the schedule in allowing them to displace regularly assigned men. In other cases where the schedule rules permitted the retention of seniority the committees contended that this gave no general right of displacement and that

⁹ O. R. T., *Schedules and Wage Scales*, 1918, p. 479.

¹⁰ *ibid.*, p. 176; V R. L. B. 344, April 14, 1924.

¹¹ O. R. T., *Schedules and Wage Scales*, 1918, pp. 96, 317.

the seniority could be exercised only on the position of the youngest regular men, pending a vacancy, or that the man in question must go on the extra list while waiting for a vacancy.¹² In most instances the Board construed the existing rules strictly. In one typical case it held that where no rule in the schedule provided for retention of seniority, regularly assigned men could not be displaced, and that where retention of seniority was permitted, the same rules should govern its exercise as applied to the telegraphers themselves.¹³ Where schedules had not existed prior to federal control, practice was considered to govern.¹⁴

In the organization the feeling seems to be that if dispatchers and others retaining seniority rights are not covered by the schedule they should not be allowed to bid in scheduled positions. They ordinarily do not retain membership in the union and simply displace men who are members. Where definite rules cover the retention and exercise of seniority rights there may, of course, be some incentive for men accepting promotion to retain their union membership. If dispatchers were included in the schedule and straight seniority were in force, the organization would probably raise little objection to displacement of the senior operator by the youngest dispatcher, because under those conditions the dispatchers would have as much reason for continuing their union membership as anyone else.

C. DEGREE OF DISCRETION ALLOWED THE CARRIER IN FILLING VACANCIES

The schedules now ordinarily provide that all positions covered by the agreement are to be filled from the telegraphers' seniority list and that where ability and qualifications are sufficient, seniority will prevail. The officials have the right to pass upon qualifications but are often required to inform a rejected applicant of the reasons for rejection, and give opportunity for further hearing or appeal. An exception to this rule is often made in the case of large station agencies and similar positions which demand special and rather intangible qualifications. In the case of large agencies the traffic department frequently participates in the selection of the incumbent. The choice may fall outside the schedule if that is necessary

¹² Decisions 221, 1045, 1897, 1948, 2455.

¹³ Decision 221, II R. L. B. 223, August 9, 1921; Decision 619, III R. L. B. 24, January 11, 1922.

¹⁴ Decisions 1084, 3288-90, 3295.

to secure a man competent to go after competitive traffic. A typical "star agency" rule provides that¹⁵

"Positions marked with a star (*) are filled jointly by traffic and operating departments. These positions will be bulletined when vacancies occur, and telegraphers will have the right to make application for same and their applications will be considered and given preference, all things being equal, fitness and ability, together with seniority, will govern."

It is significant that one of the principal reasons advanced by the carriers for the exclusion of supervisory agents from the schedules was that the seniority rules interfered with the selection of the men best fitted to take care of competitive business.¹⁶ On the Pennsylvania the officials took the position that no agent should come under the seniority rules and that the company should be free to transfer men from one end of the system to the other as the requirements of individual positions demanded.¹⁷ Nevertheless the rules as they stand seem to give a fairly wide range of choice to the management.

During federal control and the Labor Board régime the seniority rules proved a source of comparatively frequent dispute, usually through failure of the carrier to permit the senior applicant to fill a vacancy or displace a junior man, or because of displacement of men from scheduled positions by men not on the seniority list. A study of these cases indicates that the judgment of the proper railway official as to the relative qualifications of different men was ordinarily accepted as final where the issue was simply one of passing over a senior man to appoint a junior also covered by the schedule. The rules, however, usually provide that where ability is *sufficient* (not necessarily equal) seniority shall prevail. In a number of cases, therefore, the Labor Board decided that where the senior man was not clearly unqualified he should be given a chance to try out the position, even though a junior man were at the time better qualified than he.¹⁸ The railway officials have complained occasionally that this application of the rule prevents the best adjustment of the men to the requirements of individual positions, may prevent capable younger men from getting the preferment to which their ability entitles them, or may lead to the drop-

¹⁵ Decision 2645, V R. L. B. 749, October 3, 1924, quoting rule from the Western Pacific schedule.

¹⁶ A. R. E. Conference Committee, *Statements*, IV (February 2-3, 1921), pp. 27-75, *passim*.

¹⁷ Statement of Vice-President R. V. Massey to the author.

¹⁸ Decisions 3419, 3698-3701, 3810, 3906, 3948.

ping of more capable men in a reduction of force. It is suggested that even the right to remove men who fail, within a reasonable period, to meet the requirements of the position is not a sufficient safeguard of competency or efficiency, on the ground that after brief training a man may be able to hold down the job well enough to make it difficult to prove incompetence, but not well enough to give the carrier the service it is entitled to. Most schedules provide not only that men who are promoted and fail to measure up to the new position may be removed, but also that they may not displace any other employee; pending a vacancy to which their accumulated seniority gives title they must go on the extra list. This rule presumably would discourage the bidding in of a vacancy in an important position by a man who did not feel reasonably sure of meeting the requirements.

In the case of the larger "star" offices the rule quoted above leaves a great deal to the discretion of the railway officials. In one case coming from the Western Pacific, the officials in filling a "star" agency passed over the telegraphers who applied, to appoint a man outside the schedule. They admitted that the telegraphers were not considered, but contended that they were within their rights in selecting the best man available. The Labor Board rejected this contention on the ground that under it any applicant could be disqualified. Instead it interpreted the rule to mean that employees in the telegraph service bidding for the vacancy must be considered, and that if any of them were able to qualify, the senior man so qualified should be appointed.¹⁹ In other cases the Board ruled that if a carrier wished to exclude a position from the operation of the seniority rule it must either enter negotiations for its removal from the schedule or else abolish it entirely.²⁰

D. APPRAISAL

As applied to the majority of positions in the service the seniority system has a number of advantages even from the point of view of the employer, some of which have already been mentioned. It goes far in eliminating friction due to fear of arbitrariness and favoritism in filling positions. At the same time it is a tremendous force for the reduction of labor turnover, inasmuch as the man who quits his job on one system has to begin at the bottom, as an

¹⁹ Decision 2645, V R. L. B. 748, October 3, 1924. If, however, the telegraphers are passed over *after* being given consideration, the carrier may fill a "star" position outside the schedule. Decisions 1951 and 3923, IV R. L. B. 594, VI R. L. B. 1275.

²⁰ Decisions 1333-6, III R. L. B. 890-4, October 28, 1922.

extra man, on the one to which he goes. If he has accumulated a few years' seniority and has the prospect of bidding in a day trick he will not readily sacrifice it for intermittent earnings on another road. He has a stake in his job which is probably as strong an incentive for permanence of service as is the pull of pension plans, group insurance, or other devices designed by employers to develop vertical loyalty and a continuing interest in the job. The truth of this is indicated by a comparison of the present situation with that of the '80's and early '90's, before seniority rights had been widely established. The tramp dispatcher and "bum" operator, drifting from road to road, seldom employed for more than a few months, were then familiar figures, particularly on the newer Western roads. With the general establishment of schedules and seniority rules it has become practically impossible for the floating operators to secure regular assignments so that the "bums" have been frozen out.²¹ The railroads have secured a more responsible and reliable group of employees, the average man looking for advancement on his own road as the reward of long and faithful service. In comparison the disadvantages, principally growing out of the more limited choice in making appointments, do not seem to be regarded as serious, particularly where greater freedom is reserved in making appointments to key positions.

From the union point of view the system also has obvious advantages. It reduces individual competition in bidding for jobs and friction in the distribution of positions. Furthermore, the individual looks to the union for protection against unfair treatment in the assignment of vacancies or in displacement, as well as against arbitrary discipline or dismissal. As seniority rights accumulate the reasons for maintaining union membership become stronger. It seems fair to ascribe a substantial part of the reduction in union membership turnover to this factor. On the other hand the seniority system, like the age limit, somewhat restricts the aggressiveness and unanimity of union action. The men who have accumulated years of seniority and occupy the preferred positions may be reluctant to take the chance of losing it all by going out on an unsuccessful strike, to come back as new employees or seek the uncertain rewards of the extra list on some other road. Conservatism among the older men is accordingly to be expected, for they must play for high stakes if they play at all. The younger men have less to lose, and at the same time are more apt to feel the

²¹ *Telegrapher*, X (1894), p. 945; XV (1898), pp. 185-6; XXII (1905), p. 1506.

pinch of inadequate wages or undesirable working conditions.²² Such conservatism is of course not necessarily a disadvantage to the union; on the contrary it may aid in avoiding rash action and costly failures.

3. *Lay-offs*

Most schedules provide that in reducing force men shall be laid off in order, beginning at the bottom of the seniority list. In some cases it is also provided that men so laid off shall have preference in regular order in rehiring. Employees laid off on one district or division are frequently given preference in employment on other divisions of the line, although they do not carry accumulated seniority under such circumstances.²³ In some trades the application of a similar rule, requiring the employer to recruit his force from men previously laid off, prevents him from getting rid of incompetent men. This does not seem to be involved in the rule in the telegraph service, as the officials are still free to exercise discretion in rehiring.

4. *Discharge and Discipline Cases*

One reason for union membership is to secure the intervention of the group in behalf of the individual who is disciplined or discharged, to see that the action is not arbitrary or excessive. The stronger the employee's vested interest in the job the stronger the appeal of union membership, assuming, of course, that the group is able to do more for him than he could do alone.

The Telegraphers' schedules usually provide that employees shall not be disciplined or discharged without just cause, and establish regular procedure for disciplinary action and appeals. Prior to federal control the procedure varied considerably from road to road, although the general outlines were similar. In Supplement 13, however, the practice was standardized. It provided that any employee who considered himself unjustly disciplined might within five days request a hearing, to be granted within five days thereafter; that he might be represented in the hearing by a committee of employees; that a decision must be rendered within seven days of the conclusion of the hearing; and that an appeal might be taken from this decision to the higher officials of the road in regular order. The committee was privileged to participate in all the proceedings up to the highest official on the road authorized to

²² *ibid.*, XV (1898), pp. 149-55.

²³ O. R. T., *Schedules and Wage Scales*, 1918, pp. 180, 388, 432, and *passim*.

deal with grievances. The rule also provided that if the final decision did not sustain the charges against the employee his record should be cleared, and that if he had been suspended pending investigation he should be reinstated with pay for all time lost.²⁴ The rules governing the hearing and appeal of such cases on the individual systems are not now the subject of dispute.

It is the stated policy of the organization that meritless grievance cases cannot be handled, or cases which have not been taken up through the proper channels in the first instance. Decision as to the validity of a claim lies first with the general committee on the road, with the right of appeal to the grand officers, the board of directors, and ultimately, the Grand Division.²⁵ The general committees sometimes do take up the case of a man who is admittedly in the wrong, in an effort to secure lenience if there are extenuating circumstances or if the discipline seems to be exceptionally severe. Where there is a complaint of discrimination on account of union membership, or where the question of competency is involved in a dismissal, it is especially necessary for the committee to undertake a careful investigation in an effort to assure fairness of treatment to the man in question. It is obviously impossible to secure a settlement satisfactory to the organization in all such cases. If unsettled grievance cases begin to pile up, however, they may constitute an important supplementary issue when a schedule revision is undertaken.

²⁴ Supplement 13, Art. VII. U.S. Railroad Administration, *General Order No. 27*, p. 104.

²⁵ *Telegrapher*, XIX (1902), p. 655; XXIII (1906), pp. 493-4; XXV (1908), p. 240; XXVI (1909), pp. 298-9; *Constitution*, 1930, Art. VI, Sec. 5; Art. XII, Sec. 3; *Statutes*, Secs. 42, 43; *Convention Proceedings*, 1930, pp. 143, 211-12, 248.

CHAPTER XIV
CONCLUSIONS

IN THE preceding chapters it has been the aim of the author to present, in as objective a form as possible, a survey of the structure, methods of action, and objectives of the Order of Railroad Telegraphers against the background of union history, with especial reference to the significant conditions and problems which tend to differentiate the experience of this craft from that of other unionized groups. It is his feeling that in general the observations there made speak for themselves and require little of editorial comment. It is, however, perhaps requisite to go beyond this appraisal in detail to the more hazardous task of passing judgment on the industrial significance of the union as an institution, and the bearing of its experience on the labor movement as a whole.

Inasmuch as the trade union springs from the ranks of the workers themselves, and depends for its existence on their continued loyalty, it is proper to consider first what the Order has offered to, and gained for, the rank and file in the services from which it is recruited. The experience of the Telegraphers indicates clearly that while fraternal feeling, class solidarity, and desire to promote the general interests of labor may be forces for union organization, substantial *continuing* unionization on craft lines rests most securely on a record of achievement which seems acceptable to the men themselves when balanced against the possible dangers and the far from negligible present costs—in terms of money—of trade union membership. It seems fair to assume that the wellnigh universal recognition won by the Order in the past forty years has contributed substantially on the psychological side to the continued loyalty of the members, carrying as it does the implication of group participation in the control of their branch of the railroad industry. In the more directly economic field of wages and working conditions it does not seem possible to ascribe the totality of improvements to the pressure of union activity. Rather they reflect much more deep-seated trends in industry at large, but at the same time we may well suppose that had the union been absent the advances might have lagged far behind the general crest. It is certain that there would have been far less of

standardization, either of wage rates or of basic working conditions, than has been achieved. Other advantages which have long inhered in the union organization are the definite means set up for handling the grievances and claims of individual employees, and the measure of protection which group action may afford in safeguarding the individual against arbitrary treatment. The respect in which the union influence is perhaps most clearly evident is in the almost universal application of the seniority principle in promotions and reductions of force as a protection against favoritism and arbitrary treatment. Possibly the strongest force for union loyalty is the part which the union has played in assuring the security of the worker.

These achievements, on which the individual loyalty depends so much, represent for the most part concessions won from the management. Have they been wrung by superior force from reluctant employers, who but bide their time for a vigorous counter-offensive? In considering the experience of the union with strikes the untenability of this position is amply demonstrated. Instead one is forced to the conclusion that managements have been willing to recognize and deal with the Telegraphers, not because of economic coercion, but because the union has offered a fairly satisfactory agency for dealing collectively with their employees, and because its policies have not been so restrictive as to place a premium on the substitution of some other method of dealing. It is probably fair to say that the public service character of the industry, and the inclusion of the Telegraphers from the beginning within the scope of the federal laws relative to mediation and arbitration, has extended to them a measure of protection not enjoyed in outside industries where there has never been any presumption in favor of collective dealing in the adjustment of wages and working conditions. The measure of this protection has undoubtedly been increased by the terms of the Railway Labor Act of 1926. There are today no issues of such vital difference between the union leadership and the railway managements as to threaten the continuity of the existing system of dealing. If one may assume no violent breaks with the present policies on either side the prospects for continued recognition and dealing on the part of the managements give little cause for alarm in the union ranks.

When one turns to the appraisal of this experience for the labor movement as a whole its chief value lies, perhaps, in the light which it throws on the problems involved in unionization of semi-white-collar workers, with the difficulties intensified by wide indi-

CONCLUSIONS

269

vidual distribution of the members and great diversification of the work. This is a combination of circumstances which might seem to offer insuperable obstacles to effective union organization. The ability of the Telegraphers, beginning with the conventional forms and units of organization and action, to build up a closely integrated union, is an achievement of a high order.

BIBLIOGRAPHY

BIBLIOGRAPHY

- AMERICAN RAILWAY ASSOCIATION, SIGNAL SECTION. Proceedings, 1928-29. New York: Signal Section, American Railway Association.
- ASSOCIATION OF RAILWAY EXECUTIVES, CONFERENCE COMMITTEE OF MANAGERS. Railroad Wage Hearings, 1920. Statements before the Railroad Labor Board, Chicago, Illinois, May 17-June 4, 1920. Vol. I.
- . Railroad Wage Hearings, 1921. Statements before the Railroad Labor Board, Chicago, Illinois. January 10-February 8, 1921, Vols. II-VI.
- BALTIMORE & OHIO RAILROAD COMPANY. Rules and Wage Schedule Governing Telegraphers, Telephoners, Levermen and the Exclusive Agents Specified. Rates Effective August 1, 1925. Rules Effective October 1, 1925.
- BOSTON TERMINAL COMPANY. Agreement between the Boston Terminal Company and its Tower Employees. Effective April 14, 1928.
- CANADA. DEPARTMENT OF LABOUR. Annual Reports. 1903 to date. Ottawa.
- . Reports of the Registrar of Boards of Conciliation and Mediation. Issued as appendices to the annual reports of the Department of Labour. Ottawa.
- CANADA. RAILWAY BOARD OF ADJUSTMENT No. 1. Reports. Issued as supplements to the Labour Gazette.
- HINES, W. D. War History of American Railroads. New Haven: Yale University Press, 1928.
- INTERSTATE COMMERCE COMMISSION. Annual Reports. 1887 to date.
- INTERSTATE COMMERCE COMMISSION. BUREAU OF STATISTICS. Statistics of Railways in the United States.
- JOURNAL OF THE TELEGRAPH. Vol. III (1870). New York.
- LABOUR GAZETTE. Canada. Department of Labour. Ottawa.
- MCCABE, D. A. Federal Intervention in Labor Disputes under the Erdman, Newlands and Adamson Acts. Proceedings of the Academy of Political Science. Vol. VII (1917-1918), pp. 94-107.
- MONTHLY LABOR REVIEW. United States Department of Labor. Washington.
- NATIONAL INDUSTRIAL CONFERENCE BOARD. Railroad Wages and Working Rules. Research Report No. 46. February 1922. New York: National Industrial Conference Board, 1922.
- NEW YORK STATE. BOARD OF MEDIATION AND ARBITRATION. Seventh Annual Report. Albany: James B. Lyon, 1894.
- ORDER OF RAILROAD TELEGRAPHERS. Before the United States Railroad Labor Board. Time and One-Half Rate for Sunday and Holi-

- day Service: Dockets Nos. 1, 2 and 3. Brief and Argument upon the Justification of Our Requests for Time and One-Half Time Rate for Sunday and Holiday Service and Reply of the Order of Railroad Telegraphers to the Attack of the Railroads on Working Conditions of Employes Represented by This Organization.
- _____. Circular Letters Nos. 1-53, January 4, 1921-February 29, 1923. (MSS.)
- _____. Constitution and Statutes, 1919, 1924, 1927, 1930.
- _____. National Schedule Committee, Minutes of Meeting, St. Louis, Missouri, September 1-9, 1919.
- _____. Proceedings of the Grand Division. Biennial Sessions, 1897-1921, Triennial Sessions, 1924, 1927, 1930. Issued as Supplement to The Railroad Telegrapher.
- _____. Recapitulation of Positions Specified in Preamble of Supplement No. 13 to General Order No. 27. Number of Positions and Average Hourly Rates Shown by Classes on the Individual Railroads.
- _____. A Report . . . of Wage Increases for Station, Tower and Telegraph on Railroads in the United States since Decision No. 147. By Regions and Districts. November 4, 1926, February 17, 1928, June 18, 1928. (MSS.)
- _____. Schedules and Wage Scales, April 1918. Issued as Special Number 4-A of The Railroad Telegrapher, XXXV (1918).
- _____. Southern Railway Arbitration. Brief and Argument for the Employees. December 10, 1928. (MS.)
- _____. Southern Railway Arbitration. Employees' Exhibits.
- _____. Vacations with Pay. Direct Presentation of E. J. Manion, in the Baltimore & Ohio Arbitration, 1928. Brief and Argument Prepared in May, 1927. (MS.)
- _____. Minutes, General Chairmen's Meetings, May 26-28, 1926; June 13-15, 1928; February 25-27, 1930. (MSS.)
- PENNSYLVANIA RAILROAD COMPANY. Employee Representation. Philadelphia: The Pennsylvania Railroad Co.
- _____. Regulations and Rates of Pay for the Government of Managers, Assistant Managers, Wire Chiefs and Assistant Wire Chiefs, who Regularly Work as Telegraphers, Train Directors and Assistants, Telegraphers, Telephone Operators (except Switchboard Operators), Block Operators, Operator-Clerks, Levermen, Printer-Operators. Regulations and Rates Effective December 1, 1927.
- _____. Regulations and Rates of Pay for the Government of Telegraph and Signal Department Employes Classified Herein. Regulations Revised July 1, 1928. Rates of Pay Effective March 16, 1927.
- RAILROAD EMPLOYEES' DEPARTMENT, AMERICAN FEDERATION OF LABOR. Constitution and By-Laws, 1909, 1911.

- RAILWAY AGE, New York, 1871 to date.
Railroad Gazette, 1870-1908.
Railroad Age Gazette, 1908-1909.
Railway Age Gazette, 1910-1917.
Railway Age, 1918 to date.
- RAILROAD TELEGRAPHER, THE
The Railway Telegrapher, Vols. I-VI (weekly), Vinton, Iowa, 1886-1889.
The Railroad Telegrapher, Vols. VIII-XII (bi-monthly), XIII to date (monthly), Vinton, Iowa, 1892-1896; Peoria, Illinois, 1896-1899; St. Louis, Missouri, 1899 to date.
- READING COMPANY. Regulations for the Government of Employes in the Telegraph Service. Rules Effective July 1, 1924.
- UNITED STATES BUREAU OF LABOR. Bulletin No. 98. Mediation and Conciliation of Railway Labor Disputes in the United States. C. P. Neill. Washington: Government Printing Office, 1912.
- UNITED STATES BUREAU OF LABOR STATISTICS. Bulletin No. 303, Conciliation and Arbitration Series. Use of Federal Power in Settlement of Railway Labor Disputes. C. O. Fisher. Washington: Government Printing Office, 1922.
- . Bulletin No. 233. Conciliation and Arbitration Series: No. 8. Operation of the Canadian Industrial Disputes Investigation Act. B. M. Squires. Washington: Government Printing Office, 1918.
- UNITED STATES BOARD OF MEDIATION AND CONCILIATION. Railway Strikes and Lockouts. House Document No. 2117, Vol. 99. 64th Congress, 2d Session. November 1, 1916. Washington: Government Printing Office, 1917.
- . Railway Labor Arbitrations. Effects of Arbitration Proceedings upon Rates of Pay and Working Conditions of Railroad Employees. Senate Document No. 493, Vol. 41. 64th Congress, 1st Session. Washington: Government Printing Office, 1916.
- . Report, 1913-1919. Washington: Government Printing Office, 1920.
- UNITED STATES BOARD OF MEDIATION. Annual Reports, 1927-1930. Washington: Government Printing Office.
- UNITED STATES HOUSE OF REPRESENTATIVES. Hours of Service Act. 62d Congress, 2d Session. House Report No. 1141, August 5, 1912.
- . Hours of Service of Railroad Employees. 64th Congress, 1st Session. House Report No. 608. (1916).
- . Hours of Service of Railroad Employees. House Report No. 699. 64th Congress, 1st Session (1916).
- UNITED STATES COMMISSION ON INDUSTRIAL RELATIONS. Industrial Relations. Final Report and Testimony. 64th Congress, 1st Session. Senate Document No. 415. Vol. XI. Washington: Government Printing Office, 1916.

- UNITED STATES SENATE. Committee on Education and Labor. Report . . . upon the Relations between Labor and Capital. Vols. I-IV. 48th Congress. Washington: Government Printing Office, 1885.
- _____. Committee on Interstate Commerce. Mediation, Conciliation and Arbitration in Controversies between Railway Employers and their Employees. Senate Report No. 72. With hearings. Washington: Government Printing Office, 1913.
- _____. Committee on Interstate Commerce. Government Investigation of Railway Disputes. Hearings. 64th Congress, 2d Session. Washington: Government Printing Office, 1917.
- _____. Committee on Interstate Commerce. Amending the Act Providing Mediation, Conciliation, etc. 64th Congress, 2d Session. Report No. 1025, February 10, 1917. Washington: Government Printing Office, 1917.
- _____. Committee on Interstate Commerce. Amending the Act Providing Mediation, Conciliation, etc. 64th Congress, 2d Session. Report No. 1434, February 6, 1917. Washington: Government Printing Office.
- _____. Committee on Interstate Commerce. Railway Labor Act. Hearings, January 14-16, 1926. 69th Congress, 1st Session. Washington: Government Printing Office, 1926.
- UNITED STATES RAILROAD ADMINISTRATION. DIRECTOR GENERAL OF RAILROADS. Bulletin No. 4 (revised). Public Acts, Proclamations . . . to December 31, 1918. Washington: Government Printing Office, 1919.
- _____. General Order No. 27, with its Supplements, Addenda, Amendments and Interpretations, to June 30, 1919. Washington: Government Printing Office, 1919.
- _____. Decisions of Railway Board of Adjustment No. 3, 1918-1920. Washington: Government Printing Office, 1919-1920.
- _____. Report of the Joint Committee representing the Order of Railroad Telegraphers and the Regional Directors to the Board of Railroad Wages and Working Conditions, covering recommendation as to Rules and Working Conditions applicable to Employees covered by Supplement No. 13 to General Order No. 27. (Mimeograph.) Washington, January 20, 1920.
- _____. Report to the President. For Fourteen Months ending March 1, 1920. Washington: Government Printing Office, 1921.
- _____. Report of the Railroad Wage Commission to the Director General of Railroads, April 30, 1918.
- UNITED STATES RAILROAD LABOR BOARD. Decisions. Vols. I-VI, 1920-1925. Washington: Government Printing Office, 1921-1926.
- _____. Wage Series. Average Daily and Monthly Wage Rates of Railroad Employees on Class 1 Carriers. Report No. 3, October, 1921. Washington: Government Printing Office, 1922.

FEDERAL STATUTES

- Act of October 1, 1888. 25 U.S. Statutes at Large, 50th Congress, 1887-1889, 1st session, ch. 1063.
- Adamson Act. 39 U.S. Statutes at Large, 64th Congress, 1915-1917, 1st session, Part I, ch. 436.
- Erdman Act. 30 U.S. Statutes at Large, 55th Congress, 1897-1899, 2d session, ch. 370.
- Hours of Service Act. 34 U.S. Statutes at Large, 59th Congress, 1905-1907, 2d Session, ch. 2939.
- Newlands Act. 38 U.S. Statutes at Large, 63d Congress, 1913-1915, 1st session, ch. 6.
- Transportation Act of 1920. 41 U.S. Statutes at Large, 66th Congress, 1919-1921, 2d Session, ch. 91.
- Railway Labor Act. 44 U.S. Statutes at Large, 69th Congress, 1925-1927, 1st Session, ch. 347.

FEDERAL AND SUPREME COURT CASES

- Adair v. United States, 208 U.S. 161 (1908); 152 Fed. 737, (1907).
- Arthur v. Oakes, 11 C.C.A. 209; 63 Fed. 310 (1894).
- Bedford Cut Stone Co. v. Journeymen Stone Cutters' Association of North America, 274 U.S. 37 (1927).
- Chicago & Alton Railroad Co. v. United States, 247 U.S. 197 (1918).
- Duplex Printing Co. v. Deering, 254 U.S. 443 (1921).
- Missouri Pacific Ry. Co. v. United States, 211 Fed. 893.
- Order of Railroad Telegraphers v. Louisville & Nashville Railroad Co., 148 Fed. 437 (1906).
- Santa Fe Yardmasters Case, 269 U.S. 226 (1926).
- Texas & New Orleans Railroad Co. v. Brotherhood of Railway and Steamship Clerks. 281 U.S. 548 (1930).
- United States v. Florida East Coast Ry. Co., 222 Fed. 33.
- United States v. Atchison, Topeka & Santa Fe Ry. Co., 220 U.S. 37 (1911).
- United States v. Chicago, Milwaukee & Puget Sound Ry. Co., 219 Fed. 1011.
- United States v. Scott, 148 Fed. 431 (1906).
- Wilson v. New, 243 U.S. 332 (1917).

INDEX



- Adair case, 23, 155.
 Adams Express Company, 19-20, 120.
 Adamson Act, 30-1, 125.
 Adamson, W. C., 31.
 age limits for employment, 109, 254-5.
 American Federation of Labor, 21, 26, 95, 104, 122, 225, 228.
 American Federation of Railway Employees (Peoria plan of international federation), 13, 132-3.
 American Railway Association, Signal Section, 250.
 American Railway Express Company, 37.
 American Railway Union, 11-12; *see also* Pullman strike.
 American Train Dispatchers' Association, xv, 33, 148, 233.
 apprenticeship, 5, 22, 157, 222.
 arbitration, mediation and compulsory investigation, 4, 9, 14-15, 23-6, 28-30, 60-3, 99, 101, 113-16, 120, 129-30, 157, 211-12, 214, 218-20, 229, 232-3, 238, 268; Chap. VIII.
 area of dealing or bargaining: national and regional vs. system, 28, 35, 40-2, 47-8, 52-3, 56-7, 63-4, 110, 114, 124-31, 134, 136-7, 141-4, 146-7, 179-91.
 Association of Railway Executives, 52, 63, 127, 130, 147, 185, 235.
 Atchison, Topeka & Santa Fe; Gulf, Colorado & Santa Fe, 7-8, 10, 15-16, 19, 22-3, 28, 31, 34, 40, 62, 116, 120-2, 138, 173, 198, 204, 240, 242, 244.
 Atlanta, Birmingham & Atlantic, 53, 109, 120, 135, 146.
 Atlantic Coast Line, 59-60, 62, 109, 116, 119-20, 122-3, 163, 240.
 Atlantic & Pacific, 7, 120.
 Atterbury, W. W., 52.
 Auston, J. R. T., 83.
 automatic signalling. *see* machinery.
 autonomy of subordinate divisions, degree of, 76-7, 92-3, 115.
 Baltimore & Ohio, 7, 15, 60, 202, 205, 214, 218.
 Bedford Cut Stone case, 123.
 blacklists, 9, 122, 222-3.
 Board of Adjustment No. 3, 35-6, 143-4, 178, 182, 187, 234, 237.
 Board of Directors, 17, 77, 83, 88-90, 108-9, 112, 133, 266.
 Board of Railroad Wages and Working Conditions, 35-40, 42-7, 125, 142, 172, 176, 182-3, 187, 195-6, 212-13, 233.
 bonds, of union officers, 86; of telegraphers, 219, 254.
 Boston & Albany, 114.
 Boston Elevated, 114, 153.
 Boston Terminal, 216.
 boycotts, 16, 19-21, 122-4.
 Brotherhood of Commercial Telegraphers, 225.
 Brotherhood of Locomotive Engineers, xv, 45, 130-1, 135.
 Brotherhood of Locomotive Firemen and Enginemen, xv, 11, 34, 129-31.
 Brotherhood of Maintenance-of-Way Employees, xv, 33, 45, 47, 228.
 Brotherhood of Railroad and Commercial Telegraphers, 6.
 Brotherhood of Railroad Trainmen, xv, 45, 124, 130-1, 250-1.
 Brotherhood of Railway and Steamship Clerks, xv, 33, 52, 155, 230-1.
 Brotherhood of Railway Signalmen of America, xv, 28, 33, 52, 229.
 Brotherhood of Railway Towermen and Signalmen, 156.
 Brotherhood of Telegraphers (District 45 of the Knights of Labor), 3-4, 124.
 Brotherhoods, the Big Four, xv, 6, 9-10, 13, 14, 16, 27-8, 30-1, 34, 41, 47, 54-7, 69-70, 82, 121, 124-5, 127, 130-42, 147, 150, 244-6.
 Brown, W. T., 37, 41.
 Buffalo, Rochester & Pittsburgh, 246-7.
 building trades, 92.
 Burlington, Cedar Rapids & Northern, 8-9, 120, 138, 154.
 business conditions and union position, 3, 7, 9, 12-13, 19-24, 28, 33-4, 43, 51-4, 58, 62-4, 85, 98, 120, 194, 221, 252-3.
 Caldwell, Judge, 10.
 calls, outside regular hours, 192, 204-10, 213, 246-7.
 Campbell, J., District Master Workman of the Brotherhood of Telegraphers, 3.
 Canada, Minister of Labor, 149, 151.

- Canadian Industrial Disputes Investigation Act, 26, 61, 147, 150-2.
 Canadian National, 62, 152.
 Canadian Pacific, 13-15, 26, 30, 61-2, 77, 118, 120, 138, 211, 219.
 Canadian Railway Association, 151.
 Canadian Railway Board of Adjustment No. 1, 47, 61, 90, 151-2.
 Canadian Railway Labor Disputes Act, 1903, 149-50.
 Canadian Railway War Board, 47, 151.
 Canadian Trades and Labor Congress, 104, 150.
 Carter, W. S., 34.
 Cedar Rapids plan of federation (system federation), 13, 131, 133-4.
 Central of Georgia, 8, 120, 154.
 Central of New Jersey, 62, 211.
 Chesapeake & Ohio, 7, 19, 120, 232, 240, 242.
 Chicago & Eastern Illinois, 7.
 Chicago & Illinois Midland, 120.
 Chicago & Grand Trunk, 206.
 Chicago & North Western, 8, 57, 116, 187, 242.
 Chicago, Burlington & Quincy, 29, 240, 242, 246.
 Chicago, Milwaukee & St. Paul, 29, 205, 240, 242.
 Chicago, Rock Island & Pacific, 8-9, 25, 29, 120, 122-3, 141, 154, 212, 242.
 Cincinnati, Hamilton & Dayton, 15.
 Cincinnati, New Orleans & Texas Pacific, Alabama Great Southern, and New Orleans North Eastern, 242.
 Clark, E. E., 9, 120.
 classification of positions, 145, 157-60, 168, 170, 175-9, 183, 189-90, 230, 237-9, 250-1, 263; *see also* scope rule and trade jurisdiction.
 Cleveland, Cincinnati, Chicago & St. Louis, 22, 114, 242.
 closed shop, no demand for, 124, 226-7, 254.
 Colorado & Southern, 122-3, 133-4, 138.
 Columbus & Greenville, 217.
 Commercial Telegraphers' Union of America, 119, 222, 225-6.
 Commission of Eight, 142.
 Commissioner of Labor, 139.
 company unions, 60, 156-64.
 concerted action, 28-9, 31-2, 41, 61, 63, 82, 124-31, 134-6, 142; *see also* area of dealing.
 Congress, 30-1, 43, 45-6, 139, 141, 144, 171, 194-5, 223, 245.
 convention fund, 78-80, 110-12; Table III, p. 111.
 Cummins bill (1920), 45.
 Debs, E. V., 11.
 decentralization of labor relations, a management objective, 52.
 Delaware & Hudson, 62, 120, 154-5, 162-3.
 Delaware, Lackawanna & Western, 34, 62, 239.
 Denver & Rio Grande, 7, 132, 134.
 Dermody, J. J., 35, 44, 184.
 Director, Division of Labor (Carter), 34, 36.
 Director, Division of Operation (Tyler), 40, 126, 157, 182, 187.
 Director General, Chap. III; *for actions on specific issues, see appropriate sections of the text.*
 discipline and grievance cases, 35-6, 113, 143-5, 255, 264-6, 268.
 Dolphin, M. M., 16-17, 83, 89, 138.
 dual unions, 6, 39, 41, 156, 234; *see also* Order of Railroad Station Agents.
 dues and assessments, 98-9, 101-3, 106, 109, 114.
 Duluth, Winnipeg & Pacific, 217.
 Duplex Printing Press Co. *vs.* Deering, 123.
 Eight-Hour Commission, 31.
 elections (union), 73-4, 84.
 El Paso & Southwestern, 116.
 Employers' Liability Law, 255.
 employment bureau, 251-2.
 Erdman Act of 1898, 23-5, 115, 138-42, 147, 149, 155.
 Erie, 53-4, 146.
 Esch-Cummins Bill, 46.
 establishment of agreements on unscheduled roads, 1918-19, 40-1, 126.
 Ex Parte 72, 158, 163, 236.
 express commissions, 20, 172-5, 178.
 "extras," 170, 205.
 factors in wage adjustments, union arguments, 43, 56-7.
 federal control, Chap. III, and 51-2, 59, 62, 100-1, 125, 142-4, 154-7, 160, 179-84, 192, 196-7, 203, 207, 212-13, 215, 224, 233-4, 237-8, 265-6.
 federation with other crafts, 6-7, 13, 27, 92, 122, 131-7.
 finance (union), Chap. VI, and 5, 31, 79-80, 84-6, 90, 92, 93-5, 128-9, 155.
 Florida East Coast, 232, 244.
 Florida land boom, 59, 176.
 Gaines, F. F., 184.
 general chairmen, 75-6, 78, 80-1, 91, 95, 100, 117, 126, 128, 131, 135-7, 153, 161-2.

- general committee, 70, 73-6, 100-1, 113-17, 125, 128, 131, 153-4, 158-62, 164, 266.
 general fund, 101-8, 111-12, and Chart C, 105.
 General Order No. 8, 34, 52, 155, 157.
 General Order No. 27, 35-7, 41, 126.
 General Order No. 53, 36.
 Gould, Jay, 4.
 government, attitude toward unions, 33-4, 51.
 Grable, E. F., 161.
 Grand Central Terminal, 114, 216.
 Grand Division of the Order, 69, 75, 77-90, 102-3, 110-12, 244, 266.
 grand officers, 84, 153, 266.
 grand secretary and treasurer, 17, 86-90, 107.
 Grand Trunk, 15, 26, 138, 149, 205.
 Great Northern, 21-2, 28, 62, 107, 116, 120-1, 240, 242.
 grievances (handling), 27, 113, 131-4, 142-4, 145, 148-9, 151-2, 154, 177-9, 190, 265-6, 268.
 Gulf and Ship Island, 25-6, 120.

 Harding administration, 51.
 Harlan, Justice, 10.
 Hines, W. D.; *see* Director General.
 Hocking Valley, 260.
 Hooper, B. W., 56.
 hours, 4, 23, 25, 29-31, 36-8, 47, 124, 141, 180, 192-210.
 hours legislation, state, 23, 77, 156-7, 193-4.
 Hours of Service Act, federal, 23, 25, 30, 157, 193-5, 198, 223, 239, 244-5, 249, 253.

 Illinois Central, 29, 63, 220, 239, 242, 259.
 impartial chairman system, no resort to, 114.
 Independent Order of Railway Employees, 156.
 industrial unionism, 11-12, 225.
 inequalities in wages, 37-8, 43-5, 50-1, 56-9, 167-89.
 initiation and charter fees, 99, 103, 106.
 injunctions, 10-11.
 insurance and benefit features, 6, 13, 81, 90, 95; *see also* pension fund and welfare fund.
 insurgent movement, 37-9, 41, 77, 118, 125-6, 207, 234.
 Intercolonial, 205.
 intermittent service (split tricks), 30, 56, 58, 62, 192, 195-200, 208, 212, 244.

 internal friction, 12, 17, 37, 41, 77, 86.
 Interpretation 8 to Supplement 13, 44, 182, 186-7.
 Interstate Commerce Commission, 24, 43, 139, 163, 172, 194, 235-6, 244-5, 248-9.
 intimidation and discrimination, 6, 9, 15, 23, 33-4, 52, 93, 96, 133, 153-5, 266.

 Jenkins, Judge, 10.
 Jewell, B. M., 49-50, 53.
 joint committee on national rules, 42, 197, 201, 203, 213, 215, 224, 233, 246, 255.
 joint wage conference, 1920, 46, 49.

 Kansas City Terminal, 216.
 Knights of Labor, 3, 124.

Labor, 110.
 Labor Board, Chap. IV; *for action on specific issues, see appropriate sections of text.*
 Lane Commission, 35-6, 172, 212.
 Lane, F. K., 35.
 layoffs and discharges, 254, 265-6.
 Lehigh & Hudson, 217.
 Lehigh & New England, 155.
 Lehigh Valley, 8-9, 22, 34, 108, 119-20, 132, 138.
 licensing law proposed, 90, 222, 224.
 Lindsey, C. E., 212.
 living costs, effect on wage structure, 175-6, 191.
 local chairmen (local boards of adjustment), 75, 96, 113, 117, 128-9, 158-9, 161-2, 168-9.
 local divisions (unions), 70-1; *see also* subordinate divisions.
 Long Island, 15, 71.
 Los Angeles & Salt Lake, 242.
 Louisville & Nashville, 11, 22-3, 28, 34, 40, 62, 77, 107, 118, 132, 134, 155, 231, 242.

 machinery and technological changes, Chap. XII, and xvi-xx, 25, 30, 60-3, 96, 121, 164, 223, 252, 258-9.
 Maine Central, 175.
 Manion, E. J., 41-4, 54, 56-8, 63, 88, 91, 107, 128, 135, 146, 158, 182-5, 199-200, 209, 219, 224.
 Marr, L. K., 77, 83.
 McAdoo, W. G., 38; *see also* Director General.
 meal hours, 192-3, 197, 200-2, 208.

- membership, 5, 7, 10, 12, 19, 24, 28, 33, 51, 62-3, Table I, 65, Chart B, 94, 93-7, 98-100, 103-9, 226-7, 255, 261, 264-5; eligibility, xv-xvi, 226-38, 266.
- Michigan Central, 114, 218, 232, 242.
- Minneapolis, St. Paul & S. S. Marie (Soo Line), 242.
- Missouri & North Arkansas, 53-4, 109, 119, 120, 135.
- Missouri-Kansas-Texas, 15, 20-22, 29, 34, 107, 109, 117, 120-2.
- Missouri Pacific, 7, 45, 57, 242, 246.
- Mobile & Ohio, 246.
- national adjustment board controversy, 49, 53, 136, 143-5, 148-9, 152.
- national agreements, 42-3, 47, 49, 52-3, 56, 160.
- national cooperation with other unions, 31-2, 45-6, 48, 55, 92, 134-6, 225-6, 229-31.
- "national schedule" proposed for O.R.T., 171, 197, 203, 213, 215, 233, 246, 255.
- national schedule committee, 42, 91, 126, 171, 183.
- National Telegraphic Union, 3.
- Newlands Act, 115, 139-42, 147-9, 229; *see also* arbitration and mediation.
- New York Central, 28, 61, 114, 125, 141, 189, 206, 211, 218-20, 229, 240, 242.
- New York, Chicago & St. Louis (Nickel Plate), 28, 141, 211.
- New York, New Haven & Hartford, 125, 155, 189, 211, 224, 242.
- Norfolk & Western, 20, 57, 120, 133, 232.
- Northern Pacific, 7, 10, 21-2, 107, 116, 120-1, 132, 134, 193, 198, 242.
- objectionable services, 170-1.
- One Big Union strike (Winnipeg), 118.
- operating methods in train and station service, *see* Introduction, and machinery.
- Order of Railroad Station Agents, 39, 230, 235.
- Order of Railroad Telegraphers, Dispatchers, Agents and Signalmen, 156-7.
- Order of Railway Conductors, xv, 9, 124, 130-1, 245.
- Oregon Short Line, 189, 198, 242.
- Oregon-Washington Railroad & Navigation, 10, 15, 242.
- organization, problems of, Chap. v, and 5-6, 11-13, 93-7, 99-102, 222, 254-5, 263-5, 269.
- organizing, 5, 27, 86, 93, 98-9, 104-7, Chart C, 117, 133.
- overtime, Chap. xi, and 38, 40, 56, 58, 62.
- Pennsylvania Railroad, 22, 26, 31, 34, 40-1, 49, 62, 77, 83, 101, 116, 146, 155-60, 163, 218-19, 236.
- pension fund, 95-6.
- Pere-Marquette, 242.
- Perham, H. B., 17-20, 26-8, 31, 36-9, 41, 77, 83-6, 91, 112, 117, 124-6, 129, 141-2, 171, 176, 190, 195, 212, 223-4, 228.
- physical examinations, 254-5.
- Pierson, T. M., 14, 16, 77, 118.
- Pittsburgh & Lake Erie, 71, 114.
- Pittsburgh, Shawmut & Northern, 155.
- Postal Telegraph Company, 119.
- Powell, W. V., 12, 14-17, 80, 83, 86, 89, 118, 138.
- president (grand chief telegrapher), 80, 82-90, 101-2, 107, 109, 115-18, 128, 135.
- protective fund, 90, 92, 102-3, 108-10, 117-18.
- Pullman strike, 11, 118.
- Queen & Crescent, 7.
- Quick, L. W., 31-2, 79.
- Railroad Administration, Chap. III; *for specific actions see appropriate sections of text.*
- Railroad Employees' Department, A. F. of L., 26-7, 49, 95, 134.
- Railroad Labor Board, Chap. IV, and 45-6, 126-7, 135-6, 144-7, 150-1, 160, 174, 178, 184, 186, 188, 199, 209, 215-17, 235, 238; *for decisions on specific issues see appropriate sections of text.*
- Railroad Telegrapher, 5, 102-3, 122-4, 252.
- Railway Labor Act, 60, 136, 147-9, 155, 162, 268.
- Railway Labor Executives' Association, 46, 63-4, 104, 135-7, 245, 253.
- Ramsay, D. G., 12, 77, 83, 85, 89.
- Rawlins, C. B., 89-90, 112.
- Reading (Philadelphia & Reading), 9, 22, 34, 53, 62, 146-7, 155-6, 160-2, 235-6.
- receiverships, 9-11, 53-4.
- recognition, Chap. IX, and 4, 5, 22-3, 26, 29-31, 33, 40-1, 51-2, 62, 96, 98, 115, 119, 121, 123, 130, 133, 152, 155-6, 231, 267-8.

- referenda, 51, 54, 90, 95, 109, 128, 131.
 regional and national movements, 28-32, 34-5, 41-2, 55, 61, 63, 85, 124-31, 134, 171-2; *see also* concerted action and area of dealing.
 relief days, *see* Sunday service.
 representation, right of, 4, 8-9, 15, 22-3, 26, 34, 154-62.
 restriction of output, 167.
 Richmond, Fredericksburg & Potomac, 217.
 Robertson, G. D., 151.
- safety, 193, 222, 244, 249.
 St. Johnsbury & Lake Champlain, 155.
 St. Louis-San Francisco, 7, 45, 198, 205, 242.
 St. Louis-Southwestern, 7.
 St. Louis Terminal, 20-1, 107, 120, 122, 216-17.
 salaries, union officers, 104-6, Chart C.
 Santa Fe case, 195, 244.
 scabbing, 16, 118-19, 121, 225.
 schedules (agreements), 35, 40-3, 53, 113-16, 119, 126-31, 153, 155-6, 158, 160-3, 234, 237.
 scientific management, 190.
 scope rule (classes included in agreements), 37-40, 42, 147, 157-60, 231-6, 239-41, 262-3.
 Seaboard Air Line, 60, 122, 232, 242.
 seniority, 96, 168, 177, 223, 231-2, 255-65, 268.
 separatism in Canada, 88.
 Shop Crafts, 26-7, 34, 43, 45, 52, 55-7, 118, 138, 146, 158, 164.
 Sines, G. H., 39.
 six-day week (and five-day week), 61-4, 124, 218-20, 252-3.
 six-hour day, disadvantages of, 220.
 Southern Express Company, 19-20, 120, 125.
 Southern Pacific, 25, 27, 44, 50, 101, 140, 174, 183, 185, 193, 198, 232-3, 241-2, 245, 260.
 Southern Railway, 15-16, 19, 23, 57, 59, 108, 120-2, 140, 240, 242.
 standardization, wages, Chap. x, and 37-8, 42-5, 47, 50-1, 56, 58, 76, 124, 130, 267-8.
 standardization, working rules, 42-3, 56, 63, 76, 114-15, 124, 130, 147, 168-76, 192-7, 200, 210, 215, 247, 267-8.
 starting time, 192, 196, 202-4.
 State Boards of Mediation and Arbitration, New York and New Jersey, 9.
- strike benefits, 109.
 strikes and lockouts, 3-4, 5-6, 8-9, 11, 13-14, 16, 19-22, 25-6, 28-30, 38-9, 50-1, 53-7, 59-60, 77, 90, 108-10, 114-22, 127, 131-3, 135-6, 146, 149, 151, 156, 163, 255, 264-5, 268.
 subordinate divisions (system divisions), 13, 70-80, 98-102; *see also* Chart A, 74, and Table I, 72.
 succession in office, 12, 17, 87, 89-90.
 Sunday and holiday service, xix, 37, 42, 50-1, 58, 62, 124, 181-2, 196, 204, 210-14, 218-19, 252.
 supervisory agents, controversy over, 37-40, 147, 157-60, 233-7, 262.
 Supplements 10 and 11, 38-40, 126.
 Supplement 13, 40-1, 44, 126, 172, 180-1, 186, 196-7.
 Supplement 21, 40-1, 126, 157, 160.
 Switchmen's Union of North America, xv, 131, 148.
 sympathetic strikes, 11, 77, 118-19.
 system boards of adjustment, 113, 148-9.
 system cooperation, 13, 24, 26-7, 131-6, 245; *see also* federation.
- teaching telegraphy, 5, 22, 157, 221-4.
 telegraph commissions, 42, 82, 172-5.
 Telegraphers' National Bank, 95.
 Telegraphers' Clubs, 96.
 Telegraphers' Protective League, 3.
 Texas & New Orleans case, 155.
 Texas Pacific, 242.
 Thurston, A. D., 5, 6, 12, 89, 107.
 Toledo, Peoria & Western, 120, 155.
 Toledo, St. Louis & Western, 173-4.
 trade jurisdiction, 5, 13, 19, 37-40, 42, 56, 156-8, 160, 178, 225, 227-41, 249-51.
 train dispatchers, 37-8, 42, 154, 232-3, 260-1.
 train order rules, 244, 246-7.
 Transportation Act, 46, 49-51, 54-5, 60, 126, 144-7, 150.
 trials, on charges, 12, 17, 83-4, 88-9.
 twenty-six-day month, 29, 36-7, 147, 181-2, 211.
 Tyler, W. T., 40.
- unemployment, 9-12, 20, 23-4, 28, 51, 62-4, 96, 122, 130-1, 136-7, 218, 221, 237-53, 258-9.
 union discipline, 70, 76-7, 83, 85-9, 118, 126.
 union-management cooperation, 164.
 Union Pacific, 7, 10-11, 57, 198, 242.

- United States Board of Mediation and Conciliation (1913-19), 28-30, 140-1.
- United States Board of Mediation (1926-), 148-9.
- United States Industrial Commission (1899), 139.
- United States mail, 30, 36-7, 42, 82, 171-2.
- United States Railroad Administration, 30, 34, 53, 125, 157, 180-1, 186, 259.
- vacations and relief days, 20, 37, 39, 42, 61, 124, 180, 214-20, 252-3.
- vice-presidents, 87-8, 115, 153.
- Wabash, 10, 57, 209.
- wage structure, Chap. x, and 97, 129-30, 201, 212-13.
- Washington Terminal, 242.
- welfare fund, 95, 107-8, 110.
- Western Pacific, 263.
- Western Union Company, xvi, 3-4, 119, 174, 226.
- Wharton, A. O., 159, 161, 186.
- white-collar workers, 93, 268-9.
- Whiter, E. T., 49.
- Willard, Daniel, 64.
- Willard agreement, 63-4, 130-1, 253.
- Wilson, Woodrow, 43-4, 46, 49-50.
- working rules, interpretation of, 35-6, 47, 58, 61, 114, 142-4, 146-9, 151-2; *see also* boards of adjustment.