

We're Sticking by Our Union: The Battle for Baytown, 1942-1943

By Michael Botson

Between June 1942 and November 1943, Baytown, Texas, became the backdrop to one of the most dramatic labor confrontations to rock the upper Texas Gulf Coast during World War II. In this prolonged conflict, workers at Humble Oil's Baytown refinery battled one another over what union they wanted representing them. Nine years earlier such worker militancy was unheard of, but that all changed in 1933 when New Deal labor legislation and reforms energized the Texas labor movement fueling worker activism. Since 1933, refinery workers at Humble Oil had been battling management and warring among themselves over the kind of union they wanted representing them.¹ It marked a new era in Texas labor relations. By 1942, Humble Oil & Refining Company grudgingly accepted the fact that it must deal with organized employees who demanded a voice over working conditions and pay. But employees split over the issue of representation pitting those loyal to the Baytown Employees Federation against their colleagues in the Oil Workers International Union of the Congress of Industrial Organizations (CIO).

CIO supporters regarded their union as a strong advocate willing to challenge what they saw as the feudalistic labor relations of Humble Oil. Federation men rejected the CIO as an outside organization bent on trouble. They viewed the Federation as their organization best able to represent them based on its tradition of cooperative labor relations with management dating back to 1920. Additionally, the federal government loomed large over the conflict for two reasons. First, the Wagner Act established guidelines for peacefully settling disputes between competing unions and prosecuting unfair labor practices by employers. Secondly,



A view of the center of the Baytown refinery during World War II. The light-ends fractionating towers are in the foreground, and the toluene facilities are in the background.

Photo from History of Humble Oil & Refining Company.

Humble Oil's Baytown refinery produced 100 octane gasoline, a wartime essential needed to defeat the Axis powers. America could not afford to allow a labor dispute at Humble Oil to disrupt the flow of fuel that kept its planes and tanks running. Ultimately though, two overarching and overlapping issues decided the outcome of the struggle: Humble Oil's labor relations policy patterned after the Standard Oil Corporation and race.

Initially, Humble Oil's labor relations policy reflected the philosophy of its conservative southern founders: Ross Sterling, Walter Fondren, Robert Blaffer, and William Farish. For them, exerting control over their employees consisted of a combination of aristocratic southern paternalism mixed with a heavy iron fist when needed. Any attempt by whomever they considered outsiders, specifically the federal government or labor unions, that interfered with their relationship with their employees was robustly resisted. They crushed their employees' first union organizing campaign during the Goose Creek Oil Field Strike in 1917.² In 1920, Humble Oil & Refining became a subsidiary of Standard Oil of New Jersey. Humble adopted Standard's labor relations policy as laid out under the Colorado Industrial Relations Plan. The plan consisted of four elements: a corporate welfare system, a grievance procedure, an employees' bill of rights, and, lastly, a plan for Joint Councils, eventually called Employee Representation Plans (ERP) containing representatives elected by employees and those appointed by management.³

The plan appeared to establish joint governance over

labor relations between management and the employees through the Joint Council, Humble's ERP. But the agreements formulated in the Council lacked substance since they were not the result of negotiations between two parties holding equal power and respecting each other's strength. As a result, nothing compelled management to honor agreements reached through the Joint Council. Paternalistic in nature and anti-union in objective, the plan cemented management control over industrial relations. Management wielded veto power over all decisions reached by the Joint Council.⁴ The Colorado Industrial Relations Plan and Joint Council eventually unraveled under the weight of the Great Depression, New Deal labor legislation, in particular the Wagner Act, and employee anger and disillusionment caused by their economic suffering. The Wagner Act made employer dominated labor organizations like the Joint Council illegal based on the proposition that they served as a sop to employees by appearing to give them a bargaining voice but in reality serving as a means to discourage employees from forming bona fide unions. In April 1937, the Supreme Court shocked and outraged corporate America when it upheld the Wagner Act.⁵ Humble Oil disbanded the Joint Council since its domination over the organization violated the Wagner Act and, from its ashes, emerged the Baytown Employees Federation.

Within two weeks of disbanding the Joint Conference a group of its former members established the Employees Federation of the Humble Oil & Refining Company to re-



In the refinery's early days foremen rode on horseback performing their duties, circa 1920.

Photo courtesy of the Sterling Library, Baytown, Texas.



C. S. Stone, the first person hired to work for Humble Oil in Baytown, leading a team of oxen hauling heavy equipment to the refinery construction site, circa, 1917.

Photo courtesy of the Sterling Library, Baytown, Texas.

place it. In a hastily called election held outside the refinery gates, over 2,500 workers voted in favor of the Federation as their collective bargaining agent and only seventy-nine voted against it. In the three months following the election, the Federation solidified its position by establishing a governing council, selected employee representatives from each of the refinery departments, formulated a constitution, and entered into contract negotiations with management. In July 1937, Humble recognized the Federation as the employees' collective bargaining agent and signed a labor agreement with it.⁶ Into this landscape came the CIO.

Immediately following the election and management's recognition of the Federation as the employees' collective bargaining agent, the CIO challenged the validity of the election results and contract. The Federation had had the ballots prepared and printed with only the Federation name appearing on them, it conducted the election, and the balloting was not secret. Testimony in a subsequent Labor Board hearing showed that supervisors coerced employees into voting in favor of the Federation. One example of the chicanery witnessed during the balloting took place when a white supervisor ordered his Mexican and black employees to the polling station and oversaw their vote for the Federation.⁷ The CIO's challenge began a bitter five year struggle between the two groups to win recognition as the employees' representative with management.

The CIO filed charges with the Labor Board against Humble Oil in 1938 claiming it engaged in an array of unfair labor practices. The charges included that the company illegally helped to establish the Federation as a management shill to fight the CIO, recognized the Federation as the employees' representative, and signed a contract with the Federation following a fraudulent election and firing of CIO

members. In the subsequent Labor Board hearing conducted between March and April 1938, which produced a 3,910 page transcript, dozens of witnesses from both sides gave impassioned testimony creating a contentious atmosphere in the hearing room.⁸ When the Labor Board eventually issued its decision a year later in April 1939, it vindicated all the CIO's charges, handing it an unprecedented victory in the refining industry. The Board concluded that management intimidated and discharged CIO members and sympathizers, and that it was instrumental in organizing the Employee Federation as well as dominating it, all violations of the Wagner Act. The Board ordered Humble Oil to withdraw its recognition of the Federation and, most significantly, that the Federation must be disbanded and dissolved.⁹ But the admission of guilt, contrition, and penance in response to an upstart union and Labor Board were not part of company or Federation policy.

Humble Oil and the Federation responded to the Board's order by ignoring it and continuing to function as before. Then, they promptly appealed the case to the U.S. Fifth Circuit Court of Appeals. In June 1940, the conservative justices of the Fifth Circuit partially exonerated Humble Oil and the Federation by overturning the portion of the Board's ruling that forced the dissolution of the Employee Federation while upholding the rest of the decision. The justices concluded that Humble Oil had broken all its ties and influence over the Federation with the dissolution of the Joint Conference and that it passed muster as a labor union under the Wagner Act.¹⁰ The court handed the CIO a major setback, and the union faced two possibilities: appeal the decision to the Supreme Court and hope for a favorable ruling, an uncertain outcome; or launch another aggressive or-

ganizing campaign and persuade an overwhelming number of employees to join the union, call for a certification election against the Federation, and decisively win it to settle the issue once and for all. The CIO chose the latter and in 1942 launched a new, aggressive organizing campaign. The union had reason to be optimistic about its chances.

Between 1940 and 1942, the CIO successfully organized all the major refineries on the upper Texas Gulf Coast, including Humble Oil's Ingleside Refinery in Corpus Christi. When CIO staffman Clyde Johnson arrived in Baytown in June 1942 to lead the recruiting campaign, he and Humble's CIO members expected a tough fight but believed they would succeed.¹¹ Nevertheless, they failed in their mission for three reasons: prosperity returned with the wartime economic boom, the Federation had become entrenched and legitimized by 1942, and the anti-CIO Federationists exploited the race card against the union in Jim Crow Texas.

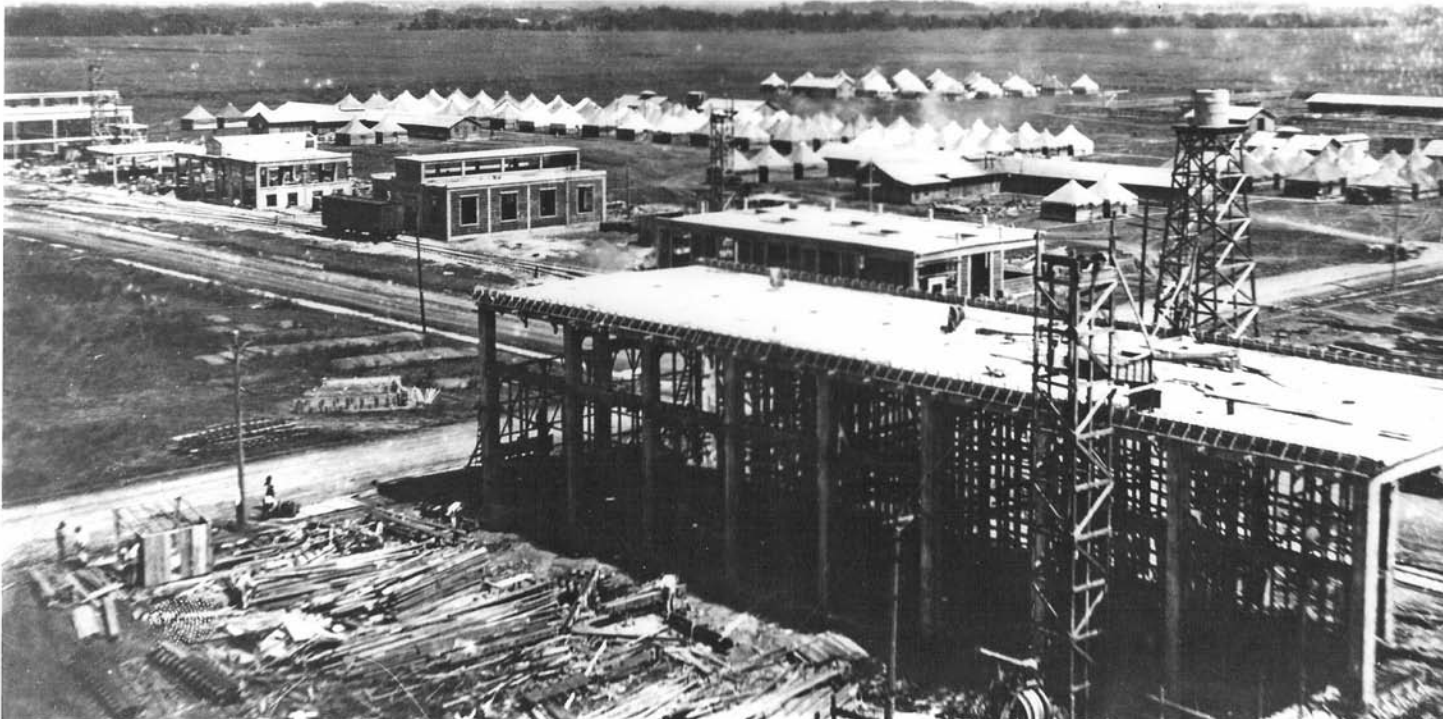
The Federation enthusiastically responded to the CIO's challenge. As part of its tightly orchestrated campaign to discredit the CIO, the Federation periodically issued a series of over one hundred Bulletins that were handbilled outside the refinery gates, distributed at meetings, and, in some instances, sent to Federation members' homes. Laced with inflammatory rhetoric, each issue denounced the CIO as communist, dangerous race levelers, unpatriotic, or a group of outside agitators looking to get rich on Federation members' dues money. Doubtlessly, the most effective issues focused on the CIO's egalitarian racial policies.

Bulletin 9 offered the Federation's unvarnished view of what it regarded as the dangerous racial policies of the union. Its inflammatory rhetoric charged the CIO with, "building up within the negro workers of the Humble Oil Company a sense of false superiority, by promising them absolute equality with all white workers, not only in matters

of wages and hours (which they already have) but socially and economically within the refinery and on the outside as well. They promise them that all forms of racial separation shall be abolished."¹² The Federation issued other racist bulletins pandering to white fears of racial mixing and equality and even suggested that if the CIO triumphed, it would lead to race war in Baytown. The author's identity of the Federation's Bulletins is instructive in getting a sense of the depth and scope of the Federation's and the community's backlash against the CIO. Just prior to the launching of the CIO's 1942 organizing campaign, Humble Oil hired Clifford Bond who was the former publisher of the *Pelly News Tribune*, the local newspaper.

Ostensibly hired to work in the lite-ends department, Bond's primary assignment and responsibility was to head the Federations' public relations department. As such, he served as its publicist and spokesman in all matters of public policy.¹³ Bond's anti-CIO bona fides dated back to 1936 when the union first appeared in Baytown. That year Baytown quickly polarized between CIO supporters and opponents. An ardent foe of unions and the CIO in particular, Bond helped found the Tri-Cities Citizens Committee, which was composed of anti-union refinery employees, prominent local businessmen, bankers, and business groups like the Chamber of Commerce to marshal public opinion against the CIO.

Bond's newspaper fiercely condemned the CIO. In the September 16, 1936, edition in a bold, two-column front page story, he vilified then union president Bob Oliver saying, "I have found that a young and ambitious man by the name of Bob Oliver, some three years ago, chose the Tri-Cities area as a fertile field to become a sort of 'Czar, Mussolini, Hitler, or what have you?' among the laboring men of the Tri-Cities.... He was able to rally gullible individ-



Construction of the refinery's mechanical shops, circa 1919. The tent city in the background housed African American and Mexican laborers.

Photo courtesy of the Sterling Library, Baytown, Texas.



Skilled white machinists and blacksmiths, circa 1928. The African American in the foreground performed unskilled general labor and cleanup for machinists and blacksmiths.

Photo courtesy of the Houston Metropolitan Research Center, Houston Public Library.

uals in the employ of the Humble Refinery... I have found that after drawing a fat salary from the dues of the members, Mr. Oliver finally reached a point where it became necessary for him to either 'deliver the goods or get off the receptacle' (if you get what I mean).¹⁴ With Bond's journalistic background and proven rhetorical and writing skills, it is indeed intriguing that Humble hired him in the midst of the CIO organizing drive and then excused him from his refinery duties to work for the Federation as its publicist.

From the fall of 1942 to the fall of 1943, Bond published well over one hundred Bulletins hammering home the race issue by cautioning white refinery workers and Baytown residents that the CIO was an organization committed to the "absolute equality between the white and colored races," and warned "it will not work in this Southland of ours.... We can prevent real disaster which would be sure to follow a victory by the CIO." He emphasized that, "The CIO already has a large block of votes in the refinery in almost 100% of the Negro workers, whom they [CIO] have blinded with promises of complete social and industrial equality with white people, both men and women."¹⁵ Perhaps Bond reached his rhetorical best when in Bulletin 63 he asserted that, "long ago the CIO entered into a three way agreement in which they were joined by the Communist Party and powerful representatives of the Negro race. This unholy

three has its purpose as the complete control and subjection of the United States after the conclusion of the war."¹⁶

In his first month as publicist for the Federation, October 1942, Bond published at least eleven Bulletins. In Bulletin 9, Bond unleashed his first racial broadsides against the CIO, and they continued regularly in his Bulletins until November 1943. Its overt racism and challenge to President Roosevelt's executive order banning racial discrimination in defense plants such as the Humble Oil Refinery prompted the CIO to immediately lodge a complaint with the Fair Employment Practices Committee (FEPC). Wasting no time in replying, Lawrence Cramer, the executive secretary president of the FEPC, sent a telegram to the Federation that read in part, "In certain parts of this leaflet [Bulletin] is an incitement to violence against Negro workers. Its issuance in a refinery producing essential war materials is an act of gross irresponsibility creating disunity among works and retarding the war effort. The Committee requests in the interests of patriotism and the national war effort that your organization promptly retract this appeal to race prejudice."¹⁷ Embedded in the telegram is the Committee's inherent weakness to stop such outrageous behavior. It could only request that offending organizations stop such behavior because the FEPC did not have the power to enforce its directives.¹⁸



The Federation refused to acknowledge receipt of Cramer's telegram. In fact, Cramer contacted the Federation twice more, by telegram on October 30, 1942, and in a letter dated February 19, 1943, requesting that the Federation retract Bulletin 9. Bond and the Federation never directly responded to Cramer's pleas; but in Bulletin 12, published just after receipt of the FEPC's first telegram, Bond challenged the CIO's claims to its existence. "It is a lie and that no part of the federal government itself has taken part in this controversy.... There will be no retraction of Bulletin 9 by the Employees' Federation."¹⁹ Bond's bulletins continued making note of race and using it as a weapon against the CIO.

The race issue reached a boiling point in the summer of 1943 in the wake of the race riot that occurred in Beaumont just east of Baytown. On the night of June 15, 1943, Beaumont's white workers, responding to a white woman's allegation that an unidentified black man raped her, dropped their tools and marched on the city's black section. A white mob estimated at 4,000 spent the night setting buildings and automobiles on fire and beating every black person it encountered. Acting quickly, the Texas governor declared martial law, and Texas State Guardsmen and city police restored calm.²⁰ Explosive racial tensions similar to the ones that caused the Beaumont riot festered in Baytown.

Working-class refinery workers, many of them former

sharecroppers or sons and daughters of sharecroppers, wanted to maintain the social distinctions and racial segregation between themselves and blacks. Additionally, a huge influx of people seeking defense and refinery jobs in the Tri-City areas of Pelly, Goose Creek, and Baytown caused overcrowding and severe housing shortages that threatened to blur the strict segregated lines, which separated whites and blacks in housing and jobs.²¹ With the Beaumont Race Riot and all its attendant violence and destruction fresh in their minds, Humble employees and Baytown area residents felt unnerved since the same volatile conditions threatened to explode in their own community. Likely the only thing that kept the lid on violence in Baytown's racially charged atmosphere was the presence of the Texas State National Guard in Beaumont and the threat of its deployment in the event of racial violence in Baytown.

Mexican workers in Humble's Baytown refinery also found themselves sucked into the vortex of the racial maelstrom surrounding the union battle. They suffered racism that by degree was worse than blacks faced when factoring in the added ingredient of xenophobia. Humble Oil eliminated hiring Mexicans in 1937; but the approximately seventy-five Mexicans remaining on Humble Oil's payroll by 1942 were restricted to the unskilled general labor gang without any opportunity for advancement. They toiled at the most unpleasant, physically demanding, and often dangerous

tasks. In those rare instances when they held jobs relatively comparable to Anglos, they received lower pay than Anglos doing the same work. Management justified its non-hiring of Mexicans and discrimination against those remaining based on language. The company asserted that they spoke English poorly or not at all, and their limited education disqualified them from promotions.²² Refinery superintendent Gordon Farned candidly summed up the company's and Anglo's racial attitude toward Mexican employees in an FEPC report on job discrimination in the refinery, "It is an undeniable fact that the Anglo American workman and the public generally, exclusive of the Mexican[s] themselves, do consider themselves to be superior mentally, physically and socially to the Mexicans."²³

Regarding attempts by Mexicans or the CIO's efforts to uplift Mexicans, Farned rolled out the reliable scare tactic that it "would most certainly start serious hostilities [with Anglos] and lead to a harmful conflagration."²⁴ Promoting the notion of race war as a reason for keeping racial discrimination and xenophobia in place helped serve the company's economic purposes by securing a cheap supply of readily exploitable unskilled black and Mexican labor. Naturally, Humble Oil never admitted to this.

In subsequent complaints brought by Mexican employees through the FEPC, the company's official position for denying Mexicans parity with white employees was the fear of a community backlash against the company with potentially disastrous implications for refining operations. Management did state that it would eliminate its barriers to Mexicans if all the refineries on the upper Texas Coast were willing to do the same. This of course never happened since none of the refineries on the upper Texas Gulf Coast were willing to grant Mexicans parity. The CIO embraced the Mexican cause at Humble Oil, but it was not enough to help break the bonds of discrimination they suffered.²⁵

In the course of the CIO's organizing campaign that stretched from June 1942 through November 1943, it twice filed charges with the National Labor Relations Board against Humble Oil and the Baytown Employee Federation. The first charge in 1942 accused the company's white foremen over the black labor gangs of intimidating and harassing their employees for joining the CIO. The Federation accused foremen sympathetic to the CIO of the same thing. In December 1942, the Labor Board conducted a hearing in Baytown and ultimately ordered the company to stop its front line supervisors from harassing union members.²⁶


The other case brought in 1943 addressed the issue of who would be eligible to cast ballots in the union certification election between the Employee Federation and the CIO. The CIO contented that only those paid hourly wages and working directly in the refinery in jobs requiring physical labor be allowed to vote. The Federation agreed that those employees should be included but also put forth that the clerical, technical, and professional staff, where the Federation enjoyed widespread support, be included in the balloting. The CIO opposed their inclusion claiming that they were rightly considered management since they were salaried and not hourly personnel. In addition, the International Association of Machinists, International Brotherhood of Electricians, and Brotherhood of Railroad

Trainmen all joined in the case, arguing that they held jurisdiction over their members.

When the Labor Board finally sorted out the competing jurisdictional claims, it accepted the CIO's argument based on precedent that salaried employees are considered supervisory personnel and ineligible to cast ballots in a union certification election. The Board approved ballot included the CIO, Employees Federation, machinists, electricians, and trainmen's unions.²⁷ The looming union certification election that the Board supervised in November 1943 would be a watershed event in the history of Humble Oil & Refining Company regardless of the outcome.

Unions had now become part of Humble Oil's culture, and when considering the company's historical hostility to labor unions, it demonstrated a strong innate desire among its employees for a voice over their occupational affairs through organization. Employees expected a union to aggressively advocate for them over wages; but, perhaps more importantly, they wanted that organization to protect the two most important things for blue collar Americans: a steady, secure job coupled with respect.²⁸ In November 1943, Humble's employees went to the polls and overwhelmingly chose the Employees Federation as the organization that would win them the things they cherished most.²⁹

Following their disappointing defeat, CIO loyalists remained committed to their union, though it had no official standing in the refinery. Some maintained their membership while they joined the Federation. Following World War II, unsettling changes for employees began to slowly take shape. The refining industry began seeking greater economies of scale and the way to do that was through new labor saving technology. Though refinery workers enjoyed some of the highest wages in industrial America, the number of jobs rapidly declined, and job security quickly became as important as wages, if not more so. By 1959, the hourly workforce at Humble Oil's Baytown refinery had shrunk considerably from its wartime peak.³⁰

Employees became increasingly concerned as the Baytown Employee Federation seemed powerless to preserve the things they valued most, their jobs and security. By this time the old CIO oil workers union had become the Oil, Chemical and Atomic Workers (OCAW), and loomed in the background. Going back to the 1930s, the CIO and now its successor, the OCAW, had a hard core group of supporters who still worked in the refinery and remained loyal to their union. In 1959, acting on the growing discontent over job losses and demotions, the OCAW seized the moment. Acting on employee fears, it aggressively recruited. Disillusioned Federationists, black employees, and OCAW loyalists combined together to defeat the Employee Federation in a union certification election.³¹ Unionization at Humble Oil & Refining had come full circle. 

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