

## A Lesson in Unity: The Houston Municipal Workers' Strike of 1946

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On February 20, 1946, banner headlines greeted Houston's morning newspaper readers with the shocking report that for the first time in the city's history, a group of unionized municipal employees had voted to strike their boss, the city of Houston.<sup>1</sup> A crisis ultimately affecting an estimated 700-900 of some 3,800 city employees,<sup>2</sup> the Houston Municipal Workers' Strike of 1946 erupted in response to a condition affecting many Americans in the post-World War II era—the frustration accompanying cost-of-living increases and attendant wage erosion. Reports of labor activism in both the private and public sectors filled the pages of newspapers and radio news broadcasts across a nation facing the difficult problem of economic reconversion. Such media bombardment no doubt inured the public to work stoppages and the inconveniences they sometimes produced, but the seemingly ever-present strike threat also contributed to the growth of postwar fears, fed by emerging Cold War tensions, of a too demanding and even radical labor movement. To forestall these fears, the nation responded swiftly. The Taft-Hartley Act on the national level and right-to-work acts within individual states represented a concerted effort to limit the power which labor had garnered in the 1930s after years of struggle for recognition and protection.<sup>3</sup> Labor upheaval across Texas, including the Houston labor community's test of strength in the 1946 municipal strike, an incident which demonstrated the potential of united labor action, convinced state legislators of a similar need. In 1947 the Texas

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<sup>1</sup>See *Houston Post*, *Houston Chronicle*, and *Houston Press*, February 20-27, 1946 for extensive coverage of the strike.

<sup>2</sup>*City of Houston General Budget for 1946* (January 10, 1946), Texas and Local History Department, Houston Public Library.

<sup>3</sup>Bureau of Labor Standards, *Growth of Labor Law in the United States* (Washington, D.C.: U.S. Department of Labor, 1962), pp. 240, 244, 248.

Legislature approved right-to-work legislation which among other things prohibited collective bargaining and striking by public employees.<sup>4</sup> The Houston Municipal Workers' Strike is important for study, therefore, because it reflects labor's activism in the postwar era and the legislative response to it. Perhaps more significantly, however, the crisis offers a view of union activity in a southern setting.

Unionists traditionally have faced their greatest organizational and operational challenges in the South, thwarted by an agrarian heritage, an attendant lack of understanding of unions and their operation, a strong individualism typical of southern culture, complex racial problems, and a business community and public often wary of and unsympathetic to the idea of "outside" challenges to traditional authority.<sup>5</sup> Thus, one would expect Houston as a southern city<sup>6</sup> to conform to a nonunion or antiunion tradition, even without the pressure of postwar public trepidation over union militance. By extension, one would assume that such an environment would produce no more than a fledgling labor movement with little significant impact on community affairs. The examination of one strike lasting scarcely one week limits any effort to develop broad generalizations concerning Houston's labor movement in the mid-20th century. Nevertheless, Houston's municipal strike provides evidence of a more complex system of labor-management relations in an increasingly industrialized, urban center in the South than one might expect. Furthermore, the 1946 crisis and the labor community's response to it suggest the existence of a viable, active, and influential, if moderate, labor movement within the city despite the obvious obstacles. A discussion of the strike thus complements recent studies of labor's visibility and periodic support within the community it served.<sup>7</sup>

<sup>4</sup>See *Journal of the Senate of the State of Texas, Regular Session of the Fiftieth Legislature* (Austin, 1947), p. 496; *Journal of the House of Representatives of the State of Texas, Regular Session of the Fiftieth Legislature* (Austin, 1947), p. 1666; and, *General and Special Laws of the State of Texas, Passed by the Regular Session of the Fiftieth Legislature* (Austin, 1947), pp. 107-108.

<sup>5</sup>George N. Green, *The Establishment in Texas Politics: The Primitive Years, 1938-1957* (Westport, Conn.: Greenwood Press, 1979), p. 106; Bob Arnold, "Texas Battles Big Labor," *Texas Business*, II (March 1978), p. 26; F. Ray Marshall, *Labor in the South* (Cambridge, Mass.: Harvard University Press, 1967), pp. 333-343.

<sup>6</sup>See Richard Murray, "Houston: Politics of a Boom Town," in Harrel Rodgers (ed.), *The Sunbelt Society* (Dissent Pamphlets 2), p. 28 for a description of Houston as a southern city.

<sup>7</sup>See Robert E. Zeigler, "The Limits of Power: The Amalgamated Association of Street Railway Employees in Houston, Texas, 1879-1905," *Labor History*, XVIII (Winter 1977), pp. 71-90; Robert E. Zeigler, "The Houston Worker: 1865-1890," *East Texas Historical Journal* X (Spring 1972), pp. 40-54; James C. Maroney, "Organized Labor in Houston, 1900-1929," a paper delivered at the Southwestern Labor Studies Association Meeting, Albuquerque, New Mexico, May 1981, to be published in F. Arturo Rosales and Barry J. Kaplan, eds., "Houston: The Twentieth Century Urban Frontier."

Houston's municipal crisis had its immediate beginnings in a unique period of Houston's history. Under a 1942 voter-approved city charter revision, Houstonians rejected the strong-mayor form of government for the ostensibly less political city-manager approach to municipal governance. To Acting City Manager James N. Nagle, appointed by city council and Mayor Otis Massey to serve as the city's chief administrative officer, would fall the task of budgetmaking and day-to-day employee relations.<sup>8</sup> Oscar L. Duncan, president of the City-County Employees Union, who along with M. B. Grimes, secretary of the Hoisting Engineers Union, participated in discussions with Nagle in 1946, recounted that the unions experienced their first real problems with city management when the city-manager government assumed office. "They fought us from start to finish," Duncan contended.<sup>9</sup> Otis Massey, Houston's mayor from 1943-1947 under the new form of government, had campaigned actively within the labor community in the 1942 mayoral contest, speaking before the Women's Labor Circle and at the Houston Labor Temple. Before these crowds he pledged to have "the laboring man's point of view" in his administration and noted that in his own roofing and construction business he employed union men. He also reaffirmed his belief in the need for a pension system for city employees and guaranteed pay for city-employed laborers even in the case of inclement weather.<sup>10</sup> Labor had not cast its votes in 1942 for the city-manager proposal and despite Massey's appeals did not support his mayoral candidacy. Rather, Massey's greatest political strength emanated from the well-to-do South Side. Apparently labor had not cast its votes for anyone in that election, as voter turnout in labor precincts was low on the rainy election day. Labor's candidate, the incumbent C. A. "Neal" Pickett, finished last in a field of four candidates. Labor's ensuing wariness of Massey and the city-manager government can be seen in the local *Labor Messenger's* promise to "gladly cooperate to make the plan a success—if we are permitted to do so."<sup>11</sup> This fear would be realized in the events preceding the strike action.

<sup>8</sup>Kenneth E. Gray, *Report on the Politics of Houston* (Cambridge, Mass.: Joint Center for Urban Studies of the Massachusetts Institute of Technology and Harvard University, 1960), II, pp. 22, 25; *Houston Post*, August 7, 1942 in Scrapbook E, C.A. "Neal" Pickett Collection, Houston Metropolitan Research Center, Houston Public Library (hereafter cited as Pickett Collection and HMRC).

<sup>9</sup>Oscar L. Duncan, interview with author and Thomas H. Kreneck in Houston on October 15, 1981.

<sup>10</sup>*Houston Press*, October 28, 1942, October 29, 1942 in Series D, Houston Press Collection, HMRC.

<sup>11</sup>Duncan interview; *Labor Messenger*, November 6, 1942, *Houston Post*, August 9, 1942, November 4, 1942, *Houston Chronicle*, August 16, 1942, in Scrapbook E, Pickett Collection, HMRC.

The City-County Employees Union, Local 1347 of the International Hod Carriers, Building, and Common Laborers' Union of America, represented some 600 city-employed laborers in 1946. The integrated local first appeared in Houston with 75 members in 1919, ironically the same year that the Red Scare and antiunion sentiment reached a climax in the nation. Despite that potential obstacle to union activity, the local successfully initiated periodic meetings with the mayor and city council and as of 1933 even enjoyed payroll deduction for union dues, one of the fundamental keys to a union's security.<sup>12</sup> Prior to 1946, unionized city employees had never threatened nor indulged in strike activity. Correspondingly, the city apparently tolerated the active but hardly militant organization. When asked about the existence of radical activity within the local, Duncan replied, "We didn't have . . . radicals in them days, only just once in a while there'd be a drunk. . . ." All meetings opened with the Lord's prayer and were not characterized by "the roughness that some locals had—a fight at every meeting and . . . policemen" there to restore order.<sup>13</sup>

Union leaders contended their discussions with city leaders contributed significantly to the improvement of city employee benefits. They claimed at least partial responsibility for securing longevity pay, civil service reform, a municipal pension system which Duncan fought for at the state level, more vacation days and holidays, and better grievance procedures for city employees. Duncan also maintained that in meeting with city administrators in an attempt to gain such benefits the City-County Union may have directly represented primarily garbage, water works, street maintenance, sewer, zoo, and humane department employees, as well as city mechanics and janitors, but indirectly it worked for all city workers. Although never officially recognized as a collective bargaining agent, the union operated informally as such, Duncan noting he often achieved things "around the bush."<sup>14</sup> Local news reports describing successful City-County Union wage hike appeals before council in the Pickett administration lend support to this contention.<sup>15</sup> Facilitating the union's relationship with city fathers was the nonexistence of any state statutes or local ordinances prohibiting union membership, collective bargaining, or the striking of public employees. Perhaps because Texas unions were weaker and less militant than labor organizations in the

<sup>12</sup>Duncan interview; Chester A. Newland, *Public Employee Unionization in Texas* in University of Texas Institute of Public Affairs Series (Austin, 1962), p. 26.

<sup>13</sup>Duncan interview.

<sup>14</sup>*Ibid.*; Newland, *Public Employee Unionization in Texas*, p. 26.

<sup>15</sup>*Houston Chronicle*, June 16, 1942, December 10, 1942, July 6, 1942, in Scrapbook C, Pickett Collection, HMRC.

more urban North where numerous labor disorders of monumental proportions had captured national attention, little labor legislation existed in the state before the 1940s.<sup>16</sup> As for Houston, labor historians Robert Zeigler and James C. Maroney suggest that in the late 19th and early 20th centuries, Houstonians had become accustomed to the local unions, which often embodied middle-class values and a moderate philosophy, and did not view them as menacing.<sup>17</sup> The appearance and operation of the City-County Union support their thesis.

In February 1946, union disgruntlement with the outcome of wage discussions held with Nagle prompted the municipal workers' unprecedented strike action. Denied a requested 25% wage hike in favor of a more limited 7% one, union spokesman M. B. Grimes, secretary of the Hoisting Engineers Union which would call the walkout with the City-County Union, termed Nagle's action "the coldest turndown I have ever met."<sup>18</sup> He refused to lay all the blame on the city manager, however. "I won't say it's poor Jimmy Nagle's fault," Grimes stated. "He just does what he's told," a reference to the control which the mayor and city council exercised over the appointive position.<sup>19</sup> With passions elevated and frustrations freely expressed, City-County and Hoisting Engineer union members met at Houston's Labor Temple and voted overwhelmingly, 179-41, to strike. The action sent Duncan to restore order and to distribute orders for the following day's activities. Although a few participants, emboldened by the crowd's agitation and too much liquor, suggested some rather intemperate behavior, Duncan urged "don't be radical" to those attending. "Let's not get in trouble the first day. Our job is to explain to other workers just what we are trying to do."<sup>20</sup> In a step further indicative of the organization's moderate approach and sensitivity to public sentiment, Duncan authorized a number of zoo, humane division, and water and sewer division employees to continue working in their "emergency" positions. As for garbage collection, Duncan minced no words: "It can be dumped on City Hall."<sup>21</sup>

Houston's city leaders reacted speedily to the strike action. Nagle immediately denied the existence of a legal strike. "They [the striking

<sup>16</sup>Green, *The Establishment in Texas Politics*, pp. 39, 90. See also Joan M. McCrea, *Texas Labor Laws* (Houston: Gulf Publishing Co., 1978).

<sup>17</sup>Zeigler, "The Limits of Power," p. 78; Maroney, "Organized Labor in Houston," p. 1.

<sup>18</sup>*Houston Chronicle*, February 20, 1946.

<sup>19</sup>*Houston Post*, February 20, 1946.

<sup>20</sup>*Houston Post*, February 20, 1946; *Houston Chronicle*, February 20, 1946; Duncan interview.

<sup>21</sup>*Houston Post*, February 20, 1946; Duncan interview.

workers] have resigned and will be replaced," he stated emphatically.<sup>22</sup> City Manager Nagle subsequently authorized the Civil Service Commission to seek replacements for departed workers in essential services. His belief that local men in large numbers would gladly fill the newly-vacated jobs, however, proved unfounded. At the city's request for referral aid, the United States Employment Service refused to intervene, pursuing a policy of noninvolvement in local labor disputes set years before and hence slowing the city's attempt at employment of replacements.<sup>23</sup> At the peak of the crisis five days later, the local Civil Service Commission had made only 140-180 referrals, and many to whom jobs were offered quit shortly after assuming them.<sup>24</sup> The *Houston Chronicle* reported a scene in which a group of newly-hired employees approached Duncan on a picket line, quizzing him on the strike. Duncan, the paper reported, sized them up and responded, "the city flat turned us down for a raise. Come along and be fair with us. Don't work." The new employees walked off the job, picket signs in hand.<sup>25</sup> City leaders and several newly-hired employees charged harassment and intimidation in such incidents; the union claimed appeals to reason.<sup>26</sup> The city's public invitation to private citizens to use city garbage trucks or to run garbage routes with police protection fell on deaf ears. Few volunteered for duty in the week-long crisis.<sup>27</sup> Despite Nagle's assurances that no strike could shut down city services, garbage collection and street maintenance and cleaning came to a virtual halt, prompting the city to contract with private business in some instances.<sup>28</sup> Even this effort met with limited success as seen in an incident which followed Duncan's announcement that picket lines might be extended to private companies repairing police cars while city mechanics were on strike. The company with which the city claimed to have contracted denied the existence of such an agreement and emphasized its intention to remain neutral. "Any of the union men are welcome to come into our shop . . . and see for themselves that we are not handling city equipment." The city refused to comment further when notified of the company's disclaimer.<sup>29</sup> Evidently the

<sup>22</sup>Houston Post, February 20, 1946.

<sup>23</sup>Houston Post, February 21, February 22, 1946.

<sup>24</sup>Houston Chronicle, February 25, 1946; Houston Post, February 22, 1946.

<sup>25</sup>Houston Chronicle, February 20, 1946.

<sup>26</sup>Houston Chronicle, February 21, 25, 1946.

<sup>27</sup>Houston, Chronicle, February 25, 1946.

<sup>28</sup>Houston, Chronicle, February 20, 1946.

<sup>29</sup>Houston, Chronicle, February 21, 1946.

public did not rally to city hall's aid, preferring out of apathy, support for the workers, or a "let's-wait-and-see" attitude to stay out of the conflict.

On the philosophical issue of the strike, the city fathers based their position that the workers had quit their jobs on the then debatable contention that a strike against a public entity was illegal. Although no prohibitions existed in Houston against public employees striking, Mayor Massey, who increasingly assumed a more visible leadership position as the seriousness of the strike became more apparent, refused to accept the idea of a legal strike. "I think these men," he told council, "when they come to work for the city in our Democratic form of government give up something and get something. I think they give up the right to strike."<sup>30</sup> To the news that Dallas had a city ordinance forbidding public employees from joining unions, Massey proceeded a step further, telling reporters from the *Dallas Morning News*, "That's a good ordinance. I don't believe in government employees joining unions." Dallas City Attorney H.P. Kucera subsequently sent a copy of the 1942 Dallas ordinance to Houston City Attorney Lewis Cutrer for study.<sup>31</sup>

The only legal weapon available for the city's use in restraining the strikers was the notorious O'Daniel Anti-Violence Labor Act. Passed in 1941 when Texas Governor W. Lee "Pappy" O'Daniel impassionately warned a joint session of the Texas Legislature of the impending threat of labor unions to the security of the state and the nation, the law forbade the use of force, violence or threats of force or violence to intimidate workers. It further declared assemblies near labor disputes illegal. Stiff punishment awaited violators of the act—one to two years in the state penitentiary—and multiple violations meant the "criminal" could face life in prison as a habitual offender. This harbinger of future restrictive labor legislation made no provision for strikebreakers who incited or threatened violence. The dire need for its passage is even more questionable, since not one man-hour had been lost to union disputes in Texas' defense industries up to that time. Whatever the situation which produced it, the act would prove a useful tool because of its vague language.<sup>32</sup>

In the strike's second day local newspapers reported a "flare-up" of violence involving City-County Union President Duncan and several other city employees. Accused of throwing a "fusillade of rocks and brickbats" at five newly-recruited employees, six men, including Duncan, were arrested and

<sup>30</sup>Houston City Council Minutes, February 22, 1946, Texas and Local History Department, HPL.

<sup>31</sup>Dallas Morning News, February 24, 1946.

<sup>32</sup>Green, *The Establishment in Texas Politics*, pp. 31-32; Houston Chronicle, February 21, 1946; Houston Post, February 21, 1946.

taken to City Hall for booking under the O'Daniel Act.<sup>33</sup> Duncan, who denied the charges, related that police officers busied him with numerous trips up and down the building's stairways and elevator as they sought to determine how to apply the rarely used O'Daniel Act. In another incident, police officers arrested Duncan on an assault charge after he upended a "scab" who shouted an obscenity at him. Duncan admitted the altercation, prompted by the victim's use of profanity, stating, "Brother, I don't know what happened but he turned upside down. . . ."<sup>34</sup> The victim, Luther R. Keene, denied to reporters that he even saw, much less shouted at Duncan before being struck by the union leader but admitted, "I guess in a way, it was partly my fault. I'm just too plain spoken and I popped off about the union."<sup>35</sup> Neither arrest led to a conviction though the incidents cost Duncan his job with the city until he returned to city service in the Holcombe administration following Massey's 1946 defeat.<sup>36</sup>

Few if any other episodes of even minor violence occurred during the strike, lending credence to the thesis that the striking workers refused to embrace a militant radicalism in a community where their actions would affect their own neighbors, friends, and families. Even relations between striking employees and the average police officer who worked twelve-hour shifts for the strike's duration, were good, sometimes quite congenial. Duncan arrived at one picketing site to shake hands and exchange pleasantries with police officers who outnumbered picketing strikers. Although the union president claimed in another incident a police officer had threatened to shoot him and officers had been given orders to "get him," he also recalled the alleged brick-throwing episode in which the squad car reserved to speed the arrested parties to jail would not start, prompting Duncan and his cohorts to get out and push it. Only later with some humor did they realize they were pushing themselves to jail.<sup>37</sup>

Local newspaper accounts initially reflected more fascination with the unprecedented event unfolding before the city than any fear of unbridled radicalism. Both the *Post* and the *Chronicle* counseled the workers to end their strike but also expressed some sympathy for the workers' economic situation.<sup>38</sup> A *Chronicle* cartoon on the strike's effect pictured a man with a

<sup>33</sup>Houston *Post*, February 22, 1946.

<sup>34</sup>Duncan interview.

<sup>35</sup>Houston *Chronicle*, February 21, 1946.

<sup>36</sup>Duncan interview.

<sup>37</sup>Houston *Chronicle*, February 20, 1946; Duncan interview.

<sup>38</sup>Houston *Chronicle*, February 23, 1946; Houston *Post*, February 23, 1946.

clothespin on his nose declaring, "Oh well, we haven't been getting much garbage service anyway."<sup>39</sup> The *Post* concluded an article on Acting City Manager Nagle's suggestions for coping with the refuse problem with the comment that "If acting City Manager J. N. Negle [*sic*] has a prize-winning flower garden, just mark it up as a result of the present city crisis." In the same issue the *Post* noted Massey had gotten a "whiff" of the local garbage problem when his own private garbage pickup in Riverside Terrace was delayed, leading to the supposition that the private garbageman had gone out on a "strike of his own." *Post* columnist Morris Frank joked about the joys of not being nagged to take the garbage out, since no garbage pickup was imminent.<sup>40</sup> The tone of newspaper accounts, particularly in the more conservative *Chronicle*,<sup>41</sup> underwent some change, although reporters remained obviously fascinated with the media event, when the labor community rose in support of the strikers and the Houston Building Trades Council entered the picture.

Three days into the strike the 20,000 member Houston Building Trades Council, with which the City-County Union and Hoisting Engineers Union had maintained an important link, offered its support to the striking workers. D. W. Maxwell, secretary of the Trades Council and a former city employee, ultimately emerged as the spokesman for all the strikers. As a result of the organization's backing, electrical and plumbing inspectors as well as carpenters and painters working for the city left their jobs in protest. In public announcements Maxwell condemned the city leaders for "poor management" and inadequate pay increases, noting in a direct plea for support to Depression-era parents who envisioned a better, middle-class standard of living for their own children, "The children of these workers are being forced to quit school and go to work so the family can live."<sup>42</sup> As the city debated the union representatives' request for active negotiation, Maxwell, in a significantly bolder move, twice publicly threatened a shutdown of the city's water, gas, and sewage disposal plants, fire alarms, and police and traffic signals.<sup>43</sup> Maxwell's first warning, received just as council was to vote on the opening of negotiations between striking workers and the city, sent the city fathers into a virtual panic. Although Maxwell, under pressure from Councilman Clyde Fitzgerald, one of two union members on council,

<sup>39</sup>Houston *Chronicle*, February 21, 1946.

<sup>40</sup>Houston *Post*, February 22, February 23, 1946.

<sup>41</sup>Gray, *Report on the Politics of Houston*, V, pp. 30-31.

<sup>42</sup>Quote from Houston *Post*, February 23, 1946; Houston *Chronicle*, February 22, 1946.

<sup>43</sup>Houston *Post*, February 23, 24, 1946; Houston *Chronicle*, February 22, 1946.

rescinded the threat soon thereafter, the damage had been done. Council moved with deliberate speed to assure protection for the city's essential services, with Mayor Massey securing Governor Coke Stevenson's approval for state aid if martial law became a necessity.<sup>44</sup> Water pressure fell across the city as the public prepared for the threatened shutdown, and the *Chronicle* harshly chastized 600 workers for trying to hold hostage a city of 600,000.<sup>45</sup> Councilmembers refused to negotiate "with a gun in [their] backs," and the city empowered City Attorney Lewis Cutrer to seek an injunction against the striking employees on the grounds that the alleged violence and harassment were "contrary to and in violation of the state" and that the strike posed a threat to public health. Judge Ewing Boyde of the 55th District Court shortly thereafter approved issuance of a temporary restraining order prohibiting members of the City-County Union and the Hoisting Engineers Union from operating pickets, assembling within 500 feet of city property, or participating in strike activities.<sup>46</sup> Both unions immediately pledged and made a sincere effort to observe the order. At the same time Building Trades unions not party to the injunction assumed picketing duty as the enjoined picketers retired, a significant display of labor unity.<sup>47</sup>

As city leaders pondered organized labor's test of strength, the issue at hand underwent some evolution. Increasingly the debate between the city fathers and union leaders focused on union recognition as opposed to a simple wage increase. A labor committee empowered to negotiate with council and the mayor, composed of Duncan, Maxwell, Grimes, J.N. Stone, City-County Union secretary and a city employee, Edgar J. Stone, city employee and member of the City-County Union, and A.J. Bannon, business agent of the Electrical Workers, encountered an unyielding council after the shutdown threats, the second coming two days after the first and also retracted. To the city's subsequent demands that the workers return to work, Duncan countered that striking municipal employees would resume their duties "if you recognize these labor leaders as bargaining agents." Massey reiterated his adamant refusal to discuss the wage issue with any "outsiders," meaning union representatives like Maxwell and Bannon not employed by the city. "Is the union going to run the employees or is the city?"<sup>48</sup> Massey questioned,

<sup>44</sup>Houston City Council Minutes, February 22, 1946, morning and afternoon sessions, Texas and Local History Department, HPL.

<sup>45</sup>Houston *Chronicle*, February 23, 1946.

<sup>46</sup>*Ibid.*; Houston *Post*, February 23, 1946.

<sup>47</sup>Houston *Post*, February 24, 25, 1946.

<sup>48</sup>Houston City Council Minutes, afternoon session, February 22, 1946, Texas and Local History Department, HPL; Houston *Post*, February 22, 23, 1946.

espousing an argument used in private sector conflicts years before as management fought labor's struggle to share in governing authority. L. E. Patrick, president of the Building Trades Council perceptively concluded, "It's not only a city employee fight now, but it concerns all labor."<sup>49</sup>

Within this heated debate Councilman Clyde Fitzgerald, a "tin hat" laborer and member of the Oil Workers International, CIO, emerged as the most vocal proponent of the striking workers and a prominent mediating force between city and union leaders. Fitzgerald called council's actions "unnecessary, costly and a ridiculous display of temper." Furthermore, he charged, "The right of citizens to meet with City Council to discuss problems cannot be withheld unless we are prepared to abandon the very foundation of our democratic system of government."<sup>50</sup> On the heels of the second shutdown threat, council issued an ultimatum to striking workers, demanding they return to their jobs or lose civil service protections, seniority, and other benefits reserved to city employees. Fitzgerald accused the council of setting itself up "as a strikebreaking agency" in taking such action.<sup>51</sup> The most articulate and active proponent of the striking employees' cause, Fitzgerald never faltered in his efforts to gain recognition before council for the union representatives. He also can be credited with convincing Maxwell to rescind his two shutdown threats on the promise that he would urge council to meet with the striking employees' representatives. The only other union member on council, seventy-one-year-old Henry Brandt, a former secretary of the Brotherhood of Railway Switchmen and a union member since 1892, also advocated discussions between council and the union men until Maxwell's initial threat erroneously convinced him of radical influence within the Trades Council. Once the strike had been settled, Brandt would join Fitzgerald in aiding city employee efforts to secure a significant wage increase.<sup>52</sup> Elected from districts with large labor populations, both councilmen represented the labor community in the crisis while seeking a solution to it that would be in the city's best interest as well.

Labor's ultimate display of solidarity came when Maxwell, with the approval of all AFL union representatives in the city, called a "labor holiday." To ease public fears about the unions generated by the group's earlier actions,

<sup>49</sup>Houston *Chronicle*, February 23, 1946.

<sup>50</sup>Houston *Post*, February 24, 1946; Houston *Post*, October 19, 1946 in Volume 23, Holcombe Scrapbooks, Oscar Holcombe Collection, HMRC.

<sup>51</sup>Houston *Post*, February 23, 24, 1946.

<sup>52</sup>Houston City Council Minutes, February 22, 1946, Texas and Local History Department, HPL; Houston *Post*, February 24, 1946; see Houston *Press*, September 10, 1942 in Scrapbook E, Pickett Collection, HMRC.

Maxwell reassured Houstonians “we . . . want you citizens of Houston to know that the labor community is interested in a wage adjustment for the city workers though they may not be union men. At no time have we asked for the city to make a closed shop of the city, nor do we intend to do so.”<sup>53</sup> He further explained, “We are trying to be reasonable and fair-minded. We are not radical.” Fitzgerald urged Houstonians to telephone or telegraph Mayor Massey, reminding them “the workers are free Americans and want to be treated as such.”<sup>54</sup> Shortly after these pleas, Maxwell appealed to all AFL members in nonessential industries to take a holiday and march on City Hall in protest of “the arrogance and utter lack of consideration of the mayor and City Council for the welfare of the city employees and citizens of Houston.”<sup>55</sup> Massey responded simply: “Any citizen has the right to appeal to the City Council in person at any time. I do not expect the City Council to make any change in its position because of the demonstration.”<sup>56</sup> Although Massey refused to admit the demonstration gained anything for the workers, he must have reacted with surprise at the response which greeted him at City Hall on Tuesday, February 26.

At 9:00 that morning began what one observer called “the greatest mass demonstration of organized labor’s strength in Houston’s history, or for that matter in Texas’ history.”<sup>57</sup> At least 5,000 AFL members, although estimates went as high as 10,000, converged on City Hall. Two hundred seventy-three policemen lined the streets to protect City Hall from the marchers, leaving only thirty-five officers to patrol and protect the other half a million residents. Cabbies, barbers, longshoremen, carpenters, plumbers, painters and other AFL members as well as numerous CIO-affiliated laborers poured into the area adjacent to City Hall, with no reported incidents of violence.<sup>58</sup> Shiploading at the Ship Channel came to a standstill as 1,200 longshoremen joined the march, and 680 marching taxi drivers left Houston cab riders without service throughout the day. With the benefit of a loud speaker system provided by a local company, labor speakers addressed the crowd to uproarious applause. To cries of “recall” to city officials inside City Hall offices, shouts rose of “We’ll get him,” “Throw ‘em out,” and “Give us Oscar Holcombe.” Behind the speakers, one demonstrator held a sign appropriately

<sup>53</sup>Houston *Post*, February 25, 1946.

<sup>54</sup>Houston *Chronicle*, February 25, 1946; Houston *Post*, February 25, February 26, 1946.

<sup>55</sup>Houston *Chronicle*, February 25, 1946.

<sup>56</sup>*Ibid.*

<sup>57</sup>Houston *Post*, February 27, 1946.

<sup>58</sup>*Ibid.*; Houston *Chronicle*, February 26, 1946.

reading, “If we don’t hang together they’ll hang us separately,” a reference to Benjamin Franklin’s famous statement on the eve of America’s revolution. Maxwell reminded the crowd of their purpose, denying the gathering had been called to threaten anyone’s position. “We are here to persuade the City Council to meet across the table with our negotiating committee, like peace-loving citizens do.” The crowd apparently felt less generous than Maxwell toward city fathers.<sup>59</sup>

Shortly after the demonstrators gathered, Police Chief Percy Heard escorted Maxwell along with three other union representatives who were not city employees, A.J. Bannon, Charles E. Harvey, business agent for Electricians Union Local 716, and N.G. Fite, vice-president of the Longshoremen’s Local 1231, to meet with Massey in his office. In that confrontation City Attorney Lewis Cutrer played a decisive role in resolving the battle of semantics playing within. Ultimately, a simple change in wording settled the seemingly irresolvable debate over whether union representatives not employed by the city should meet with the city fathers in a negotiating capacity. Renamed a “citizens” committee, which as part of the agreement with Massey did not receive official recognition as a collective bargaining agent for the city’s employees, the four-member group agreed to end the strike. This promise came upon Massey’s assurance that he and council were not denying the group access to city leaders to air grievances since they were all citizens of Houston and upon his pledge to support a Civil Service Commission study of city employee salaries. Furthermore, Massey agreed all striking employees, except those under indictment for criminal acts during the crisis, would be allowed to return to their jobs the following morning with no loss in benefits or seniority. Those under indictment, most notably Oscar Duncan, would be entitled to use the civil service grievance procedure to seek reinstatement.<sup>60</sup> Duncan subsequently dropped his civil service suit against the city and continued on the union’s payroll as president, then business secretary, until he resigned to return to city service in a supervisory role in the Holcombe administration.<sup>61</sup>

There can be little doubt that the labor holiday demonstration prompted city leaders to acquiesce to a compromise settlement. Such a peaceful mass display of sympathy for the city employees’ cause—something of a neighborly gesture in a community which, although highly industrialized, still revered rural values—could accomplish more in the way of general public support than any shutdown of vital services. From a practical standpoint, the city

<sup>59</sup>Houston *Chronicle*, February 26, 1946.

<sup>60</sup>Houston *Post*, February 26, 27, 1946.

<sup>61</sup>Duncan interview.

employees, their families, their friends, and their cohorts in the labor community could and did vote. Shouts of recall and the crowd's booing of Massey before announcement of the settlement must have struck a sensitive nerve. Labor, like city hall, also chose a pragmatic approach to settlement finally focusing on the "bread-and-butter" issue of wages rather than the more abstract one of recognition. Labor seized the moment to resolve the conflict, possibly fearing an intractable city hall on the recognition issue and the alienation of a public that appeared initially only "slightly perturbed" at the week-long crisis.<sup>62</sup> Another week of stench and inconvenience could have generated a public reaction the unions sought to avoid. On the surface the settlement appeared an amicable one. Maxwell and Massey emerged from City Hall with broad grins on their faces and joined in a friendly embrace for photographers. At 2:55 that afternoon the strike officially ended in its seventh day when council officially approved the mayor's agreement with the citizens' committee. In light of that action, Cutrer requested that the city's request for an injunction be lifted.<sup>63</sup>

Both sides immediately claimed victory. From the standpoint of principle, city hall emerged a victor in its adamant refusal to recognize officially the union representatives. City leaders also had achieved what appeared to be a friendly end to the strike. The *Post* noted, however, that the victory was a mixed one. "A lot of labor men and their friends are pretty sore. Everybody feels sure the strike will be an issue in the fall election."<sup>64</sup> Indeed it was, as Oscar Holcombe soundly defeated his opponents in 1946, among them Massey, largely because the public did not perceive the city-manager government as an effective management plan. Belief that the city could have avoided or better managed the crisis contributed to that perception.<sup>65</sup>

Labor's purported success also proved to be a limited one. Labor leaders would point to the city's negotiations with union representatives even if only recognized as a citizens' committee. They also emphasized that the labor holiday represented a stirring demonstration of labor's strength in a city like Houston. Furthermore, striking workers had returned to their jobs without penalty despite the city's earlier position that they had resigned. On the other hand the *Post* indicated, as did Mayor Massey, that labor had really won nothing it did not have before, except the promise of a wage study.<sup>66</sup> That

<sup>62</sup>Houston *Post*, February 27, 1946.

<sup>63</sup>Houston, *Chronicle*, February 26, 27, 1946.

<sup>64</sup>Houston *Post*, February 27, 1946; Houston *Chronicle*, February 27, 1946.

<sup>65</sup>Houston *Chronicle*, October 23, 1946 in volume 23, Holcombe Scrapbooks, Holcombe Collection, HMRC. See also newspaper clippings on Holcombe election in 1946 in volume 23.

<sup>66</sup>Houston *Post*, February 27, 1946; Houston *Chronicle*, February 27, 1946.

study, however, did produce a small wage hike, generally greeted with disappointment by city employees. Subsequently unionized firemen, policemen, and other city employees led a successful petition campaign requesting a public referendum on the issue. In a "smashing endorsement," voters approved an additional pay raise for each group by a margin of 7 to 1, a tremendous defeat for Massey and council members who publicly had opposed the pay raise. Again Clyde Fitzgerald and Oscar Duncan, among other prominent labor figures, promoted the successful campaign.<sup>67</sup> Ensuing events, however, would diminish their resultant enthusiasm.

In the wake of the public's endorsement of the need for better wages for city employees came an action which passage of the O'Daniel Act had foretold. In the midst of the municipal strike, Lieutenant-Governor John Lee Smith captured front-page attention in his call for strict legislation to control labor. He assailed city leaders for buckling under to "nothing more nor less than rebellion."<sup>68</sup> When the Legislature met the following year, conservatives initiated a move to restrict labor unions. Labor historian George Green contends this effort succeeded because state leaders convinced the public that labor had gotten "rich and uppity during the war" and had to be put in its place.<sup>69</sup> By the end of the legislative session, Texas had joined those states which, in response to postwar labor unrest, had passed right-to-work acts, curtailing potential union strength through a series of important restrictions on union activity while at the same time upholding an employee's right to join a union. To prevent any future crises similar to Houston's in 1946, legislators included in the right-to-work legislation an act denying public employees the right to bargain collectively and to strike.<sup>70</sup> Thus was answered the question raised in Houston during the municipal workers' strike as to a unionized public employee's right to select representatives to negotiate officially with city leaders and in the event of a serious dispute to withhold his labor. "The American Federation of Labor had marched on Houston's . . . city hall," and in a remarkable display of solidarity, "shook its fist at the City

<sup>67</sup>Houston *Chronicle*, June 22, 1946; Houston City Council Minutes, April 23, 1946, Texas and Local History Department, HPL; Houston *Press*, April 25, 1946; Houston *Post*, June 21, 23, 1946. The Houston Labor and Trades Council endorsed the pay raise and declared a half-day holiday for the June 22 referendum election. *Labor Messenger*, May 31, 1946, Newspaper Holdings, University of Texas at Arlington Library.

<sup>68</sup>Houston *Post*, February 26, 1946.

<sup>69</sup>Green, *The Establishment in Texas Politics*, p. 106.

<sup>70</sup>*Journal of the Senate of the State of Texas, Regular Session of the Fiftieth Legislature*, p. 496; *Journal of the House of Representatives of the State of Texas, Regular Session of the Fiftieth Legislature*, p. 1666. *General and Special Laws of the State of Texas, Passed by the Regular Session of the Fiftieth Legislature*, pp. 107-108.

Council," but it could not forestall the legislative assault.<sup>71</sup> Of Houston's state legislators, only reformist Carleton Moore opposed the bill.<sup>72</sup>

Under the impact of right-to-work legislation and attitudes reflective of a southern agrarian heritage, Texas and its urban centers have retained their traditional reputation for a nonunion environment attractive to business.<sup>73</sup> Nevertheless, Houston's labor community remains now, as it has been in the past, viable and politically active despite any obstacles. Union membership in Texas is on the rise with public employee unionism in particular growing dramatically. Recently AFL-CIO leaders announced a major organizational drive to boost union membership in the Houston metropolitan area.<sup>74</sup> If state and city political observers are accurate in their contention that Texas and its urban centers are changing, then such unionization efforts may achieve within a generation the success envisioned by its proponents.<sup>75</sup> Recognition of the rich heritage of Houston's labor community and the lessons inherent in the events which constitute it is instrumental to the crystallization of that effort. In the aftermath of Houston's municipal strike M.B. Grimes reminded the local labor community of the significance of the strike to labor's future in the city. In a plea for solidarity as relevant to labor activists today as 100 years ago Grimes declared: "The lesson to be learned from our tragic struggle is the lesson of unity. We shall unite or we shall be defeated. Our will—the will of the disinherited, the forgotten, the oppressed—shall weld us into a solid bulwark, with a common faith and a common goal."<sup>76</sup>

<sup>71</sup>Houston Post, February 27, 1946.

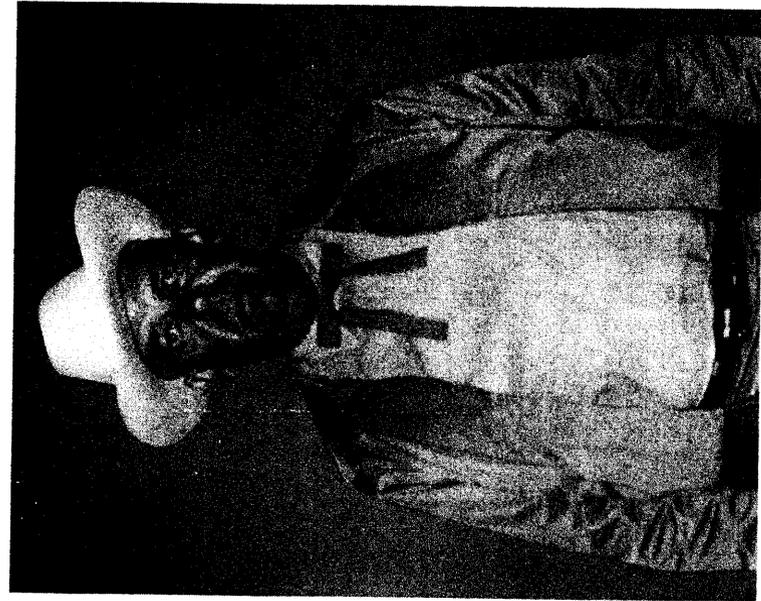
<sup>72</sup>Journal of the House of Representatives of the State of Texas, Regular Session of the Fiftieth Legislature, p. 200; The Senate Journal does not report the vote of Houston's senatorial representative. See also Louis J. Marchiafava, *The Houston Police: 1878-1948*, Rice University Studies (Houston: Rice University, 1977), p. 87.

<sup>73</sup>Arnold, "Texas Battles Big Labor," p. 25; Alfred J. Watkins, "Good Business Climates: The Second War Between the States," in Rogers (ed.), *The Sunbelt Society*, pp. 2-3.

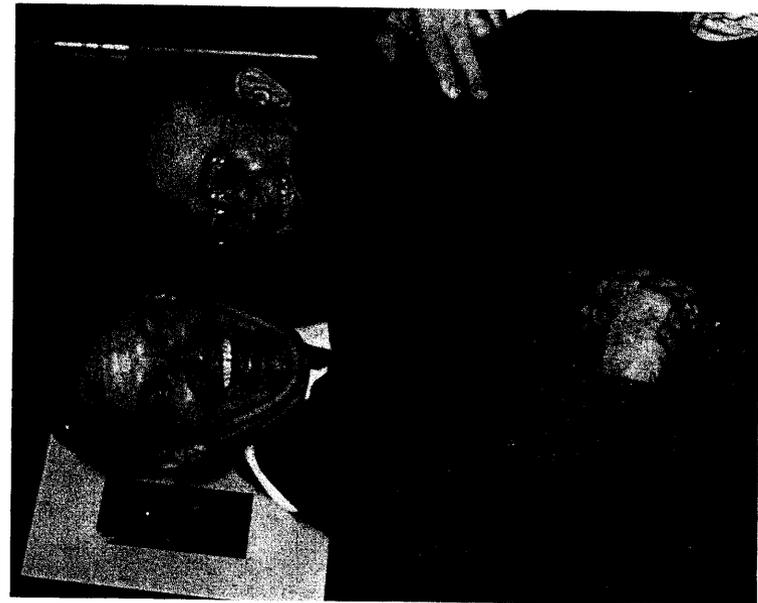
<sup>74</sup>Houston Chronicle, October 25, 1981; Arnold, "Texas Battles Big Labor," p. 23; George N. Green, "The Union Movement in the Southwest," in Rogers (ed.), *The Sunbelt Society*, p. 18.

<sup>75</sup>Arnold, "Texas Battles Big Labor," p. 26; Green, "The Union Movement in the Southwest," pp. 16-18; "Houston Votes on Itself," *Newsweek*, November 2, 1981.

<sup>76</sup>Labor Messenger, March 22, 1946, Newspaper Holdings, University of Texas at Arlington Library.



Oscar L. Duncan, president of the City-County Employees Union in 1946.



Reaction of Mayor Otis Massey and D.W. Maxwell at the strike's conclusion was captured in this Houston Press photograph.