Breakdown in the broker state: The Cio in southern Nevada during World War II

Richard W Mingus

University of Nevada, Las Vegas

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BREAKDOWN IN THE BROKER STATE:
THE CIO IN SOUTHERN NEVADA
DURING WORLD WAR II

by

Richard W. Mingus

A thesis submitted in partial fulfillment
of the requirements for the degree of

Master of Arts

in

History

Department of History
University of Nevada, Las Vegas
August 1995
The Thesis of Richard W. Mingus for the degree of Master of Arts in History is approved.

Chairperson, Jay A. Coughtry, Ph.D.

Examiner Committee Member, Hal K. Rothman, Ph.D.

Examiner Committee Member, Vernon E. Mattson, Ph.D.

Graduate Faculty Representative, Rick Tilman, Ph.D.

Interim Dean of the Graduate College, Cheryl Bowles, Ed.D.

University of Nevada, Las Vegas
August 1995
ABSTRACT

During World War II, the Congress of Industrial Organizations (CIO) and the American Federation of Labor (AFL) fought a bitter jurisdictional dispute at Basic Magnesium, Incorporated (BMI), a defense plant in southern Nevada. While the CIO concentrated on organizing African-American workers, the AFL colluded with plant managers and conservative politicians, including Senator Patrick A. McCarran, in an effort to destroy the industrial union. Following the CIO's victory in a representation election sponsored by the National Labor Relations Board (NLRB), the AFL and its allies used the newly-enacted Frey Amendment, a piece of legislation which sharply limited the Board's authority to hear certain cases, to deny the CIO bargaining rights at Basic Magnesium. The neutralization of the NLRB also rendered the Fair Employment Practices Commission and the National War Labor Board powerless, thus revealing the weakness of the national broker state when confronted with determined local resistance.
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<tr>
<td>AFL</td>
<td>American Federation of Labor</td>
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<td>BMI</td>
<td>Basic Magnesium, Incorporated</td>
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<td>BRI</td>
<td>Basic Refractories, Incorporated</td>
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<td>CCCLC</td>
<td>Clark County Central Labor Council</td>
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<td>CIO</td>
<td>Congress of Industrial Organizations</td>
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<td>DPC</td>
<td>Defense Plant Corporation</td>
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<td>FEPC</td>
<td>Fair Employment Practices Commission</td>
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<td>IUMMSW</td>
<td>International Union of Mine, Mill and Smelter Workers</td>
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<td>IUMSW</td>
<td>Industrial Union of Marine and Shipbuilding Workers</td>
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<td>MEL</td>
<td>Magnesium Elektron, Ltd.</td>
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<td>NLRB</td>
<td>National Labor Relations Board</td>
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<td>NSP</td>
<td>No-Strike Pledge</td>
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<td>NWLB</td>
<td>National War Labor Board</td>
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<td>USES</td>
<td>United States Employment Service</td>
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<td>WMC</td>
<td>War Manpower Commission</td>
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This study originated as a proseminar paper during my undergraduate years at UNLV, and, like its author, it has evolved through several incarnations before reaching its present form. At each step along the way, numerous individuals provided guidance and encouragement, both personal and professional, that sustained this project and the larger aspirations that underlie it. I would like to offer my heartfelt thanks to every one of them.

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I am also very grateful to the other members of my committee, Vern Mattson and
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To my parents,

for everything
CHAPTER 1

INTRODUCTION

On a cold Sunday afternoon in December 1943, Ishmael P. Flory stood before a congregation of African-American workers at the Church of God in Christ on Las Vegas's Westside and began preaching the gospel of industrial unionism. The men and women in attendance, most of them employees of Basic Magnesium, Incorporated (BMI), a sprawling defense plant southeast of the city, had gathered to hear his appeal for support in an upcoming strike vote that would decide the future of organized labor in southern Nevada.¹

BMI's construction had attracted thousands of new workers to the Las Vegas valley since 1941, including a large number of southern blacks. Most of these African-American workers supported the International Union of Mine, Mill and Smelter Workers (IUMMSW), a left-led union affiliated with the Congress of Industrial Organizations (CIO). With their backing, the CIO had survived fifteen grueling months of jurisdictional warfare at Basic Magnesium with the American Federation of Labor (AFL) and its allies in management, politics, and the media. Despite the implementation of segregationist policies, policies subsequently investigated by the Fair Employment Practices Commission (FEPC), IUMMSW Local 629 had managed to maintain the racial solidarity forged by
CIO organizers and the black Westside community.

Even as Flory spoke, E. E. Ward, the embattled president of Local 629, worked tirelessly in his room at the Biltmore Hotel in Las Vegas directing the strike vote campaign. Ward and his CIO comrades bitterly recalled their overwhelming victory over the AFL just eight months earlier in an election overseen by the National Labor Relations Board (NLRB). They had seen firsthand how legislative sabotage of the NLRB could effectively nullify a legal and democratic union election. Short of illegal wildcat action, their only remaining hope was a remedial order from the National War Labor Board (NWLB). To their dismay, however, political entanglements surrounding labor relations at BMI would keep the board from acting unless the CIO threatened a walkout. With heavy hearts, the union had called for a strike vote.

Polls opened to four thousand eligible workers on 22 December 1943. At 9:30 P.M., NLRB agent Russell Miller emerged from the counting room to announce that the CIO gambit had failed. Seventeen hundred workers had rejected the strike authorization, while only twelve hundred had supported it. With their final ace played, the CIO could only hope that a reluctant National War Labor Board would reconsider its position and rescue the desperate union.

The outbreak of war in Europe in the fall of 1939 set in motion economic and social forces that would rapidly transform the American West. The rise of a vast military-industrial complex in the region brought to an end the colonial economy that had shaped western life for a century. Mass internal migrations soon recast the composition and
complexion of the urban West as large numbers of African-Americans left the South in search of wartime employment. These forces would converge on southern Nevada soon after American entry into the war in December 1941, thrusting the sleepy backwater region into an unsettling and uncertain future.3

Just as it did elsewhere in the West, World War II profoundly changed the social, political, and economic structures that underpinned the lives of valley residents. While the economic and military impact of the war on southern Nevada has been well documented, the social history of the period remains largely unexplored, particularly in the case of the growing working class and its institutions. The arrival of the new industrial complex at Basic Magnesium brought with it social dislocations and demographic shifts that profoundly affected the process of unionization in southern Nevada, the racial composition and distribution of the work force, and the relationship between politicians, labor leaders, and business elites. From initial construction in 1941 through the cessation of operations in 1944, Basic Magnesium and its warring unions challenged the principle of federal involvement in labor relations and tested the limits of workplace democracy.

This study seeks to reveal the hidden history of these developments and to assess their consequences for workers in southern Nevada and throughout the nation. As in any social history, breadth of coverage is sometimes sacrificed so that otherwise invisible social, political, and economic ties among key actors can be more deeply explored. Strictly speaking, however, this study falls under the rubric of the “old” labor history. While appropriate attention is devoted to the lives of laborers outside the workplace, the Basic Magnesium labor war primarily involved relations between, and transformations
within, competing institutions. In a sense, this conflict requires the historian to operate at
the intersection of the old and the new labor histories, examining the interplay between
social change, specific social groups, and the institutions through which their collective
aspirations were expressed.

Broker state theory provides the lens through which events at Basic Magnesium
can best be viewed and understood. Although Western historians currently find
themselves divided on a multitude of issues, almost all agree on one distinctive
characteristic of the American West: the pivotal role of federal bureaucratic agencies in
structuring and mediating conflict among competing social groups. Most also agree that
the expansion of the state and its administrative apparatus during the New Deal years and
World War II vastly increased Washington's impact on such struggles and the region at
large.4 This model of federal intervention in the West corresponds directly to the "broker
state" paradigm advanced mainly by neo-Marxist scholars.5

As labor historians have long recognized, the broker state hypothesis best explains
the ability of President Franklin D. Roosevelt’s administration to preserve social solidarity
while providing competing political forces with an arena for conflict. Under this model, a
relatively autonomous state serves as an organizing force that unifies a divided and
provincial capitalist class. The state itself is not monolithic, however; it is "the product of
class conflict in the larger society, mediated through a complex network of state agencies
that are themselves the loci of class and interest group conflict."6 Thus, federal agencies
such as the National Labor Relations Board, the National War Labor Board, and the Fair
Employment Practices Commission served to regulate class conflict even as they
ultimately reinforced corporate values and interests.

The power of labor agencies in the broker state rested ultimately on the National Labor Relations Act of 1935 (popularly known as the Wagner Act). One of the legislative centerpieces of Roosevelt's "second" New Deal, the law required employers to recognize and bargain with a union chosen by a majority of their workers, thus giving official sanction to the principle of union organization and workplace democracy. After 1941, wartime necessities forced Roosevelt to create two more federal labor agencies, the National War Labor Board and the Fair Employment Practices Commission, largely because labor's no-strike pledge (NSP) tempted political conservatives and business leaders to attempt a rollback of the gains made by unions during the 1930s. It necessarily became the responsibility of the federal government to protect a "de-fanged" labor movement.7

Of the three federal agencies charged with protecting democratic principles in the workplace, the National Labor Relations Board played the key role. According to historian Fred Witney, the Wagner Act and the NLRB rested on "four basic principles": the encouragement of the practice and procedures of collective bargaining, the protection of employees in their right to self-organization, the requirement of employers to bargain collectively with majority-designated unions, and the right of majority unions to represent all workers in the bargaining unit, members and non-members alike. As the enforcer of these principles, the National Labor Relations Board was "charged with the responsibility of making meaningful the right of employees to self-organization and collective bargaining."8
By comparison, the National War Labor Board possessed only limited authority, namely that of adjudicating serious and seemingly unresolvable disputes in war production industries. Technically, the NWLB could not invade the jurisdictional territory of the NLRB, nor could it render decisions that conflicted with NLRB policies or Wagner Act provisions. In practice, however, the NWLB often assumed jurisdiction over those disputes that threatened defense production, even when such conflicts would normally fall under NLRB auspices. The National War Labor Board generally followed a policy of intervening only when Wagner Act procedures had been exhausted. While refusing to become involved in representation matters, the Board often ordered employers to bargain with NLRB-certified agents and to comply with the Wagner Act.9

The Fair Employment Practices Commission, whose authority stemmed from Executive Orders issued in 1941 and 1943, had a broad mandate to abolish discriminatory practices by employers engaged in defense production. The FEPC thus held jurisdiction over the entire military-industrial complex. Despite this tremendous responsibility, neither Congress nor the President provided the Commission with any means for enforcing its orders. Accordingly, the FEPC turned to other federal agencies like the NLRB and NWLB to enforce the national policy of nondiscrimination. When these agencies failed, the Fair Employment Practices Commission had little power save that of moral persuasion. As Robert Zieger notes, the "FEPC proved a frail reed upon which to base the hopes of black workers."10

World War II rapidly expanded the role of these federal agencies and the functions of the broker state in general, particularly in the West. The massive and sudden growth of
defense industries in the region and the accompanying demographic dislocations also provoked new battles between capital and labor and intensified the bitter internecine feud between the AFL and the CIO. Their civil war had split the organized labor movement in the United States since 1935, when the CIO and its policy of industrial unionism had emerged to threaten the craft-based hegemony enjoyed by the AFL since the late nineteenth century.11

These ideological and organizational conflicts had subsided briefly in the immediate aftermath of Pearl Harbor, when unbridled patriotic sentiment moved AFL and CIO leaders to adopt a no-strike pledge for the duration of the war. By January 1942, the AFL’s governing body in southern Nevada, the Clark County Central Labor Council (CCCLC), had ratified the national no-strike pledge and entered into a similar agreement with the Las Vegas Association of Employers in exchange for guarantees that anti-union activities would likewise be suspended. Ostensibly meant to guarantee labor peace, public goodwill, and uninterrupted defense production, the NSP could also be used against workers. By removing labor’s most powerful weapon—the strike—the NSP invited employers to be more aggressive without fear of retaliation. Moreover, if unions lacked the power to enforce their demands, what incentives did workers have to join? Ironically, many workers who supported the NSP in theory found it a handicap in reality when their own unions could not pursue legitimate grievances. On many occasions, workers were surprised to find their unions used as a tool to discipline militant members who went on strike in violation of labor’s pledge.12

Other factors made the NSP particularly relevant for BMI workers. First, the no-
strike pledge received its most substantial and unqualified support from unions with strong leftist or Communist leanings. Thus, pro-Soviet unionists like Reid Robinson, president of the IUMMSW, often "willingly, even cheerfully, ran the risk of endorsing policies and practices normally associated with odious forms of worker discipline and exploitation." Moreover, the NSP and the patriotic sentiments it stirred carried far greater weight for workers in defense plants than it did in other establishments. Thus, Local 629 found itself hamstrung by the NSP itself, the policies of its own union leadership, and the setting in which it operated. Seen in this light, the CIO's decision to resort to the strike vote in December 1943 reveals the level of desperation that the union had reached, as well as the seriousness with which it regarded a possible defeat.

Despite the adoption of the NSP, the outbreak of war intensified the conflict between the AFL and CIO as the conversion to defense production brought an unprecedented number of new recruits into the industrial work force. Many of these novice workers were employed in defense plants that had appeared virtually overnight, plants like Basic Magnesium. Federal agencies increasingly operated at the nodes of these industrial conflicts, using wartime pressures for political and social order to diffuse class and racial tensions and to channel militant behavior. It is no accident that the most serious challenges to this expanding broker state arose in the West, a region dramatically transformed by wartime industrialization, and historically bound by complex and often contradictory ties to Washington. As the Basic Magnesium labor war escalated from 1942 to 1944, the NLRB, the NWLB, and the FEPC became targets for craft unionists, politicians, and industrial managers opposed to CIO-style unionism and New Deal labor
liberalism. Conversely, the CIO relied heavily on these agencies for protection and support in building its local union in southern Nevada.

More than a typical wartime jurisdiction dispute, labor's war at Basic Magnesium came to reveal the political and structural weaknesses of the entire broker state. Following the CIO's victory in an NLRB representation election in May 1943 and its subsequent certification as bargaining agent at BMI, AFL leaders and their conservative allies moved to cripple the enforcement powers of the National Labor Relations Board through an amendment to its annual appropriations bill. In effect, the opponents of the CIO had found an indirect way to amend the seemingly impregnable Wagner Act, a goal they had sought since 1938. Co-sponsored by Senator Patrick A. McCarran of Nevada and Joseph P. Frey, president of the AFL Metal Trades Department, the amendment produced a domino effect, rendering successive levels of the labor relations bureaucracy impotent when faced with blatantly unfair labor practices by plant managers and the local AFL.16

In addition to exposing deficiencies in the broker state, the union conflict at Basic Magnesium revealed the contingent nature of class consciousness and class solidarity. BMI's labor war pitted worker against worker and depended on cross-class collusion between the AFL and plant managers as they labored to destroy a legitimate and legally sanctioned CIO union. Most importantly, the AFL negotiated secret, "back-door" agreements with BMI managers and then tried to impose these contracts on workers who had had no voice in the selection of a bargaining agent. Various programs of worker control, particularly efforts to combat absenteeism, also depended on the enthusiastic
participation of AFL volunteers. Finally, when faced with the possibility of a CIO victory, craft unionists willingly participated in a program of planned violence and intimidation against IUMMSW organizers and supporters. At every turn, the AFL subordinated class interests to craft prerogatives.

On a third front, the confrontation intertwined issues of class and race as it exposed tensions created by the wartime surge in the African-American population of the Las Vegas valley. Sharp differences in organizational philosophy between the competing unions quickly determined the allegiance of black workers. While the CIO defined itself as "a community project, which aims to benefit everyone, in the plant and out," the AFL maintained that it could only "get justice for its members," most of whom were white. Understandably, most blacks rallied to the CIO cause, giving the conflict a racial dimension that invited FEPC involvement in the fall of 1943. To date, most historians studying wartime Las Vegas have failed to connect blacks to the CIO or to the labor dispute at Basic Magnesium.

The success of the anti-CIO coalition is best explained by the essentially voluntarist nature of the broker state itself. To function effectively, its legitimacy and authority had to be accepted—implicitly or explicitly—by capitalists, workers, and bureaucrats. As long as all the players adhered to the rules, the broker state continued to operate with relative efficiency. But when any of the players denied the legitimacy of the government's role, the broker state broke down. Unlike the CIO, AFL unionists in southern Nevada operated within a world view that combined their own voluntarist traditions with customary western hostility toward Washington. When the authority of the broker state threatened
its local interests, the AFL and its allies in politics and management simply denied the legitimacy of federal intervention. Consequently, they did not hesitate to use all available means to undermine the foundations of the federal labor relations bureaucracy. When the broker state structure collapsed, the local CIO found itself buried in the rubble.

Chapter Two of this study traces the development of Basic Magnesium from its origins in 1936 through the end of October 1942, when workers opposed to the AFL's collusive tactics invited the CIO to organize the plant's production operatives. During this formative period, a complex relationship developed between Nevada politicians, BMI managers, and AFL unionists, all of whom became dedicated to the destruction of the CIO in southern Nevada. Chapter Three, which covers the period from November 1942 to May 1943, examines the organizing efforts of the CIO at the plant, the reaction of the AFL to this incursion, and the first attempts by the broker state to mediate this dispute through an NLRB representation election. Chapter Four looks at the critical nine-month period following the election, when AFL leaders and conservative politicians succeeded in using legislative legerdemain and racial provocations to undermine the foundations of the broker state, and with it the CIO in southern Nevada.
Notes


2. *Las Vegas Tribune*, 22 December 1943, 1; 23 December 1943, 1; *The Union*, 3 January 1944, 7; *Basic Bombardier*, 31 December 1943, 4.


15. Ibid., 63.

16. Attempts by the AFL and conservative politicians to amend the Wagner Act are chronicled in Gross, *Reshaping of the National Labor Relations Board*, 64-108, 187-225. Surprisingly, while he discusses most of these attempts in great detail, Gross seems to have overlooked the implementation of the Frey Amendment altogether. The most


CHAPTER 2

FOUNDATIONS:
BASIC MAGNESIUM, NEVADA POLITICS, AND THE AFL

From 1941 to 1944, Basic Magnesium sat at the nexus of cataclysmic change in southern Nevada. Before the first concrete slabs had been poured in the barren desert southeast of Las Vegas, the massive defense plant had been caught in a complex web of economic, political, and social relationships. BMI served as the anchor for a new industrial economy in the southern portion of the state and attracted thousands of new workers who cast votes. Thus, the project invited serious attention from Nevada’s conservative political elite, who joined forces with plant managers to insure the success of this unprecedented industrial initiative.

BMI’s labor force also drew the attention of rival labor federations. Prior to the early 1940s, the craft unions of the American Federation of Labor had represented virtually all organized workers in Clark County. When construction began in the fall of 1941, local AFL leaders entered into the first of several secret agreements with BMI managers in order to preserve this hegemony. But the crafts soon found their backdoor arrangement challenged by a new contender for the loyalty of industrial workers—the International Union of Mine, Mill and Smelter Workers, a CIO union that began organizing at BMI in November 1942. The bitter and sometimes violent conflict between
these unions would soon set the machinery of the broker state in motion.

The history of the Basic Magnesium labor war begins in the early 1930s, when the construction of Hoover Dam spurred the rise of a new and powerful craft union presence in southern Nevada. Like BMI, the dam required the rapid development of infrastructure and the importation of manpower. Taking advantage of the new federal attitude toward labor unions embodied in Section 7(a) of the 1933 National Industrial Recovery Act—which for the first time explicitly recognized the right of workers to organize—AFL representatives successfully founded a number of craft union locals in Boulder City. These unions tested their strength in July 1935 with a two-week walkout over a grievance involving the extension of working hours. Although the strike eventually collapsed, it proved that the AFL could command the loyalty of workers and survive a confrontation with a powerful employer.1

The organization of the Hoover Dam project trained a generation of local AFL leaders who would later come to prominence at Basic Magnesium. These men relied on the protection of federal labor laws to build their fledgling unions, just as the CIO would a decade later. Ragnald Fyhen, an AFL firebrand and one of the lead organizers of the Boulder City machinists’ local, discovered the power of this legislation when the Six Companies, Hoover Dam’s general contractor, began terminating union employees as a pretext for throwing them out of company housing. Fyhen and other AFL organizers “used their knowledge and the new legal protections provided by the National Industrial Recovery Act to frustrate company efforts to evict them.”2 More importantly, Hoover Dam taught young craft union leaders that conservative rhetoric and cooperation with
management could be advantageous. When a special agent of the Six Companies charged Fyhen with being a union organizer and brought him before hard-boiled city manager Sims Ely, the cagey administrator asked him which union he represented, the AFL or the radical Industrial Workers of the World, a hated organization which had also tried to organize dam workers. After Fyhen disclosed his affiliation, Ely advised the special agent that AFL organizing efforts were legitimate under the new laws. While no union would ever be embraced by Ely or his superiors, it was clear that they considered conservative craft unionism far more palatable than radical industrial unionism.³

AFL organizers also developed lasting attitudes toward African-Americans during these years. Hoover Dam attracted a small number of blacks to southern Nevada, and their experiences would lay the foundation for African-Americans who arrived in much larger numbers in the mid-1940s. While AFL craft unions in Las Vegas worked to find employment at the dam for local residents, they largely barred blacks from membership. As a result, blacks would account for less than twenty of the 5,200 workers employed at Hoover Dam by the summer of 1934. The 1930s also witnessed the rise of "systematic discrimination against blacks" by white employers and merchants. Segregation reigned in public places, including the city and county jails, and "clear patterns of spatial segregation" grew increasingly evident.⁴

By the early 1940s, then, the AFL enjoyed complete control over organized labor in southern Nevada, and black workers found themselves faced with familiar patterns of discrimination. The Clark County Central Labor Council represented twenty-four craft unions with a combined membership of over 10,000 workers, making it the single largest
labor organization in the state’s history. Fyhen understood the powerful position that the AFL occupied in the valley’s economic and social life and noted that “the council will continue to be a power in the development and upbuilding of this community and in the various civic problems arising here.” So matters stood when Basic Magnesium came to southern Nevada.

BMI owed its origins to the growing demand for magnesium in American defense industries after 1940. During the previous decade, American businesses had found few peaceful applications for the light metal, but wartime manufacturers increasingly used it in the production of aircraft, incendiary bombs, flares, and tracer bullets. In fact, only one major company, Dow Chemical, had produced the metal in large quantities during the 1930s. Growing pressure for expanded production led the Defense Plant Corporation (DPC), the agency responsible for supervising the building of the nation’s defense infrastructure, to the inevitable conclusion that the federal government must build its own plants to assure sufficient supplies of this critical material.

The American West seemed the most likely location for a large magnesium plant, and Nevada offered several competitive advantages. In 1936, geologists working for Basic Refractories, Incorporated (BRI) discovered large deposits of brucite and magnesite, the essential ores of magnesium, in Nye County. Hoover Dam could provide the vast amounts of electric power necessary for a large operation, and Las Vegas served as a railroad entrepot for the intermountain west and the Pacific coast. The outbreak of war soon led Howard Eells, the president of BRI, to begin planning a way to exploit his company’s rich ore deposits in Nevada, primarily with government aid.
There were, of course, numerous precedents for large-scale federal involvement in the state's economic and political life prior to World War II. Nevada had eagerly participated in the Federal-Aid Road Act of 1916 (a matching-funds program that stimulated road and highway construction for two decades), the establishment of a Naval Ammunition Depot at Hawthorne, and the building of Hoover Dam during the early 1930s. Senator Key Pittman’s Silver Purchase Act of 1934 allocated federal dollars to shore up Nevada’s mining industry in the darkest hours of the Depression. Eells operated within a long tradition of visionary entrepreneurs seeking federal capital to develop western resources, and the exigencies of war opened the door to federal largesse wider than anyone could have expected.8

Diplomatic and technological considerations also played a key role in the founding of BMI. In January 1941, Eells learned of British and Canadian intentions to build a large magnesium plant in Quebec under the direction of Magnesium Elektron, Ltd. (MEL), an English firm that had developed a successful mass production process. Following the collapse of the Canadian plan, Eells joined his British counterpart, Major C. J. P. Ball, in a joint agreement to develop an American production facility. BRI would provide the ore deposits and management skills, while MEL would contribute the technical knowledge and a set of blueprints for the plant. Basic Magnesium thus came into existence on 3 April 1941, and Eels and Ball were now ready to pitch their plan to the government.9

Defense agencies quickly gave their support to the new magnesium project. Eels and Ball easily convinced officials at the Office of Production Management that the plan
was feasible, and conferences with the War Department and the Industrial Planning 
Section of the Army Air Corps went just as well. In July 1941, the DPC approved plans 
for BMI's construction. The War Department, however, informed the two magnesium 
moguls that the project would have to be much larger than initially planned—three times 
larger, to be exact. Moreover, the DPC asked Eells and Ball to personally assume 
management of the gigantic construction and production operation. All parties agreed to 
these terms in August 1941, and detailed planning commenced. It had already been 
decided that the plant would be located close to Hoover Dam, midway between Las Vegas 
and Boulder City.10

Astute observers appreciated the impact that BMI would have on the economic, 
social, and political structures of southern Nevada. Prior to 1941, the state's major 
industries had consisted of mining, farming, ranching, and limited tourism and gaming. 
BMI represented the first step toward the development of an industrial manufacturing 
economy. To savvy insiders with their fingers on the economic pulse of Las Vegas, the 
plant "guaranteed a housing and population boom of enormous proportions."11 They were 
right. Basic Magnesium, along with several smaller military installations established 
between 1940 and 1942, boosted the population of the Las Vegas valley from 8,400 to 
30,000 in just two years.12

No one appreciated this new reality more than Nevada's political elite. 
Industrialization in the south meant more voters, higher revenues, and new opportunities 
to forge alliances with powerful industrialists. This potential windfall mandated a heavy 
investment of political capital. Political interest in BMI's effect on the balance of power
resulted neither from ideology nor party concerns, however. Such loyalties were at best ambiguous in twentieth-century Nevada politics. Although New Dealers had captured control of the state government after 1932, both Republicans and Democrats exhibited conservative tendencies and focused on state rather than federal issues. Machine politics and cults of personality determined the flow of power in Nevada during the Age of Roosevelt. The small population, when combined with such intensely personal politics, made it "much easier for an individual, a group, or a corporation to establish political or economic primacy."¹³ By 1940, Senator Patrick A. McCarran had achieved that goal.

Pat McCarran's political influence extended into virtually every aspect of the Basic Magnesium project, from its original development to its disposal after the war. McCarran had won election to the Senate in 1932 by riding on Franklin D. Roosevelt's coattails, and that victory taught him a valuable lesson about federal projects in southern Nevada and the labor forces they attracted. The number of votes cast in Clark County that year was three times greater than in 1928, an increase due almost entirely to the influx of Democratic Boulder Dam workers who provided McCarran with his critical margin of victory. Given the thousands of largely Democratic workers who poured into southern Nevada during World War II to build and operate Basic Magnesium, the "implications for Nevada politics, and for McCarran, were momentous."¹⁴

Given later developments at BMI, McCarran's advocacy for industrial workers early in his career seems ironic. While running for the state Assembly in 1902, he had called for the eight hour day and the right to organize for the mine, mill, and smelter workers that were flooding into Nevada to take advantage of its new mining boom. In
fact, he earned a reputation as a "dangerous radical" among Republicans and Democrats alike when he opposed the formation of a state police force following the infamous dispute between the Industrial Workers of the World and Goldfield mine owners during the winter of 1907 and 1908. His position probably cost him the Democratic nomination for the House of Representatives. Following his senatorial success in 1932, McCarran told his daughter that "I owe my success to the masses of the people of this state, and especially to the laboring element; to the toilers and to the men in the mediocre walks of life. They were my backers."15

The senator was no liberal, however, despite his Democratic affiliation and his dependence on the labor vote. A true western conservative and a political opportunist, McCarran pursued an independent path in the Senate. Eschewing party loyalty, he became a key member of a bipartisan conservative coalition that opposed much of Franklin D. Roosevelt's New Deal. His independent politics earned him the admiration of many Nevada voters, who returned him to the Senate in 1938, 1944, and 1950.16 Every decision McCarran made was calculated to advance his political aspirations. According to biographer Jerome Edwards, the freshman senator "understood power and was not afraid to use it ruthlessly and effectively," and he "never hesitated to use patronage or political favors to achieve his political goals."17 His shrewd planning paid off. After the death of senior senator Key Pittman in 1940, McCarran exercised almost total control over Nevada's Democratic machine, ushering in what one historian calls the "McCarran era in Nevada politics."18

McCarran's ties to the AFL in Nevada were deep and longstanding, stretching
back to the construction of Hoover Dam. From 1932 on, McCarran had strategically supported unionized workers, especially "labor as represented by the American Federation of Labor." When the Boulder City Central Labor Council proposed the hanging of a plaque to memorialize the workmen who had died during the dam's construction, McCarran favored the idea (much to the displeasure of the Six Companies), and he served as the keynote speaker at the memorial's dedication in May 1935. The AFL endorsed him again in 1938, and indeed throughout the rest of his political career. Federation president William Green echoed the sentiment of much of the organization's leadership when he reminded the Nevada State Federation of Labor that "there is no member of the United States congress in either house, past or present, who has rendered the high type of service to labor which has been rendered by Senator McCarran."21

By contrast, McCarran's relationship with the CIO, and especially with radical unions like the Mine, Mill and Smelter workers, could only be characterized as hostile. "McCarran's greatest fame and significance came as a result of his anti-Communist views and activities," noted one biographer.22 This translated directly into an intense dislike for the IUMMSW and the CIO, particularly its Nevada affiliates. His hatred of the industrial federation earned him the respect of Norman Biltz and John Mueller, prominent Republicans who raised large amounts of money for McCarran in 1944, using their numerous "contacts among those Republicans who thought McCarran's defeat might mean CIO domination in the state."23 The CIO despised the senator in equal measure. As the BMI labor war came to a close in 1944, the CIO sought to unseat him and solicited other candidates to run against him in the primary election. They met with some success. The
senator's political allies were defeated that year at the Clark County Democratic convention by anti-McCarran forces who refused to endorse his policies. At the state convention in Reno, the Clark County delegation and delegates from the "CIO-dominated" copper region of White Pine County voted against a resolution commending McCarran's performance in the Senate.24

Political involvement in the proposed magnesium project began in the spring of 1940, when Howard Eells began soliciting support from Nevada's congressional delegation. In a series of meetings from May to December of that year, BRI employees intensively lobbied Senator Key Pittman and Congressman James G. Scrugham, then a member of the Congressional Committee on Strategic and Critical Minerals. The appointment of former Nevada state senator Charles B. Henderson to the chairmanship of the DPC further ensured backing for the project at the highest federal levels. On 31 May 1941, shortly after the formation of Basic Magnesium, Eells and Ball met with McCarran, Scrugham, Senator Berkeley L. Bunker, and Governor James Carville in order "to acquaint these gentlemen with the magnesium project and its significance to their State."25

McCarran's role proved especially critical for the plant's success. Local officials, who were anxious to see southern Nevada established as an industrial center after several failed attempts, formed a commission to draw up land, housing, and education plans in anticipation of the thousands of workers who would flood the valley should the project be approved. McCarran took extraordinary pains to see that their plans were brought to the attention of the War Department and the Office of Production Management in the spring of 1941. In June of that year, the senator personally met with President Roosevelt to
discuss the project, and he later wrote a letter to FDR detailing the BMI proposal. His efforts met with success, and the plant became a reality shortly thereafter. From that point on, McCarran's interest in Basic Magnesium never flagged, nor did his hatred of the CIO unions that tried to organize his pet project. As Gerald Nash explains, "McCarran always felt a personal attachment to [BMI] and its role in stimulating the diversification of Nevada's economy," believing always that the plant was "the greatest thing ever to happen" to Nevada.26

In September 1941, construction workers began the monumental task of building the gigantic magnesium plant. Eells and Ball had selected the McNeil Construction Company of Los Angeles to build BMI's ten massive chlorine, metal, and refining units, as well as the townsite and power facilities necessary to sustain the facility. A mile wide and nearly two miles long, the huge complex ultimately absorbed the labor of more than 13,000 workers during the year that it took to complete. Production of magnesium would commence on schedule in late August 1942, and the plant would reach full operational capacity one year later. As predicted, BMI immediately became the "largest producer of metallic magnesium in the world."27

Political concerns also played a role in the plant's labor relations during the construction phase. In the fall of 1941, Congressman James Scrugham arranged a secret meeting between Eells, Ball, and Fyhen. The politician told Fyhen that he wanted a guarantee from the craft unions that there would be "no work stoppage for the duration." Unsure of his authority in such an unusual situation, Fyhen decided to contact AFL president William Green personally. Without hesitation, and almost certainly motivated by
the fear of a possible CIO incursion, Green ordered him "to guarantee the people what they wanted and get the industry moving." Fyhen proceeded to negotiate an agreement with Eells and Ball for the construction workers employed by McNeil. This meeting established a precedent for clandestine bargaining between the AFL and plant managers that came to govern all of their future dealings.

Employer alliances with conservative, mostly white, AFL unions were common in the late 1930s and 1940s, and were often seen as a stopgap measure to prevent CIO organizing and to preserve dual labor systems based on race. In 1939, for example, the Guggenheim-owned American Smelting and Refining Company supported the company-dominated Metal Trades Council at its large smelting facility in El Paso, Texas. This union and its white leadership supposedly represented both the small number of white craft workers and the mass of Chicano workers who staffed the facility, but in reality it was merely "an additional form of labor control in the plant."29

Despite their backdoor pact, the AFL-BMI relationship experienced some initial turbulence. In the spring of 1942, the AFL protested to the Senate Special Committee Investigating the National Defense Program (popularly known as the Truman Committee after its irascible chairman, Senator Harry Truman of Missouri) that several management practices had created "bottlenecks in the completion of the Basic Magnesium plant." According to the AFL, craft union representatives could not properly confer with their membership because management denied them access to plant property and placed unspecified "restrictive measures" on their activities. The AFL also accused the McNeil Construction Company of attempting to do electrical, sheet metal, and plumbing work that
should have been assigned to Las Vegas firms, thus disrupting local labor markets and business conditions.\textsuperscript{30}

Housing the construction crews and the production workers who followed them also proved to be a difficult problem, one that plagued BMI throughout the war. As early as July 1941, government surveyors argued for the necessity of a town adjacent to the plant, but local officials were reluctant to permit the building of another population center between Las Vegas and Boulder City. Eells and the DPC also balked at financing such a large undertaking. By December 1941, however, the growing number of workers and the inability of Las Vegas and Boulder City to absorb them forced the DPC to authorize construction of temporary housing close to the plant. Basic Townsite, which would be renamed Henderson in 1944, quickly took shape.\textsuperscript{31} The CIO later attacked the quality of housing at the townsite, contrasting it sharply with worker accommodations in Los Angeles: “These [Los Angeles] housing projects are as different from the Basic housing as night is from day. The houses are permanent construction, whereas the Basic houses are demountable cheeseboxes, through which the desert winds howl a gale.”\textsuperscript{32}

Despite these shortcomings, Basic Townsite homes were in such high demand that new projects had to be undertaken to ease the pressure on existing facilities. In 1942, the DPC funded the construction of Victory Village, a 300-unit complex reserved for white workers. Carver Park, a 324-unit complex for blacks, was completed in October of the following year. Both contained family units, apartments, dormitories for single workers, and recreation centers and schools (elementary schools at Basic Townsite were racially segregated, but the high school was not). Conditions remained poor, however, and only
under pressure from the AFL and CIO did the company install air conditioning, electrical refrigeration, and fireproofing. Even this huge building program could not meet workers' needs, and many new arrivals were forced to find shelter elsewhere.\textsuperscript{33}

The lack of adequate housing for African-Americans at the plant and the refusal of Boulder City and North Las Vegas to permit black residents led to the formation of a large black community on the Westside of Las Vegas after 1942. During the 1930s, blacks had been largely segregated to a two-block section downtown. When black businesses were forced out of the downtown area during the wartime boom of the early 1940s, African-Americans began moving in increasing numbers to the previously all-white Westside. According to historian Michael Coray, “the area became a mix of permanent dwellings and crude shacks, shanties, and tents. For African-American newcomers, it provided temporary shelter but little in the way of sanitary and other facilities.” Nevertheless, cheap rents and the attractions of a common community meant that most blacks would choose to live in the Westside rather than in Carver Park.\textsuperscript{34}

By the summer of 1942, the difficulties associated with recruiting and organizing the plant's operating forces overshadowed these other problems. Although BMI retained many McNeil construction workers as production operatives, it would take massive numbers of job-seeking migrants to staff the huge plant. BMI production workers came from a variety of regional, racial, and ethnic backgrounds that challenged AFL organizers accustomed to a more homogenous population. Special recruiters used nationwide advertising and word-of-mouth promotion to attract applicants from every state in the country.\textsuperscript{35}
Seeking new opportunities at BMI, African-Americans from the deep South came to Las Vegas in record numbers. Drawn from economically depressed areas, especially from the rural communities of Tallulah, Louisiana, and Fordyce, Arkansas, many blacks followed “migration chains,” in which family members and acquaintances already in Nevada convinced those who had remained behind to join them. By the end of the first year of operations, African-Americans would hold nearly sixty percent of all production jobs at the plant. Their impact on the racial demographics of the Las Vegas valley was nothing less than spectacular. In 1940, there were 181 African-Americans in Clark County, comprising just over 1 percent of the population. By 1943, that number had climbed to 4,200, with blacks accounting for more than 10 percent of the valley’s residents.36

Women and Native Americans also found employment at the plant. In addition to clerical jobs, women were assigned to the production line beginning in February 1943. Most were housewives or former office workers who resided in Basic Townsite. None had previous experience, and this initial placement was seen as an experiment. It proved successful, and women remained on the production line until Basic Magnesium closed in November 1944. From management’s point of view, their employment not only helped ease the severe local labor shortage, but also relieved pressure on local housing by utilizing more workers per household. Native Americans from various tribes were found mainly in the refineries and preparation departments, where “their foremen report that they are good, conscientious workers, with a low percentage of absenteeism. Loyalty is a characteristic.” The Basic Bombardier, the official plant newspaper, reported that some
of these Native American workers were also “men of education.”

Not all BMI workers chose their fate voluntarily. Los Angeles police courts routinely sentenced drunks and other minor offenders to paid labor at Basic Magnesium in lieu of thirty days in jail; many of these men served repeated terms at the plant, which employed them in a variety of positions, including those requiring extreme skill and care. Agents from the company's Los Angeles employment office frequently waited outside the court for their new charges, who were then bussed or trucked to Las Vegas to serve out their sentences. CIO member M. L. Reese recounted one memorable instance of a man being sentenced to BMI after having just served three consecutive six-month sentences for drunken driving:

He came out here after getting out of the last one and went on another bender and stayed in pretty bad shape for about a week. . . . He was in a trailer camp with one of those large galvanized iron tubs, with a little water in it, attempting to take a bath right in the middle of the trailer park, entirely nude, in broad daylight. . . . I believe it was 3 days later that I seen the man, he went to work for Basic Magnesium, working in the mechanical maintenance department, a place where they really need somebody that knows what he is doing and on his toes.

BMI's practice of recruiting from the drunk tanks of Los Angeles continued even after the company began refusing employment to blacks. "It was impossible to organize these men," Fyhen lamented, "and we had a very bad situation develop.

Regardless of their background, BMI operatives encountered a complex production process that often exposed them to dangerous chemicals, oppressive heat, and chlorine gas. Magnesium was produced in four stages: preparation, chlorination, electrolysis, and refining. The first stage consisted of transforming raw magnesite from the Nye County mines into small briquets, or pellets, by combining it with coal, peat, and
sulfur dust in pre-heating equipment and rotary kilns. In the second stage, chain-driven cars carried these pellets to one of the ten main units, each of which contained a chlorination department. There, the containers filled with briquets were emptied into large electric furnaces, each thirty feet high and fifteen feet in diameter, where chlorine was injected into the mixture. A chemical reaction took place in the furnaces, which operated at about 900 degrees centigrade, that produced liquid magnesium chloride. Carbon monoxide and carbon dioxide gases remained as waste products.42

In stage three, the liquid magnesium chloride flowed into a passing crucible, which delivered the mixture into several rectangular electric cells. An electrical current was passed through the melted substance to stimulate the formation of liquid magnesium globules on the surface of the cells while the chlorine was drawn off as a gas. Workers scooped the liquid metal off the surface of the cell with a ladle and deposited it in another crucible used to separate pure magnesium metal from slag remnants. This cell metal was then cast in large, cheese-shaped molds that were allowed to solidify. In the final stage, the molds moved to the foundry where they were remelted to remove any remaining impurities and where alloying elements could be added if desired.43

Allegations of poor working conditions at the plant, most of which were accurate, generated much controversy. In December 1943, a report by the national War Manpower Commission (WMC) concluded that poor conditions on the production line had led to an exceptionally high quit rate at BMI. John P. Burns, head of the Las Vegas office of the United States Employment Service (USES), estimated that 1,200 workers had quit their jobs in the Las Vegas area during the second half of 1943 alone.44 The report drew fire
from critics. Keith Hickman, the safety inspector for the Nevada Industrial Commission and a former president of the CCCLC, attacked the Commission’s findings as “pure propaganda.” He attributed the high quit rate and absenteeism to “the large number of migratory workers sent here from Los Angeles who have no intention of staying when they come,” and alleged that $1.5 million had been spent to correct the chlorine gas problem that “was most disagreeable if not actually unbearable.” The CIO’s response to the WMC report was more succinct: “With this description [of bad working conditions] we heartily agree.”

Organizing production operatives posed a serious challenge to the local AFL, which had no experience with an industrial work force. Its previous dealings with management suggested a solution, however. In June 1942, AFL president William Green made Ragnald Fyhen his personal representative at Basic Magnesium. With the plant nearing completion, Fyhen acted under this new authority and met with Eells and Ball to propose a new collective bargaining agreement for BMI's production workers. The idea received a cool reception, undoubtedly due to the AFL's complaints during the construction phase. Undaunted, Fyhen decided to use fear as a bargaining tool. He warned the managers about "revolutionary organizers" that had infiltrated the plant (a curious assertion since the CIO's arrival was still several months in the future) and prophesied a strike at any moment. He stressed that the AFL could not take responsibility for any work stoppages since the project remained unorganized. His "argument," as well as concerns over the financial and political costs of labor strife and its attendant delays, convinced Eells and Ball to accept the AFL's offer.
Contract negotiations subsequently commenced in Washington, D.C., a clear indication that both management and the AFL wanted to avoid local repercussions from workers who might not want craft union representation. William Green thought the negotiations important enough to meet with Howard Eels personally during the Washington talks, as did John P. Frey, president of the AFL Metal Trades Department. Green then dispatched three of his top officials to BMI to work out the details of the agreement. On 27 August 1942, shortly before production commenced, representatives from BMI and eighteen AFL-affiliated unions announced the completion of a new contract for the plant's operating forces, which Federation officials hailed as "one of the best agreements . . . in the history of the west."

With the new contract circulating to individual union leaders and the DPC for final approval, the AFL-BMI coalition seemed firmly in place. Once the pact was completed, management posted signs prohibiting union organization on plant property under threat of termination. At the same time, the AFL was permitted to open its own headquarters in the office of the plant protection forces and allowed to hold a meeting at BMI's cafeteria under the protection of company guards.

This favoritism angered a number of workers. Only a few production operatives had been hired by the time the AFL-BMI pact was completed, and most of them learned of the agreement by reading an announcement in the local newspaper. "That was more or less a surprise," recalled one worker. "I had never belonged to a labor union in my life. I only knew what I had read in the papers and I thought that was kind of bossing me
Beyond the onerous AFL contract, recalled local CIO leader E. E. Ward, BMI operatives resented "bad working conditions, deaths and illnesses from chlorine gas and dust, multiple fees and dues charged by the AFL unions, rotten food and intolerable living conditions." These disgruntled workers appealed to the International Union of Mine, Mill and Smelter Workers, one of the ten largest unions in the CIO, for help in organizing their own local. Following a preliminary survey of the plant by international representative Bill Gately, Basic Magnesium Employees Union Local 629 received its charter from the IUMMSW in October 1942. On November 11, head organizer Robert Hollowwa arrived in Las Vegas and opened the CIO’s campaign. The Basic Magnesium labor war had begun.
Notes


2. Ibid., 235.

3. Ibid., 235-36.


7. Nash, *World War II and the West*, 123; “A Statement by Basic Magnesium,” 5671-72. The sites in Nye County spawned two new towns: Gabbs, which engaged in the mining and reduction of the magnesite, and Luning, where the company operated loading docks to ship the ore to BMI. The CIO and AFL would also do battle at Gabbs.


16. After campaigning on a "New Deal for Nevada" platform to assure his appointment to the powerful Appropriations Subcommittee and the Judiciary Committee, McCarran adopted an anti-New Deal posture and professed opposition to FDR's policies in order to increase his own national visibility. When he opposed Roosevelt's court-packing plan in 1937, it was rumored that the President wanted him defeated in the 1938 primaries. Elliott, *History of Nevada*, 301-2, 304; Edwards, *Pat McCarran*, 57; Chambers, "Patrick Anthony McCarran," 443.


24. Ibid., 113-14.


Cornelius L. Golightly, Memorandum on Tensions in Las Vegas, Nevada, 9 May 1944, Reel 75, RG 228, Records of the Committee on Fair Employment Practice (National Archives: Washington, D.C., microfilm), [1]; Affidavit of Estolv E. Ward, 27 September 1943, Reel 75, RG 228, Records of the Committee on Fair Employment Practice (National Archives: Washington, D.C., microfilm), [1]; Jack B. Burke to Harry L. Kingman, Memorandum on Basic Magnesium, Inc., Case No. 12-BR-58, 28 October 1943, Reel 75, RG 228, Records of the Committee on Fair Employment Practice (National Archives: Washington, D.C., microfilm), 1-2. Population statistics are derived from U.S. Department of Labor figures provided by Burke.


43. Ibid., 5658-60.

44. *Las Vegas Tribune*, 17 December 1943, 1.

45. Ibid., 19 December 1943, 12.

46. Ibid., 21 December 1943, 8.


52. *The Union*, 24 May 1943, 16.

CHAPTER 3

ENTER THE BROKER STATE:
THE CIO AND THE NATIONAL LABOR RELATIONS BOARD

From November 1942 to May 1943, CIO efforts to organize a strong industrial union at Basic Magnesium met with determined resistance from hostile craft unionists and plant managers. Using a well-established CIO strategy, Local 629 focused on recruiting the large number of African-American production workers who had been ignored by the American Federation of Labor. At the same time that this organizing drive got underway, Howard Eells passed control of Basic Magnesium to the Anaconda Copper Mining Company. When the AFL succeeded in negotiating a new back-door agreement with Anaconda, Local 629 petitioned the National Labor Relations Board for a representation election, the first step along a tangled path through the broker state bureaucracy.

The election campaign would turn the tide in favor of the CIO. AFL-sponsored violence, new forms of collusion with management, and harassment by local government officials convinced many workers of the AFL’s illegitimacy. Neither a hostile local media nor racist community leaders could slow the momentum built up by the IUMMSW. When plant employees went to the polls on 7 May 1943, the Mine, Mill and Smelter Workers logged a solid majority over their AFL opponents. Far from ending labor strife at BMI, however, the election campaign proved to be the opening skirmish in a much larger
conflict that challenged the very foundations of the broker state.

At the end of October 1942, as the CIO conducted its preliminary survey of Basic Magnesium, the Anaconda Copper Mining Company acquired control over a majority of BMI stock and took the reigns of management from Howard Eells and C. J. P. Ball. A subsidiary of Standard Oil, Anaconda Copper had operated large mining and smelting concerns in Montana for nearly five decades. According to chairman Cornelius F. Kelly, the takeover had been initiated at the request of the federal government in cooperation with Eells and Ball, who were relieved to be out from under such a tremendous responsibility. F. O. Case stepped in as the new general manager of the plant, while H. G. Satterthwaite assumed the duties of general superintendent. A chemical engineer by training, Case had worked for Anaconda since 1921, and he proved to be a dedicated company man.¹

The arrival of the new management team brought a serious dilemma for the AFL. As Chairman Kelly saw it, Anaconda’s function was “that of management without responsibility for anything that [had] occurred prior to our taking over.”² Thus, Case refused to sign the AFL-BMI contract from the previous August. Not only did he refuse, but he declared that BMI would not sign any labor agreement at all. Fyhen recognized the potential for disaster. “I could see by our organized forces, that fall, we needed assistance and I appealed to the International for help. They sent dozens of organizers and some were good and others I could tell rare tales about.”³

These organizers would find a formidable opponent in the International Union of Mine, Mill and Smelter Workers.⁴ The IUMMSW, an organization with deep roots in
western labor history, had been one of the founding unions of the Congress of Industrial Organizations in the mid-1930s. Their predecessor, the legendary Western Federation of Miners, had sought to organize hard rock miners throughout the intermountain west since 1893 (radical dissidents would lead a faction out of the WFM a decade later to form the Industrial Workers of the World, an organization dedicated to bringing all laborers together in "one big union"). In 1916, the Western Federation of Miners officially became the International Union of Mine, Mill and Smelter Workers. The new union enjoyed some success during the First World War, but then experienced a general decline during the 1920s in the face of a renewed employer offensive and a state-sponsored crackdown on radical unionism.5

Following a relatively slow recovery during the turbulent labor struggles of the 1930s, the IUMMSW found itself reinvigorated by the conversion to defense production after 1940 and ready to build on its prior efforts to organize racially and ethnically integrated locals. Opposition from employers, constant jurisdictional warfare with largely white AFL craft unions, and experience in socialist or communist politics bred an activist spirit in many IUMMSW organizers throughout the Southwest during World War II.6 Local 629 continued this tradition at Basic Magnesium, where organizers actively recruited African-American workers while forging important links with Las Vegas's black community.

Because blacks were often relegated to the most arduous (and hence most critical) jobs in the BMI production process, the CIO recognized the need for biracial support if their fledgling union was to survive. The strategy of recruiting blacks also had a practical
dimension—failing to organize African-Americans invited management to use them as strikebreakers. Sensitive to the concerns of African-American workers, Local 629 brought black organizer Frank Allen from Alabama to specialize in their recruitment. This strategy would become increasingly important as a once largely white production work force gave way to a rising number of black operatives. These black workers usually found themselves restricted to smutting and metalling jobs, tremendously hot tasks that often exposed them to chlorine fumes. According to one estimate, African-Americans comprised 90 percent of the smutting and metalling crews at Basic Magnesium. Conversely, whites typically found employment as skilled craftsmen, technicians, and office workers.7

Blacks at Basic Magnesium received lower wages for performing the same work as whites and found skilled positions largely closed to them. Ironically, African-Americans also tended to be the most stable workers, averaging a 4 percent turnover rate as compared to 20 percent for whites. Many black workers had even purchased homes in Las Vegas's growing Westside community with the intention of becoming permanent residents. Union membership followed this pattern of occupational segregation. While just 2 percent of AFL unionists at the plant were black, African-Americans comprised over 80 percent of the CIO's membership.8

Not all blacks were CIO members or production workers. Some would even overcome the odds and rise to skilled and supervisory positions at the plant. Woodrow Wilson, for example, began his BMI career as a construction worker with the McNeil Company. A mason by training and one of the few blacks admitted to an AFL craft union,
Wilson eventually became a foreman, and then a plant supervisor once construction was completed. Like all blacks, however, Wilson found there were limits to advancement. When he sought a position as superintendent of stores at the plant after the war (when several private contractors had taken over the BMI complex), he lost out to a white employee on the grounds that other workers would not accept him in such position of authority. Ironically, Wilson then had to train the man.

Despite occupational segregation at BMI and social segregation in the community, there was little racial friction between rank and file workers. Blacks claimed to get along "very fine" with whites, and workers of both races often participated in dice games that management found difficult to break up. Even F. O. Case later admitted that integrated facilities at the plant had caused no friction. White community and union leaders did not share this tolerant attitude, however. John F. Cahlan, editor of the Las Vegas Evening Review-Journal, believed that there were "too damn many Niggers in Las Vegas." Local AFL officials expressed their belief that blacks "were not clean." Even the state director for the War Manpower Commission, the official responsible for job referrals to BMI, referred to black workers as "shines." Such attitudes on the part of the larger community led many to consider Nevada the "Mississippi of the West."

Because of these entrenched beliefs, the CIO encountered stiff resistance to its organizing efforts. Management prohibited Local 629 from distributing leaflets on plant property, even though the U. S. Army had given the union permission to do so. While AFL business agents had total access to plant facilities, CIO organizers were forced to use the "homes, trailers, and tents" of sympathetic workers. Plant guards and local police
regularly harassed CIO organizers attempting to distribute leaflets outside the plant gate, and chief organizer Robert Hollowwa was arrested three times in one day for handing out CIO literature. The IUMMSW finally stopped distributing leaflets outside the gate once it became apparent that local police and plant guards would not protect organizers from physical attack.15

The local media was no less antagonistic. When Hollowwa tried to buy air time on KENO radio, the rates quoted to him were raised by 25 percent once the station manager learned his identity. No such difficulty confronted the AFL when it purchased fifteen-minute program slots from the same station the following year. The IUMMSW mocked the idea of a free press in southern Nevada by pointing out the failure of the Review-Journal to report stories unfavorable to the AFL.16 A rival newspaper, the Las Vegas Tribune, admitted as much when it noted that BMI’s labor problems were “soft-pedaled locally for understandable reasons.”17 Political pressure also mandated a pro-AFL posture because, as biographer Jerome Edwards explains, the Review-Journal was “a newspaper close to McCarran.”18 FEPC investigators argued that the paper was also a mouthpiece for BMI management, claiming that “the company . . . seems to have considerable influence over the policies expressed in the town’s leading newspaper.”19

Local 629 responded to these obstacles with an innovative strategy and increased resolve. Barred from company property, Hollowwa parked a sound truck on public land across from the main gate and enrolled workers at shift changes. When management attempted to intimidate interested workers by sending a photographer to take pictures of employees gathered around the truck, the men followed Hollowwa’s lead and faced the
camera, inviting the photographer to take all the pictures he wanted. Attempts to discredit the CIO naturally poured forth from the AFL, which claimed that organizers used intimidation to coerce workers into signing pledge cards. General organizer Wesley King argued that the CIO had “attacked” craft unionists and “forcefully ripped off [their] A. F. of L. Buttons,” and he accused the IUMMSW of encouraging production slowdowns in order to demonstrate its influence in the plant.

Not rising to the bait, the IUMMSW requested a conference with management in mid-November 1942 to discuss the labor situation at BMI. A CIO delegation led by John Bell and E. A. Phaneuf met with plant officials and voiced their concerns regarding employee benefits, the AFL agreement, and bargaining rights for Local 629. During the discussion, BMI's personnel director admitted that the AFL agreement had not been signed due to a delay in Washington. Phaneuf then asked why the CIO could not have exclusive representation rights, and he offered to cross-check IUMMSW membership cards against the company's payroll to prove a substantial interest among the workers. Indeed, Bell insisted that the Wagner Act had been violated because the company had negotiated a closed-shop agreement without holding an election. These requests and allegations were denied by the management committee, which declared that the AFL agreement, signed or not, prohibited the company from negotiating with the CIO.

A flurry of correspondence followed this meeting. On 22 November, Hollowwa wrote to Case requesting another conference. He failed to reply. On the following day, another IUMMSW official wrote to Case, informing him that there was "a very substantial [CIO] membership . . . at Basic Magnesium" and urging management to "retain a complete
neutrality" until the labor dispute was legally resolved. IUMMSW president Reid Robinson then wrote to Case personally and urged him to comply with the Wagner Act by holding an election to determine the appropriate bargaining agent. On 30 November, Hollowwa wrote to Case again and requested that he recognize the CIO's right to represent its members in grievance proceedings. He warned that a failure to comply with this request would compel the CIO "to proceed under law to obtain such recognition."

At this point, in early December 1942, a new conflict in the plant distracted the CIO from its organizing efforts. With no notice or negotiation, management implemented a back-to-back work week under which workers would have the first and last day of each two-week work period off, thus permitting twelve continuous days on the job without double-time pay for the seventh consecutive day. The CIO adamantly opposed the plan, claiming that it violated an executive order regulating hours of work and overtime compensation in defense industries. Nonetheless, Hollowwa halted several small work stoppages and ultimately prevented a major walkout by angry workers. "We are production soldiers," the CIO reminded its members, "and must not permit anything to hamper production in this vital defense plant." Despite widespread opposition and a furious lobbying effort by the CIO, the back-to-back work week was subsequently adopted as official policy by the government, and remained in effect at BMI.

While the back-to-back controversy occupied the CIO, Ragnald Fyhen and the AFL decided to use political pressure to force Anaconda to recognize the August contract. Fyhen had learned that Charles B. Henderson, a former Nevada state senator who now headed the Defense Plant Corporation, was planning to attend a cocktail party at
the nearby Hidden Wells Ranch. The crafty AFL leader decided to crash the party and plead the Federation’s case personally. Henderson, a man certainly aware of the larger political context surrounding labor relations at the plant, received Fyhen warmly and assured him that "there are ways we can work."26 "I knew the battle was over," Fyhen recalled, "because Mr. Henderson wrote all the checks . . . for the Basic Magnesium Project."27

Fyhen was right, and Henderson followed through on his promise. Following several meetings between Case and local AFL leaders, a conference was called in Washington, D.C., to hammer out a new contract. In negotiations between Anaconda officials and John P. Frey and Joseph McDonagh of the Metal Trades Department, the company agreed to recognize the August pact "with a few minor changes."28 In the midst of these secret negotiations, Hollowwa again wrote to Case requesting a reply to the CIO's November correspondence. On 21 December, Case replied to Hollowwa in a letter backdated 10 December stating that any individual employee could present a grievance, but that any request for recognition beyond that would not be observed because the CIO had not been designated as the bargaining agent by a majority of BMI employees.29

Such restrictions apparently did not apply to the AFL. On 16 December 1942, Basic Magnesium and the American Federation of Labor completed a contract for the plant's operating forces with terms virtually the same as those contained in the original August agreement. The new partners revealed their pact to a stunned work force on Christmas Eve, with the AFL once again extolling the contract as the "Finest Labor Agreement ever drawn for production workers and maintenance men in the United
While this may or may not have been true for craft unionists, the vast majority of production operatives could take little comfort in the new contract. Claiming to cover all workers in production, maintenance, and construction, the pact required every employee hired after 5 September 1942 to join the AFL. The hated back-to-back workweek was adopted wholesale, while shift wage differentials were prohibited. Although seniority would govern in case of layoffs, company judgment would be the sole criteria in the awarding of promotions. The AFL incorporated a no-strike, no lock-out clause in accordance with the NSP, and also agreed not to engage in any sympathy strike or to honor any picket line. Not surprisingly, the crafts also agreed not to involve the company in any jurisdictional controversies. The agreement was to remain in force for the duration of the war.

Craft union contempt for production operatives oozed from virtually every provision of the contract, but was most blatant in the assignment of wage rates. While establishing a detailed pay scale for workers in twenty-three crafts, the contract left operative wages completely to company discretion. Moreover, Ragnald Fyhen later admitted before the Truman Committee that non-AFL employees had no access to the contract’s grievance procedures; they were left to “handle their grievances individually.” The seniority clause was especially noxious. E. E. Ward, the president of Local 629, later lamented the impact of the clause on the lives of BMI operatives:

The practice in the plant is to upgrade people according to who they live with, who they know, who is friendly with who, and in many cases, to whom you are related . . . the saying about B. M. I. is that you get your job, you keep your job
and you are promoted or demoted and terminated, you get a house, you get treatment at the hospital, you get this and that, in fact all of your life as a B. M. I. worker and your success as a B. M. I. worker depends not on what you know but who you know.34

The CIO promptly denounced the agreement as a glorification of "dictators" and "dictatorial tactics."35

According to The Union, the official newspaper of the Mine, Mill and Smelter Workers, only a last-ditch effort by Hollowwa averted a strike over the terms of the contract. In a show of support for Local 629, workers in five departments left the plant at shift change wearing red, white, and blue CIO buttons, a demonstration that doubtlessly heartened union leaders. Realizing that there was no hope of overcoming the AFL-BMI partnership without outside assistance, the CIO turned to the federal government to insure the right of BMI workers to choose their own representative. On 1 January 1943, Local 629 filed a petition with the National Labor Relations Board citing unfair labor practices and requesting an election to determine the appropriate bargaining agent at BMI.36 The machinery of the broker state had been set in motion.

The threat of NLRB intervention clearly unnerved the AFL, which decided to take more direct action against the CIO. Twice in mid-February, AFL "goons" attacked Robert Hollowwa as he distributed leaflets outside the plant. In the first attack, the sound truck equipment was stolen and Hollowwa's life was threatened. The police refused to take any action, an indication of BMI's influence over local authorities. In the second assault, Hollowwa and two other organizers were again distributing leaflets when four carloads of men suddenly pulled up. Recognizing them as AFL hirelings, Hollowwa and
the other organizers took refuge in his car. The gang turned the car over, smashed all the windows, and threw rocks at the men inside while threatening to kill them. They were stopped at the last moment when plant protection guards arrived and arrested the assailants.37

According to Fyhen, violence was a planned strategy of the AFL: "We had a battle battalion of regulars with pipewrenches and spudwrenches and all other tools which were handy for labor wars. For weeks we had a regular battle ground outside the gate every afternoon."38 Plant managers and local officials tacitly supported these violent tactics. Of the fifteen AFL men involved in the second attack, only two were held for identification. E. E. Ward would later complain that "no protection could be obtained from the sheriff or the District Attorney."39 The District Attorney substantiated this charge when he admitted that he was opposed to all unions (even as he conveniently failed to distinguish between attackers and victims). He further expressed his disdain for the safety of CIO organizers when he explained that he had failed to arrest some suspected assailants because the attack had occurred on a holiday.40

Despite this quasi-official sanction, the AFL’s violent strategy backfired. According to Hollowwa, more new members were signed up on the day after the first attack than ever before. Several AFL construction workers, disgusted by the tactics of their own leadership, stopped by the CIO table to express their support for the IUMMSW organizing drive. A few even asked to join. Organizers used up all their buttons and receipt books and almost all the membership cards they had on hand. IUMMSW national officials arrived in the midst of this turmoil to demonstrate their support for Local 629.
President Reid Robinson, executive board member Ralph Rasmussen, and organizers James Robinson, William Gately, and Jack Marcotti stood on a leaflet line and personally spoke with interested workers. "That’s how American workers react to Gestapo methods,” remarked one CIO leader.

This outpouring of support failed to prevent continued harassment, however. On 20 February 1943, just a few days after the AFL attacks, BMI plant protection guards accompanied chief investigator James H. Mulgannon to the CIO’s leaflet distribution point outside the main gate. There, they searched four automobiles, including one occupied by Hollowwa. According to Mulgannon, the guards found a loaded pistol laying at the organizer’s feet. They promptly arrested him on the charge of violating a Nevada statute that prohibited convicted felons from owning or carrying a concealed weapon (Hollowwa allegedly had a prior felony conviction in California). Both Mulgannon and another plant protection guard recalled Hollowwa stating that the CIO “could not get protection from the U.S. marshals, the sheriff’s office or plant protection, and we have taken measures to protect ourselves.”

Despite flimsy evidence and CIO charges of “an old-fashioned frame-up,” Hollowwa’s case was scheduled for trial in July, and he was released on $1,000 bail. On day three of his trial that summer, the case took a bizarre turn when Judge George E. Marshall declared a mistrial due to an article that had appeared in the previous day’s Review-Journal that named prosecution witnesses who would testify in connection with Hollowwa’s California prison record. Moreover, the judge complained about the circulation of a CIO leaflet urging witnesses to come forward and calling upon supporters
to pack the courtroom. At Hollowwa’s retrial on September 20, Judge Marshall finally dismissed all charges against him for lack of evidence. By that time, however, Hollowwa had left BMI to help lead an organizing drive in California.4

Given the violence and harassment, tensions were understandably high as an NLRB preliminary hearing began on 1 March 1943. At issue was whether the CIO had made a legitimate demand for recognition on behalf of a majority of plant workers before Anaconda had signed the December contract. The AFL continued to rely on the agreement as a bar to an election, while management refused to take either side. Local 629 introduced the November correspondence with Case to prove that they had made the necessary demand, and it admitted into evidence over eleven hundred membership cards as proof of substantial support. Upon closer examination, however, the cards revealed that only 18 percent of the workers in the designated bargaining unit had been CIO members at the time the AFL contract was negotiated. Fearing this would weaken Local 629’s case, the attorney for the CIO requested that some previously excluded cards be counted; this produced a showing of only 26 percent. The case may have ended right there, but for reasons unknown the attorney for the AFL declined to pursue the issue. He then further strengthened the CIO’s position by stating that Local 629 had "shown a substantial interest, sufficient to warrant an investigation by the Board and sufficient to put them on the ballot in the event of a direction of election."45 This effectively ended the hearing, although AFL officials continued their public denials of CIO legitimacy. While their motives remain a mystery, the craft unions may have hoped to increase their own credibility by winning an NLRB election.
In an effort to shore up their strength, AFL leaders extended their organizing efforts to clerical and office workers shortly after the hearing. Basic Office Employees Local 23090 met twice during the second half of March 1943 at the Clark County Central Labor Council meeting hall, located above the Frontier Club in Las Vegas. Employees were encouraged to bring their coworkers, and no distinctions were made regarding position or salary. The growing interunion strife led AFL organizers to appeal for workers’ attendance “regardless of [their] feeling for or against unionism.” This attempt at industrial organization may have been part of a strategy to use women workers as a counterweight to the CIO’s powerful influence among blacks at the plant. At the same time, management helped to undermine the CIO by continuing its practice of discharging workers who failed to join the AFL under the terms of the December contract. These terminations resulted in a protest from the War Manpower Commission, which told managers not to dismiss any more workers while the NLRB case was pending. Although John Burns of the USES assured Local 629 that management had agreed to end the terminations, IUMMSW leaders complained that managers continued to fire recalcitrant workers, behavior which the CIO viewed “as deliberate attempts at provocation.”

The deepening union crisis frustrated many rank and file workers and led to another round of violence. At the end of March 1943, disgruntled workers from both unions staged a sit-down protest over the continuing labor difficulties. Fifty men were later fired for walking off the job in a protest over the pro-AFL termination policy. As these events unfolded, Federation officials prepared to substitute for striking workers, and management used the opportunity to improve BMI’s image by speaking out on behalf of
those workers who had supposedly tired of the continuing union conflict. The outbreak reached a climax when a mob of more than two hundred workers tossed several "suspected agitators" over the fence surrounding the plant. So matters stood when hearings before the full National Labor Relations Board began in Washington, D.C., in April 1943. The CIO had the burden of proving that Anaconda was aware of its request for recognition before signing the AFL contract in December. After hearing its arguments, the Board agreed with the CIO that the November correspondence with Case indicated a previous and bona fide demand for recognition and found that the contract did not preclude a representation election. The attorney for the AFL argued that any request for recognition was immaterial because the CIO had not demonstrated either a majority or a substantial interest among the workers. The NLRB overruled this point because the AFL counsel had acknowledged a substantial CIO interest during the March hearing. To the AFL's dismay, the Board ordered an election to determine the appropriate bargaining agent at Basic Magnesium.

Violence surged once again a week after the Board issued its order. On 22 April, AFL construction workers attacked CIO organizers and their wives who were campaigning outside the plant gate. An injured organizer was taken to the BMI hospital, where the hospital staff denied his request that they take a photograph of his wounds. Later that evening, eight men with spudwrenches attacked CIO organizer Charles Godbold. Mrs. Lee Reese, the wife of Local 629's recording secretary, saved Godbold's life by pleading with the attackers and threatening to be a witness if he were killed. Angry CIO members responded immediately to these assaults with an attack on AFL
pamphleteers, during which a stray shotgun blast narrowly missed one Federation organizer. Construction workers threw wrenches and other debris at the departing auto, but failed to stop it. BMI guards were reportedly forbidden to interfere in these disturbances in spite of AFL threats to attack CIO leaders and to break up CIO meetings. However, these same guards and local deputy sheriffs were encouraged to follow pro-CIO workers and maintain surveillance on their homes.\textsuperscript{50}

While failing to mention its own violent tactics, the AFL opened the long and brutal election campaign with a half-page newspaper advertisement accusing the CIO of "terroristic activity," "threats of bodily harm," and "the use of force." The Federation clearly stated its intentions and revealed its priorities: the union would protect its agreement with BMI, protect the membership's welfare, and protect the production of magnesium.\textsuperscript{51} In response, the CIO accused the AFL of standing idly by as men, "outraged by bad working conditions and intolerable living conditions," were "choking with dust" and "dying of [chlorine] gas."\textsuperscript{52}

To prove itself as the law-abiding, patriotic, and responsible alternative to the CIO, the AFL joined local authorities and BMI management in April 1943 to form a "production patrol," ostensibly to combat worker absenteeism. This patrol, known as the "White Hats" because of its distinctive headwear, targeted local bars where workers allegedly overindulged themselves in drink, the presumed cause of BMI's high absentee rate. While police officials headed the operation, AFL stewards from virtually every craft volunteered as patrolmen and jailers, serving from 8 P.M. to 2 A.M. on Fridays, Saturdays, and Sundays. According to supporters, the White Hats operated under policies
similar to those that governed military police. Organizers divided the Las Vegas valley into three patrol zones (BMI and the surrounding townsite, the city of Las Vegas, and the area between them) and established a temporary jail at the plant. Three station wagons ferried the volunteer patrolmen from tavern to tavern. They enforced the existing prohibition against serving alcohol to inebriated men, found intoxicated workers and took them home, and posted men at the local jail to intercept drunken BMI workers, whom the police released into White Hat custody.53

The operation resulted in a public relations coup for the AFL. As the Las Vegas Tribune noted, the AFL was “to be congratulated on having taken the initiative in curbing absenteeism which has curtailed the operation of our important local war plant.”54 Given the intense struggle developing between the AFL and CIO, however, the operation raises questions about AFL motives. Because the CIO was prohibited from organizing at the plant, had organizers begun using local taverns as meeting places? Which workers were targeted in these sweeps? While the sources are silent on these questions, the timing of the AFL-BMI-Police alliance appears more than coincidental.

The war against absenteeism also proceeded on other fronts during the spring of 1943. In a plan jointly sponsored by the police, the War Manpower Commission, and the AFL, a “work or fight” policy went into effect in Las Vegas late in March. Itinerants and those without proof of employment could be taken into custody, allowing WMC recruiters a chance to determine their employment eligibility. The prisoner would then be given the choice of accepting work at BMI or on the city chain gang. In an effort to combat intoxication, the “no drinks to drunks” ordinance was strictly enforced, and a midnight
closing order was imposed upon the taverns and resorts along the highway between BMI and Las Vegas.55

Absenteeism was in fact a serious problem at the plant. By late March 1943, when absentee rates reached peak proportions, BMI had five hundred fewer workers than it needed to operate the industrial complex at full capacity. In any given week, absenteeism could run as high as 25 percent, while the national average stood at just 6 percent. John Burns of the USES estimated that there were 350 unemployed men in Las Vegas capable of working at BMI, and this would be the group targeted by the "work or fight" policy. By the middle of April, however, even more drastic measures seemed necessary, and BMI issued orders that a three day absence without valid excuse would result in automatic termination.56

As managers and craft unionists tightened the noose around troublesome workers, the CIO launched its election campaign. Trying to avoid "more bloodshed and violence," Local 629 decided to fight its war in the newspapers, where it outlined a twelve-point plan to improve the workers' situation at the plant. Not forgetting the AFL's violent tactics, the CIO accused the Federation of using physical force to prevent Local 629 from distributing this plan to concerned workers. The AFL countered with its own ten-point plan, charged the CIO with "treasonable activity," and labeled the industrial union as "communistic." In response, the CIO produced statements from government officials praising the democratic nature of the union and its record of no-strike activity during the war.57

The citizens of Las Vegas also seemed to be praising the efforts of the CIO. In a municipal election, AFL-supported incumbents were overwhelmingly defeated. Las Vegas
gamblers favored a CIO victory at BMI by two to one. Under growing pressure, BMI management grudgingly allowed CIO wives to distribute leaflets outside the plant gates under the protection of a squad of deputy sheriffs. These developments increased the AFL's desperation. Fifty Federation members were excused from their jobs and paid to assist the thirty organizers already on hand. On the night before the election, the AFL staged a parade through Las Vegas to demonstrate its strength and solidarity. Still, Ragnald Fyhen feared a total loss "due to the way we had conducted our organization's campaign."58

This anxiety prompted more strong-arm tactics on the day of the election. As voting came to a close on 7 May 1943, a plant guard suggested that NLRB examiners could tabulate the results in a nearby administration building. Upon arriving, the Board agents and observers found forty AFL members waiting to watch the tally. By the end of the counting, however, "all the AFL adherents had slunk from the room in silence."59 The CIO had won by a margin of 7 percent, polling 1,122 votes to the AFL's 985. "Democracy had prevailed," the CIO declared.60 That conclusion proved to be extremely premature.
Notes


8. Burke to Kingman, Memorandum on Basic Magnesium, 1-2, 3, 8.


10. Carol Coan to Cornelius L. Golightly, Memorandum on Tensions in Las Vegas, Nevada, 9 May 1944, Reel 75, RG 228, *Records of the Committee on Fair Employment Practice* (National Archives: Washington, D.C., microfilm), [3]; *The Union*, 13 September 1943, 32; Burke to Kingman, Memorandum on Basic Magnesium, 2, 3, 8, 9; Handwritten notes on Basic Magnesium, 6 pp., n.d., Reel 208, RG 228, *Records of the Committee on Fair Employment Practice* (National Archives: Washington, D.C., microfilm).

11. Burke to Kingman, Memorandum on Basic Magnesium, 5.

12. Coan to Golightly, Memorandum on Tensions in Las Vegas, [2].

13. Burke to Kingman, Memorandum on Basic Magnesium, 5.


15. *The Union*, 30 November 1942, 3; 14 December 1942, 12; 21 December 1942, 5; 28 December 1942, 2; 29 March 1943, 5.


19. Coan to Golightly, Memorandum on Tensions in Las Vegas, [2].


22. National Labor Relations Board, *Decisions and Orders of the National Labor Relations Board*, vol. 48 (Washington, D.C.: GPO, 1943), 1313-14. The CIO's account of this meeting was subsequently disputed by the chief investigator for plant protection, who denied that the workers' committee had identified itself as a CIO delegation or made a request for recognition. When pressed, however, he admitted knowing the men and knowing that they were all CIO members.

23. Ibid., 1314.


27. Ibid.


32. Ibid., Exhibit A, Schedule of Wages, 8514.


39. *The Union*, 22 February 1943, 3; 24 May 1943, 16. A leaflet was later circulated urging Las Vegas residents to demand law enforcement protection for peaceful activities.

40. Ibid., 19 July 1943, 16.

41. Ibid., 15 March 1943, 3.

42. Ibid., 22 February 1943, 3.


44. *Las Vegas Evening Review-Journal*, 7 July 1943, 3; 9 July 1943, 2; *The Union*, 15 March 1943, 3; 29 March 1943, 5; 27 September 1943, 14.

45. *Las Vegas Evening Review-Journal*, 1 March 1943, 2; National Labor Relations Board, *Decisions and Orders*, vol. 48, 1311-12, 1317-18. Of the cards presented, only 252 were dated prior to 16 December 1942, the date of the AFL-BMI agreement, and also appeared on the payroll of 6 January 1943, the payroll date nearest the date the petition was filed. Since there were 1,374 employees on the appropriate payroll on 13 December, the CIO only had an 18 percent showing on the crucial date. National Labor Relations Board, *Decisions and Orders*, vol. 48, 1317 n. 6.


47. *The Union*, 15 March 1943, 3; 29 March 1943, 5.


49. National Labor Relations Board, *Decisions and Orders*, vol. 48, 1315-17, 1319. The CIO did not completely win the day. The NLRB allowed the AFL to maintain
its current privileges at BMI, including shop stewards and an office on the plant grounds, until the election. The CIO's request for equal access was denied. *Las Vegas Evening Review-Journal*, 20 April 1943, 2.


52. Ibid., 23 April 1943, 8; 26 April 1943, 8.

53. Ibid., 3 April 1943, 6; *Las Vegas Tribune*, 18 April 1943, 1.


55. *Las Vegas Evening Review-Journal*, 29 March 1943, 1; 31 March 1943, 1.

56. Ibid., 29 March 1943, 1; 13 April 1943, 6.

57. Ibid., 27 April 1943, 8; 5 May 1943, 9; 30 April 1943, 10; 1 May 1943, 8.


60. Ibid.
CHAPTER 4

BREAKDOWN IN THE BROKER STATE:
THE FREY AMENDMENT AND THE POLITICS OF RACE

During the nine-month period from May 1943 to February 1944, the CIO struggled to enforce the results of the NLRB election. Craft unionists and plant managers simultaneously formulated new strategies to prevent Local 629 from assuming power. Their anti-CIO offensive operated on two fronts. First, the AFL utilized new federal legislation that hobbled the enforcement authority of the National Labor Relations Board. Second, with the blessings of management, AFL leaders deliberately provoked interracial hostility to keep the IUMMSW off balance as new segregationist policies went into effect at the plant. This combined assault ultimately proved lethal to the beleaguered CIO.

More importantly, by eliminating the power of the NLRB to enforce its order, AFL unionists also undermined the authority of the Fair Employment Practices Commission and the National War Labor Board, the only other agencies that could have provided relief to Local 629. The broker state bureaucracy subsequently collapsed under its own weight.

A flurry of activity followed the CIO’s stunning election victory in May 1943. Local craft union leaders considered the defeat a “big one,” and the following weeks witnessed “stormy meetings” between Ragnald Fyhen and international representative Wesley King, who headed the local steering committee. They agreed to lodge a vigorous
protest with the Board and lamented, with great irony, that the election had failed to provide a "democratic and equal opportunity" for the Federation. In a significant gesture of defiance, they militantly proclaimed the continuing validity of the December contract and openly questioned the authority of the NLRB, and by extension the entire broker state:

Every resource will be used to the limit to uphold the validity of our contract and that until such time as it has been decided BY THOSE . . . AND ONLY THOSE . . . WHO HAVE A RIGHT TO NULLIFY THAT CONTRACT, the A.F. of L. will operate AS USUAL under the terms of their contract still in force.²

King also made a promise "to Management and to friends of Senator McCarran and Senator Scrugham that there would be no strike or sit-down at the plant." For its part, the CIO announced that all employees holding paid-up AFL memberships would be allowed to join Local 629 free of charge for ten days following the election.³

It would be two months before the CIO received the official sanction of the NLRB. The delay stemmed from an investigation into six formal objections filed by the AFL regarding allegedly improper election procedures. In his report to the full Board, regional director Martin Wagner concluded that no substantial evidence could be found to support the AFL's contentions. Thus, on 15 July 1943, the NLRB followed Wagner's recommendation and certified the CIO as "the exclusive representative . . . for the purposes of collective bargaining" at Basic Magnesium.⁴

The certification of the CIO left the AFL divided over questions of strategy. King and other local leaders dispatched two delegations to Washington to plead the craft unions' cause before government officials, a move opposed by Fyhen as costly and time-
consuming. "I told them they were proceeding like a bunch of children," he later recalled. His disdain appears to have stemmed from motives more personal than professional. Fyhen believed that he, as custodian of the AFL's local records and as architect of the BMI contract, should have been sent instead; he stubbornly refused to release any documents unless he was appointed to present them. His petulance served the AFL well, for it gave Fyhen time to formulate a new strategy for defeating the CIO, a strategy that would use the institutions of the broker state itself against the Mine, Mill and Smelter Workers. "I can beat this when all the avenues are closed on this," Fyhen thought to himself. "I will beat this election."5

A legislative assault on the Wagner Act, which underpinned not only NLRB authority but that of the entire federal labor bureaucracy, offered the AFL a unified course of action. Just one week after the final certification of the CIO, Congress had passed an amendment to the NLRB's appropriation for fiscal year 1944 that potentially nullified the Board's jurisdiction over the labor war at Basic Magnesium. This amendment, a provision added to Title IV of the Labor-Federal Security Appropriations Act of 1944, seemed ideally suited to the AFL's needs:

No part of the funds appropriated in this title shall be used in any way in connection with a complaint case arising over an agreement between management and labor which has been in existence for three months or longer without complaint being filed: Provided, That, hereafter, notice of such agreement shall have been posted in the plant affected for said period of three months, said notice containing information as to the location at an accessible place of such agreement where said agreement shall be open for inspection by any interested person.6

This passage seemingly prohibited the Board from interfering in cases where a contract had been in existence for over ninety days without a complaint being filed. If Fyhen was
correct, the CIO certification would be virtually worthless, and the NLRB would be powerless to prevent implementation of the AFL’s December contract.

The political roots of the amendment extended deeply into Nevada and into the highest echelons of the AFL. Senator Pat McCarran had chaired the subcommittee responsible for reporting out the bill, and both he and James G. Scrugham, who had won election to the Senate in 1942, had voted for it. Moreover, the amendment’s principle sponsor had been John P. Frey, president of the AFL Metal Trades Department and one of the Federation representatives who had helped to negotiate the December agreement. An outspoken critic of the NLRB’s apparent bias toward industrial unionism, Frey had once suggested that the Wagner Act be suspended for the duration of the war. In some respects, the amendment granted his wish.

While not intentionally aimed at BMI, the amendment arose out of a jurisdictional dispute very similar to the one being played out in Nevada. Early in 1941, West Coast shipping magnate Henry J. Kaiser had won a government contract to build shipyards in Oregon and Washington. Word quickly spread that Kaiser had agreed to hire workers without regard for union affiliation. This created a wave of excitement among laborers, including a number of CIO members, who were employed at nearby logging camps. Many of them set out for Kaiser’s shipyards only to find an unpleasant surprise awaiting them—the company had already negotiated an agreement with the Metal Trades Department of the AFL awarding exclusive representation to sixteen affiliated craft unions at Kaiser’s Oregon Shipbuilding facility.

Not surprisingly, this decision drew vigorous protests from the CIO. In what
seemed a conciliatory move, Kaiser declared that his new yards at Vancouver and Swan Island would be open-shop until a union election could be held. This pledge proved to be short-lived as well. In April 1942, in response to a petition signed by a slight majority of the three hundred workers on the payroll, Kaiser signed another closed-shop contract with the Metal Trades Department, allegedly to avoid trouble from an independent union which had tried to organize in Tacoma and Seattle. Within seven months, however, the Kaiser shipyards employed more than ten thousand workers, and the AFL agreements were drawing fire from the Industrial Union of Marine and Shipbuilding Workers (IUMSW), a CIO affiliate. Their grievances stemmed not only from the AFL contracts, but from the treatment meted out to non-AFL workers. At the Oregon Shipbuilding Company, for instance, approximately 550 workers had been discharged for failing to join the AFL, along with 147 workers at the other Kaiser Company yards. The company also refused to hire non-AFL workmen or those without AFL work permits.

These practices led one discharged workman to petition the NLRB, which consolidated his charges with those of the IUMSW and issued a formal complaint against Kaiser in November 1942. John P. Frey, who conveniently turned a blind eye to the questionable “organizing” practices of his own labor federation, swiftly condemned the Board’s action as the result of “the unconscionable selfishness of some few men, aided and abetted by a group of bureaucrats.” Kaiser shared Frey’s attitude toward the labor “bureaucrats” of the NLRB, and he took to the offensive early in 1943 by appealing to a federal district judge for an injunction against the pending Board hearing. When this plea was rejected and the hearing was allowed to move forward, Harry F. Morton, the vice-
president and general counsel for the Kaiser Companies, predicted that chaos would reign in the shipyards, thus impeding production of vital war materiel.\footnote{11}

In March 1943, similar concerns motivated Congress to order an investigation of the shipyard dispute. John Frey's testimony before the congressional committee clearly revealed his antipathy toward the nation's basic labor law: "Speaking for myself alone, I believe it would be more advantageous to management and labor to suspend the Wagner act for the duration of the war. It is most unfortunate to have two federal agencies making decisions in the labor field during the war."\footnote{12}

As the NLRB proceedings neared their conclusion, it became clear that Kaiser's AFL contracts were at risk. Moreover, Frey knew that the case could potentially reach the Supreme Court, which raised the possibility of a ruling against the legality of agreements made by employers with minority unions before the expansion of wartime workforces. Ironically, wartime conditions and Congressional fears of defense production slowdowns also offered Frey and his political allies the legislative opportunity they needed to attack the hated Wagner Act. Frey, no stranger to political maneuvering, ascertained that a new push for amendments would be received with greater enthusiasm as the threat of labor troubles in vital defense industries loomed ever larger.\footnote{13}

This point was reinforced by the rising number of labor disputes in defense plants throughout the early months of 1943, including the jurisdictional war at Basic Magnesium. The numbers alarmed conservatives. Despite the NSP, more than 3,700 strikes took place in 1943, involving some 1.98 million workers. In early summer, Frey called upon Republican and southern Democratic Congressmen to introduce an amendment to the
pending NLRB appropriations bill. This "rider" would sharply limit the Board's ability to interfere in existing contractual situations, regardless of their legality. The CIO would later accuse him of "promising political blessing to those reactionary Congressmen who voted to override President Roosevelt's veto of the Smith-Connaly Act if they voted for this vicious rider."14

Congressional debate over the amendment revolved around the issue of company-dominated unions, which would inadvertently receive legal protection under the proposed legislation. In essence, management could sign a contract with a minority or company-dominated union, keep it secret for three months, and then be immune from NLRB action. While some members of Congress were clearly concerned with the implications of the rider, others were less sympathetic to the possible plight of workers forced into such unions as those found at the Kaiser yards.15 Indeed, the CIO alleged that Senator Pat McCarran was Frey's chief supporter, and with good reason. As McCarran explained:

> It was the desire of the Committee on Appropriations to stabilize labor conditions for the duration of the war. Many views have been expressed, some laying blame on the National Labor Relations Board, and others laying blame elsewhere. We believe that when agreements are now in existence, regardless of whom the agreements may favor, the agreements should be frozen, if I may use that term, or at least stabilized, for the duration of the war, and not disrupted by confusion, misunderstanding, elections, or what not [emphasis added].16

McCarran's wish for labor stability at any price was no doubt influenced by the bitter struggle then being waged at BMI, but the senator attempted to appear non-partisan: "The Kaiser shipyard is not involved in the pending question any more than is any other plant in the United States. The CIO is not involved, and the AFL is not
involved. No particular union is involved, as will be seen if Senators will read the language of the provision. His fellow senators did read the language of the provision and apparently found it satisfactory. On 12 July 1943, Congress passed the appropriations bill with the Frey Amendment attached, a piece of legislation that the CIO condemned as blatant "Sabotage" of the Wagner Act.

Upon passage, a defiant NLRB stated that it did not interpret the rider as covering contracts executed with company-dominated unions, which were prohibited under the Wagner Act. Responding to the Board's request for further clarification on this point, the U. S. Comptroller General ruled that the amendment did indeed protect those company-dominated unions who had a contract of at least three months standing. Similar holdings were reached regarding employees unfairly discharged under illegal closed-shop contracts. The Board acknowledged the AFL's success and the devastating effect of the Frey Amendment in its *Eighth Annual Report*, and noted that it had been forced by the provision to terminate eleven cases in which formal hearings had been held and forty-five cases in the informal investigation stage. The impact of the Frey Amendment on the principle of union democracy seemed clear to the Board: "The amendment strikes at the heart of some of the basic principles of the National Labor Relations Act. Under its protection an employer and a minority union may by collusive action destroy the freedom of choice guaranteed employees under the Act." Ragnald Fyhen and other AFL organizers at Basic Magnesium agreed with the NLRB's assessment. In fact, they were counting on it.

On the night that the AFL delegation returned from Washington, Fyhen asked the
CCCLC to send him to the Metal Trades Conference being held in San Francisco, where he hoped to enlist Frey's personal assistance. The Council approved of his plan, and Fyhen opened negotiations with general manager Case, who agreed to keep the CIO out of his office until Fyhen returned. His support was crucial because the CIO had already requested a meeting with plant managers. As agreed, Case stalled for time and postponed the meeting until 22 July, long after Fyhen had won the support of John P. Frey, who came to Las Vegas in order to work out an anti-CIO strategy with management.22

As planned, Case opened the campaign against the CIO by refusing to recognize Local 629. When they brought several grievances to his attention, he refused to consider them unless they were presented by individual employees. Case argued that no collective bargaining agent would be recognized until a satisfactory settlement was reached regarding the AFL contract. As a final insult, he once again denied the CIO the privilege of maintaining an office on the plant grounds, and he refused to grant permission for union meetings. The most serious rebuff came three days later, however, when the CIO sent a contract to management for consideration and the company refused to respond. The CIO reacted exactly as the AFL hoped it would. Local 629 filed a Refusal to Bargain charge with the NLRB, which informed the CIO that it no longer had the authority to act because of the prohibition contained in the appropriations amendment. Beginning to sense the contours of the conspiracy around them, Local 629 turned the case over to the Conciliation Service of the Department of Labor, which promptly certified the matter to the National War Labor Board.23

Another facet of the strategy worked out by Frey and Case became unmistakably
clear to the CIO in early August 1943, when E. E. Ward received reports of petitions being circulated in the plant which called for the segregation of black workers. When he contacted Case to determine the veracity of the rumors, the general manager denied any knowledge of them, but admitted that he was in favor "of minimizing the points of contact between negroes and whites in the plant." Ward informed him that he would have to report the matter to the appropriate government agencies, and Case told him to "go ahead and report it to President Roosevelt."24

Instead, Ward tried to report it to Senator Harry Truman. On 19 August 1943, in the midst of the growing racial tensions at the plant, the CIO attempted to plead its case in front of Truman's special subcommittee responsible for investigating the state of the national defense program. Their reception was less than warm. Truman brusquely informed the CIO delegation that it had only one hour to present its case because the senators had a plane to catch. "We are not interested in jurisdiction," he explained. "What we are interested in is getting magnesium."25

The CIO complained bitterly to the Committee about the systematic discrimination against blacks at the plant. According to Ward, "Negro workers who perform identical work as white men receive lesser payment than white men. The management has let them know very specifically that they would have no opportunity for them to advance beyond certain lower levels of certain classifications."26 Interracial conflict between workers rarely originated within the ranks. Ward noted that he had "heard of no difficulties except those that were caused by the management."27 FEPC investigators later concurred, noting that the "management of Basic Magnesium, while denying any sort of discrimination
against non-white workers, seems to sanction unequal working conditions in subtle ways.\textsuperscript{28}

Racial provocations became increasingly egregious as summer gave way to fall. Workers in the BMI Medical Department reported to Ward that they had been instructed to reject black applicants for even the smallest physical defect, white applicants were to be accepted regardless of their condition. John P. Burns of the USES confirmed that "BMI refused to hire any more negroes."\textsuperscript{29} Company guards became increasingly violent to blacks for trivial violations. One black worker reported that a guard threatened to "stomp him to death" for jumping over the side of a truck instead of exiting through the tailgate.\textsuperscript{30} By late September 1943, Ward acknowledged that a climate of racial hostility had finally begun to take hold among rank and file workers.\textsuperscript{31}

Each side accused the other of fomenting the racial strife. Fyhen and the AFL believed that the tension could be "directly attributed to the activities of the C.I.O., particularly their organizer, Mr. E. E. Ward, who in a desperate effort to organize . . . is deliberately fostering, encouraging, and breeding a racial question that may develop into a serious problem."\textsuperscript{32} Ward, in turn, continued to place the blame on management, claiming that the company was "definitely attempting to defeat the legitimate purposes of the C.I.O.," and "to use its machine-made friction between various groups at the plant, A.F.L. and C.I.O., and white against black, for the purpose of those very aims."\textsuperscript{33} Naturally, Case blamed "Communists" in the CIO for stirring the racial pot, citing radio broadcasts by Local 629 that accused BMI of misconduct toward black workers.\textsuperscript{34}

Management provocations reached a peak in late October, when black workers
discovered carpenters building partitions in the shower and locker facilities. When they attempted to discover the purpose of the segregated showers, management replied that the partitions were designed to "reduce friction" and to placate white workers who refused to shower with blacks. The real reason became apparent when CIO workers observed AFL stewards taking the names of white employees who opposed working with blacks. Black workers were painfully aware of the domino-like pattern of segregationist policies. Their collective experiences under the Jim Crow regimes of the South had made them especially sensitive to the destructive potential of BMI's new tactics. Responding to the changehouse partition, one black worker saw it as the first step in an escalating attack on blacks: "Next they'll throw a partition across the canteen, then they'll have separate drinking fountains, then first thing you know they'll have separate departments for us."35

Though the CIO cautioned its members against any work stoppage, the rank and file had clearly reached the limits of tolerance. On the morning of October 20, all the workers in Unit 3, black and white alike, staged a sit-down strike to protest the segregated change houses. This sit-down fever quickly spread to the other predominantly black units, creating a full-blown crisis within the plant. Case responded predictably. Plant guards informed the protesters that management had asked for a meeting; however, upon arriving at the meeting place, the protesters found several trucks and a squad of plant guards waiting for them. The guards began loading the workers onto the trucks even as another group of black protesters arrived from Unit 7. Telling the guards that they preferred to walk, the first group stepped off the trucks. The guards escorted all the protesting workers to the gate and relieved them of their badges. This subterfuge resulted in the
termination of almost two hundred African-American workers. In the two days following
the mass terminations, more than three hundred workers failed to report to the plant
because of potential racial violence.36

The increasingly hostile racial climate at BMI and the mass discharge of black
workers soon invited an investigation by the Fair Employment Practices Commission.
FEPC examiner Jack B. Burke arrived in Las Vegas on 21 October 1943. In four days of
meetings with black workers, union representatives, government officials, and plant
managers, Burke found overwhelming evidence of racist attitudes and practices on the
part of BMI and several state labor agencies. He also found the AFL-CIO dispute of
paramount importance to many of those interviewed, with general manager Case's concern
bordering on the obsessive. Burke recognized both the volatility of the situation and his
own lack of authority in the matter. Despite the pressing need for some kind of
intervention, he could only plead lack of jurisdiction over the labor matter while urging
plant officials to reconsider their segregation policy.37 Without the enforcement powers of
the NLRB, the second pillar of the broker state labor bureaucracy had collapsed.

The racial tensions at BMI quickly spread to the community, and the Army
declared Las Vegas "out of bounds" to soldiers for fear of race rioting. Under
considerable pressure to reduce the explosive friction generated by Case's affront to black
workers, government representatives convinced the company to abandon their planned
partitions. Nonetheless, the CIO was never able to gain reinstatement for the protesters,
and black workers at the plant experienced "a period of disappointment and frustration"
due to the defeat.38 It was a great victory for Case, who felt that the "damn niggers
needed to be taught a lesson." Like the editor of the Review-Journal, Case believed that there were "too many negroes here anyway, and you might as well get rid of some of them this way."40

The frustrations engendered by this race-baiting were compounded by AFL obstinacy at the bargaining table. At a Washington conference between the two unions and the NWLB, Board attorney Jesse Frieden proposed a compromise in which both organizations would serve as bargaining agents at BMI. Under the terms of the settlement, production workers would be represented by the CIO, while maintenance workers would fall under the aegis of the AFL. The AFL refused to even consider the offer. The CIO now turned to its only remaining federal remedy, an order from the National War Labor Board directing BMI management to recognize and bargain with Local 629.41

The National War Labor Board represented in one sense a government concession to organized labor in exchange for union pledges not to strike for the duration of the war. Bureaucratic methods of dispute resolution would theoretically protect workers who had laid down their most potent weapon. Moreover, defense needs mandated an efficient mechanism for resolving war industry conflicts. Thus, in January 1942, President Roosevelt had created the twelve-member Board and appointed four representatives each from business, government, and labor. This division of authority was thought to give labor an unprecedented voice in wartime labor policy and dispute resolution.42

Like so many wartime innovations, however, the NWLB's role proved to be much more complex. For the federal government, the Board provided a means for preventing
disruptive strikes in vital defense plants. But more importantly, the NWLB underpinned federal efforts to control inflation through its mediation of wage disputes. Employers were far less sanguine over the Board’s role. Always reluctant to relinquish control over wages, work rules, and union recognition to government agencies, capitalists charged the NWLB with unduly strengthening union power at the expense of managerial prerogatives. Board decisions increasingly alienated workers, as well. Following the NWLB’s establishment of the Little Steel wage rate in 1942, rank-and-file unionists more often than not found the Board’s activities “high-handed and cumbersome.” Political realities forced national leaders to suppress their own complaints in order to preserve the facade of wartime unity.43

Far from rushing to meddle in the dispute at BMI, the National War Labor Board appeared unwilling at first to intervene due to the complex legal and political entanglements generated by the dispute. Indeed, the Board seemed anxious to keep the ball in the CIO’s court. According to Local 629, NWLB Chairman William H. Davis suggested a radical solution to the impasse: a strike vote that would clarify the workers’ desires and create, in the CIO’s words, “an inescapable demand that would enable the War Labor Board to free itself from political complications and perform its duty.”44 CIO president Philip Murray, CIO attorney Lee Pressman, IUMMSW president Reid Robinson, and the IUMMSW executive board all endorsed the plan.45

Local 629 took Davis’s advice and petitioned the NLRB for a strike vote under the provisions of the recently passed Smith-Connally Act. Neither the CIO nor Davis actually believed a strike to be necessary or likely, but the threat of a walkout would clearly
strengthen the CIO's bargaining position vis-à-vis the company and the NWLB. Because the local had reaffirmed the national CIO's no-strike pledge just one month earlier, the decision to call for a strike election was an agonizing one. It was also ironic. Rather than a turn toward unbridled and unpatriotic militancy, as their enemies alleged, the CIO's determination to avoid an illegal wildcat strike revealed a continuing faith in the federal administrative remedies that had repeatedly failed them.46

The strike vote campaign proved nearly as vigorous as the spring election battle. AFL leaders urged workers to heed the no-strike admonition issued by president William Green. CIO officials pointed to the AFL's collaboration with management. Both unions issued a voluminous amount of literature, took out advertising space in local newspapers, and called mass meetings to stir up support. The Nevada State Federation of Labor and the Clark County Central Labor Council endorsed the AFL's no-strike position in local advertisements. After a brief attempt to appear neutral, BMI management took out newspaper and theater advertisements stressing the validity of the AFL contracts and arguing that the AFL-CIO dispute properly belonged in the courts. The company also attempted to intimidate pro-CIO voters by departing from company policy and printing an official anti-strike statement in the *Basic Bombardier*, the plant's newspaper. Black religious and community leaders supported the CIO by arranging meeting space and co-sponsoring gatherings on the Westside.47

The CIO also invoked broad ethical principles in its attempt to win support. First, it appealed to the workers' common class interests by labeling management as the true adversary. "The beneficiary of this muddle had been the company and its controlling
corporation, Anaconda Copper. It has used the conflict to deny to both the CIO and the AFL anything resembling bargaining rights." Beyond class solidarity, argued the CIO, basic democratic principles were at stake, particularly the right of workers to choose their own representatives. Failure to defend this right could "be used to overthrow even the public election rights which we so dearly cherish."48

Despite this call to arms, the strike vote proved to be a resounding failure for the CIO. Seventeen hundred workers elected not to authorize a walkout, while only twelve hundred sanctioned the strategy. In a significant display of resignation and fatigue, eleven hundred eligible workers simply failed to cast a ballot. An analysis of the results showed that the majority of the "no" votes had been cast by AFL-oriented maintenance workers, who now outnumbered production workers loyal to the CIO.49

Although the strike vote effectively ended the CIO's drive to organize BMI, it remained for the National War Labor Board to formally seal the union's fate. On 9 February 1944, the NWLB predictably declined to take jurisdiction over the dispute. Rather than admit to the political pressures that had clearly governed its decision, the Board defended its ruling on the spurious legal ground that it could not do what Congress had prohibited the National Labor Relations Board from doing. With a stroke of the pen, the CIO's final federal remedy had been exhausted.50 The broker state had broken down.

* * *

After February 1944, both the CIO and AFL witnessed the slow and agonizing decline of their unions. The AFL closed-shop agreement was effectively nullified by the
spring of 1944, and no clearance was required for skilled production jobs. Still clinging to their illusion of victory, the Federation negotiated a paltry agreement requiring clearance on plant transfers and promotions between AFL jurisdictions. The CIO fared even worse. By May, Local 629 appeared "to have little power" and had "lost its influence among Basic Magnesium workers." Membership dwindled to less than one hundred workers.51 The decline in unionization coincided with a drastic reduction in the demand for magnesium in early 1944. The plant finally closed in November of that year after 807 days of continuous operation. Parts of the BMI complex were subsequently leased to other businesses with concerns ranging "from the production of chlorine and caustic soda . . . to the production of brick, jewelry, motion pictures, and simply use of warehouse space."52

In 1952, eight years after the closing of the plant, Senator Pat McCarran's Internal Security Subcommittee investigated the national IUMMSW to root out "subversive" elements. The rising tide of the Cold War had resulted in the union's expulsion from the CIO in 1950 for suspected Communist domination. McCarran maintained that Communist leaders in the union had disrupted vital copper production twice during the course of the Korean War under the pretense of demands for higher wages. For the senator, the hearings were "also an attempt to settle old scores, to crush an enemy, and, timed as it was only a month before an important election, to weaken its political influence."53 Hunted throughout the 1950s, the IUMMSW finally lost what little strength it had been able to maintain, and in 1967 the union disappeared altogether when it merged with the United Steelworkers.54

The lack of progressive industrial unionism in southern Nevada produced
consequences far beyond the shop floor. The political battle over Nevada's right-to-work law provides a telling example. Las Vegas's Westside area, a direct product of industrialization at Basic Magnesium, housed over 70 percent of the state's black population and the largest concentration of CIO members and supporters. In 1952, Westside residents voted 9 to 1 against Nevada's right-to-work proposition. They found themselves politically and socially isolated from other pro-union elements, however. A progressive industrial union would have undoubtedly facilitated a more powerful political alliance between blacks and other working-class constituencies. Right-to-work passed handily and proved immune to subsequent attempts at repeal.\textsuperscript{55} Moreover, BMI's closure resulted in downward mobility for many in the black community. The loss of industrial employment, combined with the absence of a strong union, relegated many black men to low paying service industry jobs in area hotels and forced many black women into private domestic service.\textsuperscript{56}

Finally, the NLRB's bitter experience with BMI and several other jurisdictional battles during 1944 made it clear that the Frey Amendment did in fact protect company-dominated unions. As a result, Congress added provisos to the amendment from 1945 to 1947 which explicitly prohibited such unions and the unfair labor practices associated with them. After 1947, the amendment issue was rendered moot when Congress redefined NLRB authority and union rights under the Taft-Hartley Act.

Several salient features of the Basic Magnesium labor war emerge in retrospect. First, it seems clear that the dispute was not essentially a racial one, but was instead an attempt by the American Federation of Labor to thwart competition in southern Nevada.
Second, although general manager F. O. Case accused the CIO of being a Communist organization attempting to incite racial disturbances, management was really anti-union, not anti-CIO. This is demonstrated by Case's initial refusal to sign the August AFL contract, by the company's neutral position at the NLRB hearing, and by the slow decline of both unions after the decisive defeat of the CIO. Collaborating with the AFL helped the company to maintain control over the craft unions while keeping both organizations off-balance for the duration. Finally, political manipulation was unquestionably involved at every stage, from the initial intervention of James Scrugham on behalf of the AFL to McCarran's chairmanship of the subcommittee that gutted the Wagner Act.

Beyond the implications of the dispute for Las Vegas workers and southern Nevada generally, the BMI labor war proved how fragile the federal broker state could be in the face of determined resistance by local opponents. By effectively removing the cornerstone of Roosevelt's labor bureaucracy—the Wagner Act and the National Labor Relations Board—anti-CIO forces produced a chain reaction that rendered the Fair Employment Practices Commission and the National War Labor Board impotent. In effect, they threw a wrench into the machinery of the broker state, bringing the entire mechanism to a standstill. For the CIO, the hard-won principle of workplace democracy was crushed in the gears.
Notes


7. The Union, 2 August 1943, 8; 16 August 1943, 7; 8 May 1944, 9; Las Vegas Evening Review-Journal, 26 March 1943, 1.


19. "To hold otherwise," explained the Comptroller, "would be to read into the provision an exception which is not there and which, from the extensive discussion of the matter, would have been inserted in the law if it had been the intention of the Congress that such exception should be made." *Labor Relations Reference Manual*, vol. 12, 2232.


28. Coan to Golightly, Memorandum on Tensions in Las Vegas, [2].


30. Ibid., [2].

31. Ibid., [3].


35. Ibid., 2-3, 18-19; *The Union*, 8 November 1943, 5.

36. Burke to Kingman, Memorandum on Basic Magnesium, 19-20; *The Union*, 8 November 1943, 5.

37. Burke to Kingman, Memorandum on Basic Magnesium, 1-30 *passim*.

38. Coan to Golightly, Memorandum on Tensions in Las Vegas, [3].

39. Burke to Kingman, Memorandum on Basic Magnesium, 9.

40. Ibid., 11.


43. Ibid., 88, 90.

44. *Las Vegas Tribune*, 21 December 1943, 8.


46. *Las Vegas Tribune*, 7 November 1943, 15; 21 December 1943, 8; Zieger, *American Workers, American Unions*, 103. Anti-labor in both letter and spirit, the Smith-
Connally Act (passed over President Roosevelt's veto) mandated strike votes at least thirty days before a walkout commenced.


49. Ibid., 22 December 1943, 1; 23 December 1943, 1; *The Union*, 3 January 1944, 7; *Basic Bombardier*, 31 December 1943, 4.


51. Coan to Golightly, Memorandum on Tensions in Las Vegas, [2-3].


54. Ibid., 169.


57. Burke to Kingman, Memorandum on Basic Magnesium, 9.
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