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The Tri-State District Strike of 1935:
How the Pressures of the Great Depression and
Ignorance of the Wagner Act Led to Violence

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The Tri-State Miner's Strike of 1935 was a result of attempts to unionize the miners in the area. Because of the strike, Eagle Picher Mining Company formed an illegal company union to begin a back to work movement. The pressures of the Great Depression and the threat of communism caused these remarkable events. Silicosis and social conditions also influenced both labor and management of the Tri-State area.

The Great Depression led to national Labor Reform Legislation the Tri-State mine operators resisted. Tri-State miners, who had previously resisted union organization, now considered the benefits the union offered. The efforts of union organizers had a profound effect on mine operators in resisting and trying to keep control of their interests and maintaining the status quo by organizing their own company union.

The new Labor Reform Laws allowed miners to engage in collective bargaining. Ignorance on both sides of relevant information in the new Labor Reform Laws led to violence committed by both sides in the Tri-State strike during 1935-1937. Collective bargaining could have benefits for both miners and operators. The company union formed by the operators reflected an attempt to control their control over workers and to maintain their status quo.

Tri-State area miners shunned advances made by unions to organize them. Union organizers attempted to start a union in 1915. The union representative collected a substantial amount of dues from the workers. The union representative then skipped out with the dues, leaving the miners high and dry. "This...increased miners' opposition to unions and no further attempts were made to organize...until 1933."¹

Tri-State miners were also an independent group. They were proud that no foreigners or blacks worked in their district. Miners viewed outsiders with suspicion. Many of the area's

¹ William Cassidy, "The Tri-State Zinc-Lead Mining Region: Growth, Problems, and Prospects" (PhD diss. University of Pittsburgh, 1955), 264-265.

mine owners had once been miners themselves. "The word 'miner'...meant one who worked for wages as well as the operator who hired workmen. The operator worked too..."² Tri-State miners knew these operators had once been in the same situation they were in, and a unique relationship existed between many miners and mine operators.

The independent nature of Tri-State area changed with the onset of the great depression after the stock market crashed in 1929. Prices for zinc and lead had fallen, and layoffs were compounding other problems in the mining community. Health problems had been a problem in the area for decades due to poor living and working conditions.

Silicosis, or miners' consumption, had been a problem in the area after a medical study prior to World War I. A medical clinic set up in Picher Oklahoma was supposed to provide a means to control and minimize silicosis as a factor in the mines. Dr. Meriwether, a company-hired doctor, ran the Picher Clinic. Ratings, based on the doctor's examination for various stages of the disease, ran from A to D, with the D rating being the worst stage of the disease in the miner. Receiving a D rating kept a miner from employment in the mine in which he worked, and prevented him from finding work in mines elsewhere in the district. Many workers had widowed mothers or disabled fathers to support. Miners did what they could to conceal the disease. If defining silicosis meant the inability to work, then clinging to a job meant an individual did not have the disease.³

Economic layoffs and a growing number of miners' ratings that prevented them from gaining employment caused increasing unhappiness with the mine owners. These groups of

² A. M. Gibson, "A Social History of the Tri-State District," *Chronicles of Oklahoma* Vol. 37, No. 2 (1959): 191.

³ Alan Derickson, "'On the Dump Heap': Employee Medical Screening in the Tri-State Zinc-Lead Industry, 1924-1932," *The Business History Review*, Vol. 62, No. 4 (Winter 1988): 669.

unhappy and economically pressed men proved fertile grounds to gain the attention of unions. "...organizers found tremendous discontent...which it could capitalize...to secure members. For 10 years, the...clinic had been rejecting men for employment, and a vast army of these inhabited the area." The depression had created an oversupply of labor. Some men "...worked for as little as one dollar a day...and some...stated they had to pay a 'kickback' to the ground boss to hold their jobs."⁴

The International union wanted the Tri-State operators to recognize them as the exclusive bargaining agent representing the workers in contract negotiations in regards to wages, benefits and working conditions. Miners really did not know what to do. The Supreme Court heard arguments contesting the Wagner Act, which gave workers the right to organize and initiate collective bargaining. Many miners consulted their employers and questioned them as to what they should do. Interviews with miners at the time indicated the operators, when asked by their employees what to do, nonchalantly advised miners the decision was theirs. Hundreds of accounts attested these employers promised union membership would not affect their standing at their respective companies. "The lackadaisical manner in which the employer met a problem of great importance to the employee enabled the union...to...force many men into the International."⁵

There were so many operators in the district, an organization had been formed called the Tri-State Lead, Zinc, and Ore Producers Association. The International approached this group to make their desires to represent the workers known. Whether to stall, or in a sincere effort, the

⁴ Cassidy, 266.

⁵ James Wadleigh, "The Strike of Mine, Mill and Smelter Workers of the Tri-State District," (unpublished manuscript, 1935), 4. [James Wadleigh was the mine editor for the Joplin Globe newspaper].

Association repeatedly notified the union that they only represented the owners "...to market ore concentrates, not to negotiate working conditions..."⁶ The Association told the International representatives that they should notify each individual company. The International, dissatisfied with these answers, decided to call a general strike in May 1935. International union members now considered the issue of calling a general strike. Accounts of the decision to call the strike vary, with estimates that "...nearly (86%) endorsed the recommendation to strike. Unfortunately...less than 15 percent of the...active workers...voted on the strike question."⁷ If this was the case, the majority of union members who endorsed the strike were not active workers at the time of the vote.

On May 8, 1938, the miners in the Tri-State were off the job. A group of a couple of hundred armed men drove around to each mining camp, informing owners there was a strike. Many mine owners testified they did not know these men were at the time, and that they did not identify themselves as belonging to any certain group. Mine owners claimed they had received no prior notice of a strike. Armed strike-enforcers intimidated men showing up for their shift with threats and intimidation. On May 26, the mine owners formed a company union and initiated a back to work movement. "...two groups reported to be...Communists and deputy sheriffs in the employ of the operators...in a short time...disorders reached such a stage in Oklahoma as to necessitate the ordering out of the National Guard."⁸

The International rabble-rousers went north across the Kansas border and overturned trucks and threatened violence. The county sheriffs' department ordered the mob of 150-200

⁶ George Suggs, Jr., *Union Busting in the Tri-State: The Oklahoma, Kansas and Missouri Metal Workers' Strike of 1935* (Norman: University of Oklahoma Press, 1986), 41.

⁷ *Ibid.*, 42.

⁸ Kansas Commission of Labor and Industry Annual Report, "Strikes," (1935), 70.

International strikers to disperse, which they refused to do. It was at this point, with fears of violence harming the surrounding communities, that undersheriff Dick Helman sent a telegram to the governor's office. Alf Landon, the Kansas governor, in accordance with Kansas law, called out the National Guard of Kansas to southeast Kansas. Helman reported, "...we were trying to take care of the problem...to see the strike proceeded without violence. On the morning of June 7, one mine...was picketed by about 150 strikers...armed with rocks, clubs, shot guns, and pistols. That night it became known...the troops were coming and various acts of violence and...destruction of property, power lines, and trolley wires, were committed. There is no question...had the troops failed to arrive...there would have been bloodshed."⁹

Why would the International risk calling out the National Guard if they were sincere about representing the striking miners? Alf Landon was going to run for President of the United States, and calling out the National Guard had to be an unpopular act when viewed from a national perspective. *Liberty* magazine published an article from an anonymous source detailing plans for communist subversion in the United States. The article states that Joseph Stalin wanted Landon to call out the National Guard, knowing it would be detrimental to his election hopes to be President. The article lays out the problem in preventing Landon becoming President was that he was indeed a successful capitalist, and he stood fairly well with labor. Stalin would have to destroy Landon's good standing with labor to prevent his election. Communist reasoning was, "...how could we get Landon to take this fatal step when there was no strike? Easy. We'd start one! And we did-among the lead and zinc miners of southeastern Kansas."¹⁰

⁹ Kansas Commission of Labor and Industry Annual Report, 71.

¹⁰ The Picher Collection, Pittsburg State University, Leonard Axe Library Building, Pittsburg, KS., Box 62, "I was A Communist in the U.S.A., by Comrade X: How Stalin Uses the New Deal," *Liberty*, August 5, 1939 Vol. 16, No. 31 (1939), 31.

After a while, both governors of Oklahoma and Kansas wanted to bring home their troops due to the rising expense of keeping their troops out in the field. The Kansas governor stated it was costing \$1,000 dollars a week to keep the troops out. The Oklahoma governor requested that his commander in the field relate to the operators in Picher that Oklahoma had no funds to pay their guardsmen. "...and that all of them are being paid with state warrants which cannot be cashed at the banks at the present...he feels...there is danger of serious trouble when the troops are withdrawn, unless the strike is actually called off before that time."¹¹ The operators relented and agreed to let the riot troops of their respective states withdraw.

On June 27, the commanding officers left the area. On June 28, the operators attempted to open the smelter at Galena, Kansas. The International union turned out in force to prevent any workers from entering the plant. Earl Neely reported 350 to 600 strikers lined U.S. 66 and fired upon any workers who attempted to enter the smelter plant. Law officers closed U. S. 66 to traffic, as the strikers were firing upon and throwing rocks at any car that passed by. During the night, there was a two-hour shootout between the strikers and armed guards hired by Eagle-Picher to guard the plant. Although no one was hurt during the shootout, Neely and C. E. Shouse, county attorney, felt compelled to send another appeal to Governor Landon to send out the National Guard. The mayor of Galena was not included in the appeal, and he had told Governor Landon that the situation in Galena was quiet. Landon blamed the mine owners this time for the disturbance, and declared martial law. Landon said, "The operators organized a

¹¹ M. D. Harbaugh, Memorandum, June 10, 1935, Box 100, folder; Labor Relations in the Tri-State District, The Picher Collection, 1-2.

company union and placed a thoroughly disreputable man at the head. No decent public official can cooperate with him.”¹²

This second appearance of the National Guard was much stricter. Guardsmen rescued the armed guards in the plant and set up machine guns at strategic points. A provost court was set up and the next day the Guard confiscated 250 guns, with numerous clubs and knives. Miners with no visible means of support risked arrest. Striking miners were arrested in many numbers, with most being charged with sedition, perjury and rioting. Perjury charges resulted when miners replied they could not remember how they had traveled to the Galena smelter plant site.

Violators received up to 60 days jail time. This time the National Guard played a strikebreaking role. They provided armed guards for workers returning to the Ballard mine. Galena merchants were very anxious to have the Eagle-Picher smelter reopen, as the loss of revenue from the strike had severely hurt their business. One July 16, a large group of guardsmen and special deputies quietly escorted workers back into the plant and it reopened. “Ironically, no union pickets or sympathizers showed up...during the day. Protected by military and county forces, the smelter gradually returned to normal operations.”¹³ Kansas law required Governor Landon to send out the National Guard if properly petitioned by the local authorities. The Communist party played this to great effect at a Landon presidential rally in New York. Union sympathizers marched with a mock coffin claiming Landon’s neglected the miners by not requiring elementary safety steps in working conditions had condemned thousands of miners to death by silicosis. The New York Times reported that this “Communist-arranged ‘coffin act’ stole the show.”¹⁴

¹² Kansas Commission of Labor and Industry Annual Report, 73.

¹³ Suggs Jr., 98.

¹⁴ Derickson, 536.

Tri-State operators formed a union to counter the effect of the International union contacting their men. They quickly organized under the leadership of Mike Evans. Evans, a convicted bootlegger who had served time in prison, nevertheless was a mine operator, and owned several properties in Picher, including the hotel, and a drinking establishment. He organized the men and declared his union as the official organization to represent the miners' concerns in the Tri-State District. No negotiations on behalf of the miners for better wages, or working conditions took place. In time, the company union took on the name of the Blue union, because the union buttons were blue. The International wore yellow buttons. Tri-State operators enforced the back to work movement by hiring armed guards who patrolled in cars. The International union charged that the mine operators would rather buy tear gas, munitions, and hire armed thugs to terrorize union men rather than "...install air cleaning devices to combat silicosis."¹⁵

The strike never officially ended, even though mines were running at capacities and employing more men than employed before the Strike of 1935. This impasse between the International union and the Blue card union continued until April 1937. International men had appeared at an Eagle Picher mine handing out pamphlets advertising an International meeting in Picher. Eagle-Picher employees escorted International men off the property peacefully, and their literature was confiscated and burned. Calls to Blue card men on Saturday night before the International meeting rallied them to the idea that they would not permit another disturbance of their jobs again. They agreed to march on the International meeting on Sunday. The Blue card men had gathered in force, and whiskey and Mike Evans passed pick handles around freely. They were determined to block the International meeting at Picher.

¹⁵ Derickson, 535.

International union members had begun arriving in Picher for the meeting. Blue carders attacked and beat several of the opposing union members, with injuries bad enough to warrant hospitalization in the Miami, Oklahoma hospital. Witnesses stated that many beatings took place in full sight of law officers who did nothing to intervene. "Fifteen men required hospitalization after being beaten with pick handles. Long before the rally...the streets of Picher belonged to Evans and his followers...they exulted in their victory...pounding the streets and sidewalks with their pick handles..."¹⁶ Local law enforcement stood by and did nothing.

Blue carders rampaged through Treece, Kansas that afternoon also, wrecking the union hall there. Evans knew the International's strength was in the union hall in Galena. He was determined to demonstrate the Blue carders' ability to hold the Tri-State union and wanted to march on the hall in Galena. Word by this time had reached the union hall in Galena, and they were determined to hold that hall and defend themselves. After arriving in Galena, the Blue carders organized for a pick handle parade. When the marchers reached the front of the International union hall, they stopped, and Lavoice Miller stepped forward and threw his pick handle at the plate glass window in the front of the hall. Gunfire erupted immediately, and the two sides exchanged fire and blue carders threw smoke bombs. "Within moments the firing ceased. Only then did the enormity of the incident become evident, for eight men and a teenage boy had been shot, several receiving serious wounds that required hospitalization. Eleven days later, Lavoice Miller, who had...initiated the riot...died...from his wounds."¹⁷

The Pittsburg Sun interviewed Mike Evans after the riot. Evans defended the actions of the blue carders as making sure another shut down strike did not happen. Evans said the blue

¹⁶ Suggs, Jr., 167.

¹⁷ Suggs, Jr., 170.

card union had quickly negotiated terms with the mine operators in 1935. Evans boasted, "...there hasn't been a strike since, and we don't want one now."¹⁸

The Galena riot ended the violence of the two-year period between the first violence in the Tri-State and the events in April of 1937. The Blue card union leaders were proud of their apparent victory of keeping the International union out and maintaining control in the Tri-State District. Events were about to take place that would force them to comply with the Wagner Act. On April 12, 1937, the Supreme Court upheld five cases regarding the Wagner Act. The *Pittsburg Headlight* reported this decision "...was the 'Magna Charta' of labor. It guarantees collective bargaining to workers in negotiating with employers on wages, hours of work and other labor conditions. Under the decision, the legislation is applicable to all businesses held to be in interstate commerce."¹⁹

The Wagner Act also proscribed the formation of company unions. Now, the blue card union would have to try to take on some sort of legal façade if it was to remain victorious over the International. The Blue card union decided to affiliate with the A.F.L., which they had lambasted repeatedly in their company paper as being a leftist and communist-backed union.

At the National Labor Review Board hearing, Glenn Hickman, the secretary for the Blue card union, was supposed to bring in the records of the union for examination. "In the car were all the records of the old Tri-State Metal and Mine Smelter Workers Union which were ordered by the board to be brought in court as evidence."²⁰ On the very day of the trial, Hickman's car

¹⁸ *Pittsburg Sun*, "Meet Mike Evans," April 13, 1937, Vol. 22, No. 239.

¹⁹ *Pittsburg Headlight*, "Five Wagner Cases Are Upheld by Supreme Court," April 12, 1937. Vol. 1, No. 292.

²⁰ *Joplin Globe*, "Union Papers Missing with Motor Car," December 10, 1937, Picher Collection, Box 100, folder, Labor Relations in the Tri-State District.

disappeared right outside of the courthouse. The car turned up burned a couple of days later. "Police were inclined to the opinion the missing documents were burned."²¹ The Blue card union's newspaper blamed the International for stealing Hickman's car and burning the records. "A wink, a nod, or other secret communistic signal...set the CIO bird dogs on...the records until...they...were destroyed."²²

After a lengthy trial of several months, the NLRB ruled in favor of the International union. The NLRB acknowledged that the International had not represented the majority of the miners. Eagle-Picher received severe criticism for interfering in union activities, influencing employees to join their union, and organizing a company union. The NLRB "...gave decision in favor of 309 strikers, allowing claims estimated to aggregate between \$800,000 and \$1,000,000."²³

M. D. Harbaugh, secretary for the Tri-State Lead, Zinc, and Ore Producers Association, addressed the American Mining Congress Convention in Chicago, Illinois in a statement reporting on the strikes and the NLRB judgment said,

...the long history of friendly labor relations...was bound to...break in these days of unrest. Perhaps what has happened...may result in closer contact between employers and these workmen, and a more conscious effort...to practice between them the golden rule...which, after all, is the secret of happy industrial relations.²⁴

²¹ *Joplin Globe*, "Hickman Car was Set Afire, Police Inquiry Indicates," December 12, 1937, Picher Collection, Box 100, folder, Labor Relations in the Tri-State District.

²² *Blue Card Record*, "Suspicion Cast Upon CIO-Bruner-Wolf Boys," December 17, 1937, Picher Collection, Box 100, folder, Labor Relations in the Tri-State District.

²³ *Joplin Globe*, "NLRB in Sweeping Decision Against the Eagle-Picher," October 28, 1939, Picher Collection, Box 100, folder, Labor Relations in the Tri-State District.

²⁴ M. D. Harbaugh, Address to the American Mining Congress Convention, Chicago, Illinois, 1935, p. 22, Picher Collection, Box 100, folder, Labor Relations in the Tri-State Mining District.

Harbaugh cites the golden rule, but does not elaborate as to which golden rule he was referring. If it was the golden rule espoused by many of the world's religions, Eagle-Picher did not treat the International or the broken-down miners of the Tri-State District as they ought to have been treated. The International's First Amendment rights to freedom of speech and peaceful assembly meant nothing to the company union. If the golden rule cited was the rule put forth by Johnny Hart and Brant Parker, creators of the *Wizard of Id* comic strip, which states "he who has the gold makes the rules," then, assuredly Eagle-Picher had the gold. However, it could not have been the secret to happy industrial relations. Eagle-Picher left miners out in the cold, thus making them approachable by the communist-influenced International union. Eagle-Picher seemed to ignore worn out workers and either left them to die, or shift for themselves as best they could. The International never gained a real foothold in the Tri-State District. The passage of the Taft-Hartley Act in 1947 required union officers to file affidavits declaring they were not members of the communist party. In 1949, the NLRB authorized a new certification election that excluded the International union from the ballot because its officers refused to sign the anti-communist affidavit.²⁵ Tri-State miners were the ultimate cause of the strike in the Tri-State District in 1935. Their ignorance of the causes of silicosis, ignorance of their rights under the Wagner act, and fear of bucking the Eagle-Picher political-economic machine placed miners in the middle of two powerful forces that shook the nation, and helped focus national attention on their plight.

²⁵ Derickson, 548.

Bibliography

Primary Sources:

The Picher Collection. Pittsburg State University Library, Leonard H. Axe Library Building, Pittsburg, KS. [Insights into the principal subjects' attempts to legitimize their actions]

Secondary Sources:

Cassidy, William James, "The Tri-State Zinc-Lead Mining Region: Growth, Problems and Prospects." PhD diss., University of Pittsburgh, 1955. [Insights into growing awareness of the world outside Picher, Oklahoma]

Derickson, Alan. "'On The Dump Heap': Employee Medical Screening in the Tri-State Zinc-Lead Industry, 1924-1932," *The Business History Review*, Vol. 62, No. 4 (Winter, 1988), 656-677.

Gibson, A. M. "A Social History of the Tri-State District," *Chronicles of Oklahoma*, Vol. 37, No. 2, 1959. 182-195, 178-268. [Life in the early mining camps]

Gibson, A. M. "Early Mining Camps in Northeast Oklahoma," *Chronicles of Oklahoma*, Vol. 34, No. 2, (1956). 193-202. [Early history of the Picher area]

Gibson, Arrell M. *Wilderness Bonanza: The Tri-State District of Missouri, Kansas, and Oklahoma*. Norman, University of Oklahoma Press, (1972): 178-268. [Social history of the Tri-State Mining Region]

Kansas Commission of Labor and Industry Annual Report, by Kenneth K. Landes, *Miscellaneous Activities, Strikes*, 1935. 71-73 [Kansas Labor Report on the Tri-State Strike of 1935]

Markowitz, Gerald and David Rosner, "'The Street of Walking Death': Silicosis, Health, and Labor in the Tri-State Region, 1900-1950," *The Journal of American History*, Vol. 77, No. 2 (Sept., 1990): 525-552. [A perspective of Silicosis and the Picher Clinic]

Suggs, George G. Jr. *Union Busting in the Tri-State: The Oklahoma, Kansas, and Missouri Metal Workers' Strike of 1935*. Norman: University of Oklahoma Press, 1986. [Attempts by the International union and the Blue-card union to destroy the other]