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EMPIRE AND OPPOSITION: CLASS, ETHNICITY AND
IDEOLOGY IN THE MINE-MILL UNION OF
GRANT COUNTY, NEW MEXICO

BY

JACK CARGILL

B.U.S., University of New Mexico, 1973

THESIS

Submitted in Partial Fulfillment of the
Requirements for the Degree of
Master of Arts in History

The University of New Mexico
Albuquerque, New Mexico

December, 1979

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ABSTRACT OF THESIS

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+ This history follows the development of nonferrous mining labor in Grant County, New Mexico, from the 1870s until the late 1950s. It discusses the character of the Communist administration in Local 890 of the International Union of Mine, Mill, and Smelter Workers and concludes that it was fairly democratic; that it played a significant role in the Mexican Americans' early civil rights movement; and that it promoted a social and political brand of unionism, but was not guilty of subversion or sabotage.

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PREFACE

In the past decade, as more documentation has become available, a growing number of serious studies have begun the process of re-evaluating and re-defining the post-World War II period. The Communist Party's role in CIO unions is one aspect of the American experience during this era that demands new inquiry. Party members led some of the largest unions in the United States, and these organizations played an important part in the Cold War polarization and repression. Bert Cochran's Labor and Communism came out shortly before I completed my research, and his monograph does much to separate fact from fancy, but he relies on Vernon Jensen's jaundiced Nonferrous Metals Industry Unionism for information about the International Union of Mine, Mill, and Smelter Workers. Much work is needed to reconstruct the history of left-wing unions, and this study of Mine-Mill's activities in Grant County, New Mexico, contributes to that project.

I have constructed my account around the Empire Zinc strike, mythologized by the film Salt of the Earth, because it was one of the most important events in the history of the Mine-Mill Union. It vaulted Local 890 into the limelight of the Communist controversy, and it exemplified the union's importance to the Mexican Americans' post-war quest for self-realization.

This study owes its very existence to the openness and cooperation of Virginia and Juan Chacón and Esperanza Villagran. I give special thanks to Joe Carrillo for providing me with photographs and papers which

I could not have otherwise obtained. I am indebted to John Bradford, Angel Bustos, Minerva Carrillo, Jake Cravey, Clinton Jencks, Gilbert Martinez, Mary Martinez, Edwin Mechem, Benigno M^óntez, Mariana Ram^írez, and Lorenzo Torres for spending time with me to talk about Local 890--their insight was as invaluable as it was indispensable.

I would also like to express my gratitude to Richard Ellis for the help he has given me over the past two years, to Robert Kern and Donald Cutter for reading my manuscript, to Richard Rubenstein for suggesting this study and for discussing much of the material with me, and to Bill and Frances Cargill for their support and encouragement.

CHAPTER I

EARLY LABOR AND UNIONISM IN GRANT COUNTY

When the large mining corporations in the western mining regions replaced individual prospectors with wage laborers, they fostered a new and tempestuous era as romantic and violent, in its own way, as the days of treasure seekers and boom towns that had preceeded it. Hardrock miners, plagued by extremely hazardous working conditions, periodic depressions, and low wages, formed unions and challenged the power of the corporations that dominated their lives. Yet the early history of these miners in Grant County, New Mexico, is strangely anomalous. One fails to find the violent confrontations and vigorous unionism which characterized the life of other important mining districts in the West. Nevertheless, observing the economic cycles, employers' methods, union strategies, and social patterns that conditioned labor in Grant County during this period is crucial to an understanding of the work force that assumed a leading position in the western labor movement in the mid-twentieth century after many years of anonymity.

The mines in southwestern New Mexico are among the oldest in the United States. The Spanish developed mines at Santa Rita around 1800 and furnished copper to the royal mint in Mexico City fifty years before the discovery of copper near Lake Michigan. Lacking Indians to enslave or nearby Spanish residents to impress into service, Francisco Manuel Elguea, a wealthy merchant who obtained the first grant for the lode, transported

convicts to Santa Rita to extract the ore. These miners labored in dark holes with crude implements, carried the ore on their backs in leather bags and climbed out of the mine using notched logs as ladders. Later mining operations at Santa Rita discovered numerous human skeletons, grotesquely crushed by cave-ins, vividly testifying to the perils these men faced.¹

The first mining boom in Grant County occurred during the period of American occupation when in 1859 hundreds of people rushed to Pinos Altos after a group of California prospectors discovered gold there. In the same year, copper ore was discovered at Hanover, New Mexico (future site of the Empire Zinc Company's operation). The ore soon played out, however, and Indian attacks forced Hanover and the Pinos Altos camps to close in 1861. Although both of these camps re-opened after the Civil War, Apaches continued to limit the miners' operations.²

In 1870 a silver strike at Chloride Flat, soon to be known as Silver City, put the county's economic life on a firm footing. More than three hundred claims had been filed in the area by January 1872. One local miner, Juan Carrasco, having had experience in the silver mines of northern Mexico, set up several small adobe furnaces and began to smelt ore from the La Providencia mine of which he was part owner. Carrasco turned out most of the bullion produced during the first year of mining and provided a lesson for others. Labor was cheap and plentiful; immigrants from Mexico received \$1.50 to \$2.00 a day and Anglo miners drew from \$3.00 to \$3.50 a day. By 1873 the mines produced half a million dollars worth of silver, and Silver City became a trading center between Chihuahua, Mexico, and the southwest territory. Capital and Mexican labor attracted by the Silver City boom flowed west a few years later to establish a copper mine and smelter at Clifton, Arizona, and mines at Globe and Swisshelm.³

7 Mexican miners had commanded a high wage during the early period of mining in the West because of their experience in simple extraction methods which allowed operation of a mine in the absence of heavy machinery. These workers introduced Anglos to the adobe roasting oven, the horse drawn mill (arrastra), and the "patio process" used in the reduction of complex ores. But with the advent of large scale lode mining, with its high capital demands and sophisticated mining techniques, Mexican miners were replaced by Cornish and Irish workers in all but the border mining districts. Mexican miners often fell into a system of near peonage in New Mexico because operators paid wages in a script that could be used only at company owned stores. Congress had abolished peonage in New Mexico by 1867, but subsistence wages left few resources for relocation, and the threat of exposure to immigration agents or unemployment in an uncertain labor market continued to tie Mexican workers to their employer.⁴

Hispanic miners constituted the main source of labor in Grant County, but these workers did not wield political power. Since no established community of Spanish speaking natives existed in the area before the mining boom, the incoming Anglos dominated local politics from the beginning and even attempted to break Grant County away from New Mexico to join Arizona and obtain territorial legislation by "Americans." Although their efforts to secede failed, no Spanish surnamed person served in a Grant County elective office during the territorial period, and local politics remained the exclusive preserve of the Anglo community. Silver City was the first and the foremost Anglo-American town in the territory for more than a decade, but unlike Arizona, Grant County enforced segregation and discrimination through custom rather than law.⁵

Unions had developed in the West as early as 1863 at the Comstock Lode in Nevada when miners tried to come to grips with the industrialization and impersonal operation of mines controlled by absentee owners. Tempered by the awful accident rate in western mines (one out of every thirty miners was disabled every year, and one in eighty workers killed), the early mining unions formed on the proposition that every underground miner, regardless of duties, should receive four dollars a day in wages--a rate established in Nevada during the 1860s. Comstock unions generally maintained their wages, and nearly half of the western hardrock miners had organized along similar lines by 1873. Despite a gradual decline in silver prices, both the mining industry and unions continued to grow throughout the 1870s.⁶

Silver City maintained its prosperity during this period after investors established several mills and prospectors made important new discoveries. By 1875 mines shipped out of the district approximately \$16,000 worth of bullion a week, and Silver City remained the major producer of wealth in New Mexico throughout the 1870s. The town's flourishing economy and increased employment did not bring Silver City laborers to participate in the early union upsurge, however. Cornish and Irish miners who spread union organizations at this time avoided the smaller Silver City camps, dominated by cheap Mexican labor, and organized instead "to protect the interests of white workingmen."⁷

Although silver prices dropped precipitously in 1882, forcing many marginal producers out of the market and prompting mine managers to seek various measures of economy, Grant County maintained its profitability because of inexpensive Mexican labor. Then, in May 1883, the Southern Pacific Railroad reached Silver City, facilitating ore shipments and

reducing mining costs. During this decade no less than thirty-four major mining concerns incorporated for business in Grant County. Several new mills and two smelters were constructed to process ore from the Organ Mountains, Mimbres, and Georgetown.⁸

Wages in Grant County were already low enough to preclude further reductions during this period of declining metal prices, but other camps, primarily employing Anglo workers, operated on a four dollar a day standard. Workers in many camps formed unions when mine owners reduced wages, and a series of strikes swept mining camps in the intermountain West. In Arizona, unions appeared at Tombstone, Bisbee, and Globe. At Tombstone, a four dollar camp since its development in 1877, the three principle mines closed down when workers announced their opposition to a one dollar a day wage cut. The union, backed by the well established Nevada Miners Union, resisted for four months before two companies of federal troops put an end to the strike. With the defeat of the Tombstone miners came the defeat of the four dollar wage in the Arizona Territory, and the organizations at Globe and Bisbee withered away.⁹

During this period of confrontations, the first record of unionism in southwestern New Mexico appears. According to the Albuquerque Evening Herald, in January 1884 a union organized in the Black Range close to Silver City and asked its members to accept no less than the four dollar wage for all underground work. This demand had been the foundation for the western union movement since its inception in the 1860s, but in southwestern New Mexico it essentially called for a wage increase rather than a maintenance of wages as in Arizona. All miners in the area were invited to join the union, but it is not known to what extent they participated. Grant County's first union probably disappeared a short time later after

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the defeat of similar organizations in Arizona.¹⁰

The Sherman Silver Purchase Act of July 1890 briefly re-established the western silver boom, but production quickly outpaced the government's commitment to buy four million ounces a month. Silver prices jumped from 92¢ to \$1.21 an ounce, and six new mining corporations, capitalized at over eight million dollars, moved into the Grant County mining districts to exploit claims. This heady rush was short lived, however. Over production drove prices down by the summer of 1891, and in the nation-wide panic of 1893 the price of silver bottomed-out at 60¢ an ounce. Lead and copper prices also fell as a devastating depression gripped the country. Silver prices remained low for twenty-five years, forcing many mines to close or to drastically reduce wages to stay in business.¹¹

Once again, wage cuts galvanized workers' opposition in many parts of the West, and violent strikes occurred when miners attempted to hold back owners' efforts toward retrenchment. The 1892 Coeur d' Alene strike and 1893 battle at Cripple Creek established a bloody and bitter tradition among militant unionists. Out of this crucible rose the Western Federation of Miners (WFM), which managed to survive the depression years and unite most of the hardrock miners in the West.¹²

But the depression sparked no revolt among the miners in Grant County. Most of the silver mines simply closed down; others, with richer ore, drastically cut wages and maintained marginal operations for a time. Frequently, Mexican American workers owned cabins and parcels of land within walking distance of the mines, and these men turned to subsistence farming or ranch labor to weather the depression. Many miners left the area to find other work, some returning to Chihuahua or Sonora. Vast numbers of unemployed workers lined roads throughout the West, searching

make
reference
depression
1893

for some type of work,¹³ but Silver City offered no haven for the unemployed, as an April 1893 article in the Silver City Enterprise suggests:

The citizens thought the festive tramps were getting too frequent and so Monday afternoon they rounded up all the suspicious characters in town, searched them and locked them up in the claboose.... All matches and knives were taken from them. About 8 o'clock they were taken out of the jug and started down the road. After travelling a little way, Henry Ross, who was on horseback, dropped his rope around the neck of one of the tramps, who let out a yell that could have been heard a mile. This started the fun and every fellow who had a horse-whip began using it, while the rest of the escort turned loose with their six-shooters, and a great race it was.¹⁴

depression

The decline of silver prices and the 1893 depression almost choked the life out of Grant County's mines, but the development of large-scale copper mining at the turn of the century revitalized the crippled industry. The development of lower grade ores wrought great changes in the structure of the mining industry. Since bulk mining required sophisticated refining and reduction facilities and heavy equipment for larger operations, a few giant corporations with the necessary capital dominated the production of metal. At first the introduction of blast furnaces, hoisting works, and other heavy mining equipment displaced workers. But soon the new equipment allowed greater quantities of ore to be handled, and operations were expanded. Since it was no longer necessary to distinguish between low and high grade ore during the extraction process, distinctions between skilled and unskilled laborers shrank.¹⁵ Workers became further estranged from owners when professional mining engineers assumed management of most properties. The engineer's raison d'etre was to maximize efficiency and profit, and miners faced a new, and perhaps worse, insensitivity based on the principles of "scientific management." Responding to complaints from Anglo workers in Mexico, one manager-engineer wrote:

why?

The native can work for less money than the man who is imported. This holds good in almost all cases.... At the same time the work is being performed just as well and for less money, which is certainly the thing to be desired.... The laborer from home fails to consider that he is a machine which has been used for a certain purpose ... and naturally will be replaced by the new machine which will do the same work for less money. It is the same with men as with machines.¹⁶

The depersonalization and exploitation of southwestern miners by the new mining conglomerates gave impetus to new unionizing efforts. The first Western Federation of Miners local in the Southwest formed at Globe, Arizona, in 1896. Globe was an Anglo camp, and workers organized after a new owner brought in Mexican miners and cut wages 75¢ a day. Unionists turned out in force to demand a restoration of wages and exclusion of alien labor. The corporation met union demands after a truculent miner threw a noose around the mine manager's neck.¹⁷

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In these early years the WFM concentrated on organizing higher paid Anglo workers. Anti-Mexican prejudice had long been prevalent in Arizona, and union organizers considered alien workers to be servile, culturally backward, and unfit for unionization. Unions did have serious difficulties dealing with the growing flood of immigrants; language and cultural differences, mere numbers, and the flux of immigration militated against success. Nevertheless, the early WFM found itself severely weakened by ethnic divisions among the western working class.¹⁸

7 In Grant County Anglo workers made no effort to exclude Mexican or Mexican American laborers because their predominance from the early 1870s presented them with a fait accompli. Although mine managers generally acknowledged that New Mexicans were better miners than Mexicans because of easier communication and their contact with industrial situations, in practice, both groups were relegated to the hard and dangerous work of

stripping and tunneling, and they received only half the wages paid Anglo miners. Because Mexican and Mexican American workers suffered from cultural and economic subordination in Grant County, social intermingling or intermarriage with Hispanic people threatened Anglos with a decline in status or ostracism, and Hispanic miners remained isolated due to the indifference or hostility of other workers.¹⁹

Yet in 1903 at the Clifton-Morenci mining district just seventy-five miles from Silver City, Mexican miners demonstrated to the WFM and the mining industry that they were capable of great unity and militancy. Indeed, Mexican workers demonstrated a strength unsurpassed by the Western Federation of Miners. They struck after the Arizona legislature passed a law prohibiting more than eight hours of labor underground; a law aimed at ending the common practice of employing Mexican labor for twelve hours a day at lower wages. Mine operators in the Clifton-Morenci area complied with the law, but cut wages by ten percent despite prior assurances that they would remain unchanged. These workers already received the lowest wages in the western mining industry, and 3,500 hardrock miners, ninety percent of them either Mexican or Mexican American, decided to walk out rather than accept the reduction. Strikers armed themselves and marched through the streets of Morenci in defiance of the Arizona Rangers. Government officials quickly responded to a plea from mine owners by sending both federal and state troops to the area. But just when a confrontation seemed inevitable, a terrific flood rushed through the town, distracted the strikers, and caused fifty deaths and \$100,000 in property damage. This catastrophe disrupted the miners' organization and allowed troops to break the strike. Strike leaders were then incarcerated at Yuma prison.²⁰

News of the Clifton-Morenci failure disheartened many unionists and scared those workers as yet unorganized. At the same time, the uprising impressed many mine owners and stiffened their resistance to further union organizing. Shortly after the Clifton strike, operators summarily crushed several strikes in Arizona and Sonora with the aid of state troops. WFM locals established in New Mexico during 1903, including one at Hanover in Grant County, withered away in the post-Clifton environment.²¹

large migration 1900-10 During this period the first great migration of Mexican workers into southwestern New Mexico took place. Mexican immigration from 1900 to 1910 was three times larger than that of the two previous decades combined. The development of railway systems running from central to northern Mexico gave impetus to this migration. Utilizing unskilled labor for construction and maintenance, railroads drew the previously immobile peons from haciendas and introduced them to cash wages and increased consumption. Construction of railroads in Sonora and Chihuahua also allowed the further development of mines in those regions, thus bringing greater numbers of laborers from central Mexico. Once near the border, Mexican workers were easily lured over to higher paying jobs available in the Arizona and New Mexico mining industry and southwestern railroad construction. One mining manager in Chihuahua reported that he had brought approximately 8,000 laborers from central Mexico during 1907, and that eighty percent of those workers left for New Mexico or Arizona.²²

The southwestern mining industry's new engineer-managers welcomed this influx of unskilled Mexican immigrants. Scores of articles in the industry's trade magazines propagandized for cheap Mexican labor and gave suggestions on how to control this labor force. Peter Scotland, manager for Arizona Copper Company's Clifton mine, suggested in the Engineering

and Mining Journal that "since the [southwestern] ore is low in copper, the utmost efficiency must be secured from the [Mexican] workmen. The minimum of timbering and filling, compatible with safety, is employed." In another article, readers were assured that "the Mexican stands bad conditions, as to ventilation and bad ladders, well and, above all, does not strike or allow walking delegates [union organizers] to interfere between himself and the management." The low cost of Mexican labor often was a main selling point to reluctant investors and the saving grace for poorly managed mining concerns.²³

Mex-And tensions
 Mexican and Anglo workers became increasingly estranged during the migration years. Anglo unionists, perceiving Mexicans as a threat to their wage scales and skilled positions, either ignored them or were apathetic to their interests. Mexican Americans, although accepted by the unions in theory, were rejected along with the immigrants. Sometimes Mexicans and Mexican Americans were employed as strike breakers, but often these workers did not know of the strikes when mine owners recruited them, and they frequently joined unions when organizers approached them. In general, Hispanic workers remained loyal unionists as long as they received the same strike benefits and treatment accorded other miners.²⁴

Ariz
 Nevertheless, in Arizona the WFM, along with other unions, undertook to exclude Mexican labor by governmental action. With statehood imminent, the union appealed to Anglo American workers by pointing to the political and economic dangers presented by Mexican American voters. After the Arizona Territorial Legislature passed a law in 1909 prohibiting the registration of any voter who could not write his name, the Arizona labor movement argued along similar lines that the non-English speaking immigrants should be excluded from employment at the mines since

they presented a safety hazard. Members of the Arizona WFM fought for this measure at the state constitutional convention in 1910, but it failed on a vote of twenty-six to nineteen. Union representatives did succeed in banning aliens from public works projects. Four years later, organized labor managed to push through a bill in a state referendum that forced any employer of over five people to hire at least eighty percent qualified electors or native born citizens. The Supreme Court declared this law unconstitutional in 1915, however, and the WFM finally acknowledged that it would have to deal with Mexican workers as an established part of the western work force. The union had no alternative but to cooperate with Hispanic workers to present a solid front to corporate employers.²⁵

Although the southwestern WFM began to accept alien workers as partners in unionism, the organization could not conduct a vigorous program. The Industrial Workers of the World (IWW), which the WFM helped to create, had alienated the parent organization by 1906 with its prohibition of contracts, union check-off, and electoral activity. In 1907 the WFM withdrew from the IWW, and the "Webbilies" proceeded to establish a dual union system in the western mining industry. This internecine warfare crippled the federation for over ten years. The intractable opposition of employers also hindered union organizing efforts, and the tremendous costs incurred during numerous court battles and strikes over-extended the union's resources to the verge of bankruptcy. Therefore, despite the metals boom which accompanied the European war years, the miners' militancy did not translate into success. At best, the WFM accomplished a holding action against the arbitrary power wielded by mining corporations.²⁶

The few gigantic metal corporations that came to dominate the industry during the first decade of the 1900s operated under two rules:

minimize all costs and maintain total control of the production process. ✓
 The corporate quest for profit maximization often had disastrous consequences for the human component, but the new non-selective mining operations gave corporate managers more freedom to resist workers' demands. A bulk mining operation did not require many skilled miners, so unskilled, easy to replace workers constituted a majority of the work force. In the event of a strike, shutting down an open-pit mine resulted in fewer costs than an underground mine which required constant pumping, fire protection, and maintenance. Finally, a large mining corporation, with its tremendous resources, could dominate the town that serviced the mine and its employees. Often the entire town, including the school, store, church and newspaper belonged to the company or depended on it for survival, and unionists found themselves opposed by the store owner, minister, and local officials, in addition to the mine manager.²⁷

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 Three such corporations moved into Grant County in the first decade of the twentieth century and bought the richest properties. Dan J. Jackling (head of Utah Copper, Nevada Consolidated, Ray Consolidated, Branden of Chile, and Kennecott Copper) purchased the Santa Rita Mine; Phelps-Dodge Corporation, headed by Walter Douglas, bought the Burro Mountain Mine; and Empire Zinc, a division of New Jersey Zinc, moved into Hanover to develop a large body of zinc ore. Various small wars and the growing naval arms race in the early 1900s produced high metal prices and extraordinary profits, but the workers at these properties continued to receive low wages, and the corporations stood firmly against unionism.²⁸

Imperial America
 *
 Jackling's actions and attitudes toward labor typifies the hard-boiled and cynical approach of operators in these years. Steeped in the laissez faire and Social Darwinian atmosphere of imperial America, he

believed that both human and material resources should be ruthlessly subdued, manipulated, and exploited by the powerful few. Jackling regularly employed Pinkerton detectives to "spot" union men and warn of union activity. His group of mines also made it a policy to hire exclusively immigrant labor in order to have a cheap and docile labor force--Mexicans at Santa Rita and Clifton, Greeks and Eastern Europeans at Bingham, Ely, and McGill. In 1912, Greek workers at the Bingham, Utah, mine struck to protest low wages and extortions by company foremen. When asked by the governor of Utah to negotiate with the miners, Jackling replied, "I'd rather do what I am going to do and talk about it afterwards." He then proceeded to hire an army of deputies and re-open the mine with imported Italian labor. "We know who they [unionists] are," Jackling told reporters, "and will take care that their kind never again get a foothold in our properties." He did just that, and unionism in Utah languished for the next twenty years.²⁹

Walter Douglas steered a similar course for Phelps-Dodge. Bitterly opposed to unions, Douglas, either as a mine manager or as president of the American Mining Congress, was involved in every major strike during the Copper War years in Arizona, 1915-1917. Like Jackling, he utilized state troops, vigilante organizations, and Pinkertons to fight the WFM. But undoubtably his greatest notoriety comes from the Bisbee deportations of 1917. Assembling over one thousand vigilantes and piously announcing to the press that it was "up to individual communities to drive these agitators out," Douglas had 1186 unionists seized and transported to the New Mexican desert around Hermanas where they were detained without any provision for food, water, or shelter.³⁰

The reaction in Grant County to the Bisbee deportation indicates the pressure corporations were able to direct against unions in the area. The train carrying the hapless miners crossed Grant County on its way to Hermanas. Sheriff Ray Grayson of Grant County, hearing of the cargo, immediately sent a telegram to Governor Lindsey: "Twelve hundred I.W.W. strikers ... detained at Hermanas. Scattering West. We resent and will resist their stopping in Grant County...." Grayson swore in 200 deputies to patrol the county and prevent any "agitators" from entering the mining camps. A month later, deputies still patrolled the railroad station and all incoming roads to intercept organizers.³¹

Shortly after the Bisbee deportation, John Sully, general manager at Jackling's Chino Mine, directed another deportation; this time at Gallup, New Mexico. The Jackling interests acquired the Victor American Fuel Company in late June of 1917. Victor had a contract with the United Mine Workers, but Sully informed the union that the new management (Gallup American Coal Company) would not enter into any contract with the UMW. On July 2, when the company called for a resumption of operations, the union called a strike and the mines remained closed. Sully charged that IWW agitators were at work among the miners, and he moved the striking miners off of company property. On August 1, 1917 the McKinley County Council of Defense captured thirty-two UMW members, including Frank Hef-ferly, UMW's district organizer, and forcibly ejected them from the county.³²

Further restraints on unionism were imposed by the second great migration of Mexican labor into the mining districts of Arizona and New Mexico. Followers of Francisco Madero overthrew the Diaz dictatorship in 1911, and a civil war among several personal and political

factions threw the country into chaos for ten years. All sides in this dispute recruited soldiers among the peons; sometimes they joined willingly, but many times not. Raids and constant foraging by the different armies placed the subsistence level peon in an untenable situation, and many fled northward. Grant County experienced an eighty percent increase in population from 1910 until 1920 primarily through the influx of Mexican laborers. The vast number of hungry workers, a peon culture of acquiescence, and the racial separation between Anglo and Mexican workers provided a formidable barrier to effective unionism. With the press of this new migration and the nativism associated with World War I, segregation in Silver City became increasingly institutionalized, whereas before it had been enforced by custom. During the war Grant County formed both Mexican American and "American" National Guard units, and the Board of Education segregated the public schools.³³

Although World War I brought the federal government to initiate a new policy of labor control that relied on collective bargaining to obviate strike producing disputes, mining corporations in the West were generally successful in keeping unions out of the industry. There was discontent and some unionization among miners in Grant County during the war, but workers never coalesced to exercise any control over conditions of employment or wages. The WFM issued three charters to workers in the area by 1914, but these clandestine organizations never secured recognition. Nevertheless, scattered newspaper stories exhibit a profound unrest in the mining camps. Wartime conditions went from bad to worse as mines strained to increase production, and fatal accidents occurred almost every week at the Chino pit. A local editor reporting in glowing terms about Phelps-Dodge's model mining village apparently

missed the significance of a miner's response when asked about "Greater Tyrone": "It ain't greater Tyrone," growled the miner, "it's just bigger Tyrone."³⁴

In the post-war period the hysterical nativism, anti-communism, and "open-shop" agitation of the first great Red Scare suppressed most opposition to corporate power. Utilizing the methods of propaganda and fear established during the war by the Committee on Public Information and the state councils of defense, the National Association of Manufacturers, the National Metal Trades Association, and the National Founders Association established anti-unionism as a patriotic ideal. Many leaders of employer organizations also directed patriotic societies which developed after the war. H. B. Hening, editor of the Albuquerque Evening Herald, summed up an attitude characteristic of this period when he wrote: "The strike is not American ... there are many men in America who bear foreign names who are not Americans and these [sic] are most active in inciting miners to strike...." The Western Federation of Miners (now known as the International Union of Mine, Mill, and Smelter Workers) collapsed in this environment and continued to exist only nominally in the 1920s.³⁵

During the early years of the Depression, the Mine-Mill Union consisted of only six small locals with no bargaining rights, but passage of the National Industrial Recovery Act in 1933 encouraged organizing efforts. The famed Sections 7a and 7b of the act guaranteed to workers the right of collective bargaining and imposed on Franklin Roosevelt the responsibility of encouraging "mutual agreements" between employers and employees as to maximum hours, minimum pay, and other conditions of employment. Although the government did not fulfill its promise of

representation for workers under the NIRA, many unions needed only this small encouragement to act. Responding to the same organizing excitement that swept Minneapolis, Toledo, and San Francisco in 1934, Mine-Mill roused its feeble organization and attempted to revive unionism among the hardrock miners. Five locals in Grant County received charters from Mine-Mill during 1934, but company hostility, ideological factions within the organization, and disputes with AFL unions over industrial organizing soon smothered the nascent locals.³⁶

When the Supreme Court established the constitutionality of the Wagner Act in 1937, the National Labor Relations Board provided greater potential for the government's promises, although concerted company and community action against unions delayed success in Grant County for many years. Joe Carrillo, an early unionist, remembers that teachers in the local high school attempted to learn of union activities by questioning the students about visitors to their homes. Local priests sermonized to miners on the need to remain loyal to the company, and they cautioned workers against stealing from the corporations by failing to work hard. Reportedly, the Nevada Consolidated Company deducted tithes from the miners' checks and sent the money to the local church. It was also common practice during these years for the company to call up a unionist's wife or mother and ask her help in bringing the worker "into line," so the manager could avoid meting out the terrible punishment of dismissal and inclusion on a blacklist; the discharged unionist was given only five days to vacate company housing. Since the mines accounted for all the better paying jobs in Grant County, blacklisting operated as a fairly effective deterrent to overt union activity.³⁷

Clandestine meetings of union members continued, however, and in the late 1930s Mine-Mill received a boost when the NLRB decided to favor the union in a discrimination suit filed against Nevada Consolidated. Its decision returned activists to the workplace and alerted other workers to their organizing and voting rights. At the same time, Nevada Consolidated's large scale forced evacuation of miners from the town of Hurley angered many people and aided union organizing. The company wished to expand its mining operations to the town site, and it gave families (some hundreds of miles away seeking work) two months to move their homes and belongings before they were destroyed. As a result, about seven hundred people moved five miles north and established the village of Bayard in 1938.³⁸

The lingering depression stalled Mine-Mill's organizing, however, until World War II and the exigencies of wartime production increased the demand for labor and brought effective federal support for unions in the western mining industry. Taking advantage of the favorable atmosphere, Mine-Mill sent James Robinson, Glenn Gillespie, and Arturo Mata to help organize the Grant County districts, and, by the summer of 1942, Mine-Mill locals had been established at five mines in the area. In that same year, the War Labor Board set up the Nonferrous Metals Commission (NFMC) in Denver, Colorado, with power to adjudicate wage rates, union security, and fringe issues under federal guidelines on economic stabilization. Officers and organizers who identified with the Communist Party exercised preponderant influence within the union by this time, and Communist-led unions proved to be extremely supportive of the war effort after the invasion of Russia in the summer of 1941. Mine-Mill conducted no important work stoppages during the war, and miners

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maintained full production despite a serious shortage of manpower. The union's assiduous cooperation with management and the NFMC won it plaudits and a new respectability. Although Mine-Mill's eager support for the war effort kept it from resorting to the strike weapon or other confrontational tactics, it functioned as an important link between union workers and federal agencies overseeing production, and thereby gained numerous concessions through the government's mediation. Besides the fifteen percent cost of living increase allowed by the WLB under the "Little Steel" formula, Mine-Mill secured maintenance of membership clauses, grievance mechanisms, paid vacations and wage adjustments that reduced intra-industry inequalities.³⁹ ?

In addition to its success as a bargaining agent, Mine-Mill's tough stand against discrimination in the mining industry played an important role in its organizational gains. Militant opposition to racism and discrimination long had been a basic tenet of Communist unions (followed almost suicidally, at times, in the South), and the union's effort to make this a prominent issue, both within its councils and in contract negotiations, was responsible for the tenacious support given to the union by Mexican Americans in Grant County. In the first contracts signed with Nevada Consolidated, later known as Kennecott, Locals 63 and 69 negotiated for clauses which prohibited discrimination because of race, creed, color, or national origin. Since the company's control over hiring, placement, and job structure undermined the effectiveness of this provision, Mine-Mill turned to the government's Fair Employment Practice Committee which had been established during 1941 after Phillip Randolph threatened to organize a march on Washington to protest discrimination in hiring. In the spring of 1942, Mine-Mill, along with several

FEPC

other CIO unions, prepared cases and gathered evidence on discrimination against Mexican Americans in the Southwest. The FEPC promised a hearing either in El Paso or Denver to investigate the situation and decide cases, but eventually these hearings were cancelled, to the dismay and anger of unionists, after Cordell Hull wrote to the FEPC head cautioning against a course that might hurt government relations with Latin America.⁴⁰

Before Hull intervened, however, the FEPC established a temporary field office in El Paso, Texas, and four investigators toured southwestern mining districts from July 21 until September 26, 1942. Interviewing employers, employees, labor leaders, and community residents, investigators discovered that employers failed to upgrade Mexican American workers beyond certain low paying jobs, that companies segregated Mexican Americans from Anglos, and that operators gave Mexican American workers a lower rate of pay for the same work by the use of artificial classifications which did not represent any reasonable basis for wage differentials. At most mines, personnel managers put applicants in two groups; one for Anglos, the other for Mexicans and Blacks. They were also separated in change rooms, toilet facilities, recreational areas, and payroll lines.⁴¹

Of the approximately 8,000 Mexican Americans employed in Arizona and New Mexico metal mines, only five percent were skilled workers in 1943, while sixty percent were employed as common laborers and thirty-five percent held semi-skilled jobs. At the American Smelting and Refining Company's Ground Hog Mine in Grant County, eighty-three percent of the employees were Hispanic in 1943, but the company had no Mexican foreman. In many cases, Mexican Americans worked as common laborers

for ten, twelve, twenty, and even thirty years without promotion. Nevertheless, FEPC agents considered Kennecott Copper to be the worst offender, claiming that the company used a jurisdictional split between Mine-Mill and the AFL unions at its plants to restrict up-grading of Mexican Americans. Kennecott paid \$5.36 a day for laborers at Santa Rita, but Kennecott laborers in Nevada drew \$6.45 a day. Pervasive social discrimination also existed in the town of Silver City as Carlos Castaneda, special assistant to the FEPC, noted after a trip to the area in March 1944. According to his report, Mexicans were segregated in movie theaters, barger shops, restaurants, and schools.⁴²

Although the FEPC took little direct action to rectify these problems, mining companies resolved some of the complaints filed by Mine-Mill unionists upon the mere threat of a hearing. The union further improved its image among Mexican Americans by pressing the Nonferrous Metals Commission to abolish multiple wage classifications for common labor at the mines. The commission recognized that lower rates were based on discrimination, but rather than abolish these rates, the agency decided to only increase pay in the lower categories. However small and short-lived the changes, Mine-Mill's manifold action against discrimination tapped a reservoir of Hispanic support.⁴³

The terrible accident record of Grant County mines also served as an important rallying point for the union. In 1940, Nevada Consolidated's Chino Mine reported 128 lost-time accidents and two deaths. This constituted over half of all accidents reported for New Mexico metal mines that year; an incredibly high figure for an open-pit copper mine. The American Smelting and Refining Company's Ground Hog Mine also had a horrible safety record. In 1939 and 1940, 178 lost-time injuries plagued

Ground Hog, permanently disabling two men and killing two more. Since the work force at Ground Hog only averaged 220 men during these two years, employees faced a forty percent accident rate. Hardrock miners turned to Mine-Mill as a means to enforce better safety measures and to gain security against hazardous work assignments.⁴⁴

The International, a mere skeletal organization during the depression, emerged from the war as a vigorous, expanding union. Freed from its no strike pledge, Mine-Mill joined with other CIO and AFL unions in challenging the wage freeze which had been in effect since 1942. Mine-Mill demanded a thirty percent increase in wages and hoped to further its goals of industry-wide bargaining and coordination of contract dates. Operators were in no mood for compromise, however, because the anticipated end to wartime demands and subsidies threatened the chronically overproducing industry with reduced profits. In these circumstances, metal corporations wanted to keep wage costs and union influence to a minimum, which meant a return to the pre-war style of labor relations. Since Mine-Mill lacked uniformity in its negotiating arrangements, plans for an industry-wide strike had to proceed in stages. On February 25, 1946 Grant County witnessed its first major strike when workers participated in a nation-wide walk-out at American Smelting and Refining plants. Miners struck Phelps-Dodge and Kennecott properties approximately one month later. With most of the western metals industry shut down, Labor Secretary Lewis Schwellenbach appointed the Nonferrous Metals Industry Fact Finding Board, which applied the 18½¢ pattern established in basic steel and raised subsidies to metal producers to cushion its impact on production costs.⁴⁵

Mine-Mill's gains in this "first round" wage dispute brought to a close the union's halcyon era. A truce between Communist and non-Communist factions, which had been effected in 1941 and carried on throughout the war, saved the union from divisive struggles over ideological leadership and organizational control. Mine-Mill's assiduous support for the war effort promoted good relations with the government's labor agencies and gained it new legitimacy. Union membership grew from 50,000 in 1941 to 97,000 in 1945. But with the end of the war and the economic stabilization programs, the mining industry attempted to forestall further union gains in the West. Mine-Mill also became the object of governmental attacks as the Cold War realigned political forces within the country and sent Mine-Mill's Communist-allied leaders to take increasingly unpopular stands. These developments led to a renewed leadership struggle between the ideological factions in the union. Potentially destructive issues faced the re-vitalized miners union, and within this new context Grant County assumed great importance.

Footnotes

- ¹Conrad Keeler Naegle, "The History of Silver City, New Mexico, 1870-1886" (unpublished masters thesis, University of New Mexico, 1947), pp. 17-20; Paige W. Christiansen, The Story of Mining in New Mexico (Socorro, N.M.: Bureau of Mines and Mineral Resources, 1974), pp. 19-20.
- ²Christiansen, Mining in New Mexico, p. 38.
- ³Naegle, "History of Silver City," pp. 71, 116, 124, 126-29.
- ⁴Richard E. Lingenfelter, The Hardrock Miners (Berkeley: University of California Press, 1974), pp. 5-6; Joseph F. Park, "The History of Mexican Labor in Arizona During the Territorial Period" (unpublished masters thesis, University of Arizona, 1961), pp. 56-69.
- ⁵Naegle, "History of Silver City," pp. 31-49; U.S. Department of Commerce, Mexican Labor in the United States, by Victor S. Clark, Bulletin No. 78 (Washington, D.C.: Government Printing Office, 1903), pp. 490. 511.
- ⁶Lingenfelter, The Hardrock Miners, pp. 23, 106, 134.
- ⁷Naegle, "History of Silver City," pp. 127-131; Lingenfelter, The Hardrock Miners, p. 109; Christiansen, Mining in New Mexico, pp. 51-52.
- ⁸Naegle, "History of Silver City," pp. 134-36; The New Mexico Blue Book: Territorial Register, 1905, pp. 85-89.
- ⁹Lingenfelter, The Hardrock Miners, pp. 157, 164-69.
- ¹⁰Lucien A. File, "Labor Unions in New Mexico's Nonferrous Metals Mining Industry," New Mexico Business, Vol. 17, No. 10, 1964, p. 2.
- ¹¹The New Mexico Blue Book, 1905, pp. 65-75; Lingenfelter, The Hardrock Miners, pp. 224-25.
- ¹²Vernon H. Jensen, Heritage of Conflict (New York: Greenwood Press, 1968), pp. 1-72.
- ¹³Clark, Mexican Labor, p. 488.
- ¹⁴Silver City Enterprise, April 21, 1893.
- ¹⁵Park, "History of Mexican Labor in Arizona," pp. 149-53.

- ¹⁶Engineering and Mining Journal, October 2, 1909, pp. 657-58; See Richard Peterson, "Conflict and Consensus," Journal of the West, January, 1973, pp. 1-17.
- ¹⁷Park, "History of Mexican Labor in Arizona," pp. 248-49; Jensen, Heritage of Conflict, p. 356.
- ¹⁸Park, "History of Mexican Labor in Arizona," p. 253.
- ¹⁹Clark, Mexican Labor, pp. 486, 500-01; Joan Moore, Mexican Americans (Englewoods Cliffs, N.J.: Printice Hall, 1970), pp. 14-16.
- ²⁰Park, "History of Mexican Labor in Arizona," pp. 256-59.
- ²¹File, "New Mexico Unions," p. 3; Park, "History of Mexican Labor in Arizona," pp. 261-64.
- ²²Clark, Mexican Labor, pp. 469-70; Matt Meier and Feliciano Rivera, The Chicanos (New York: Hill and Wang, 1972), pp. 115-33.
- ²³Engineering and Mining Journal, September 11, 1909, p. 528; July 16, 1910, p. 118; October 1, 1910, p. 335; Park, "History of Mexican Labor in Arizona," p. 217.
- ²⁴Clark, Mexican Labor, p. 516.
- ²⁵Park, "History of Mexican Labor in Arizona," pp. 265-78.
- ²⁶Jensen, Heritage of Conflict, pp. 180-200.
- ²⁷Ibid., pp. 260-65; Herbert Gutman, in Work, Culture and Society (New York: Random House, 1977), pp. 234-60, argues that the industrialist's power over the corporate town did not come automatically with economic control, but evolved gradually as the old middle-class was displaced by those who identified more fully with the corporate community.
- ²⁸Engineering and Mining Journal, January 10, 1910, p. 95; U.S., Department of Commerce, Bureau of Mines, Bayard Mining District, by S. G. Lasky, Bulletin No. 870 (Washington, D.C.: Government Printing Office, 1936), p. 144.
- ²⁹Jensen, Heritage of Conflict, pp. 260-69.
- ³⁰James W. Byrkit, "Walter Douglas and the Labor Struggles in Early 20th Century Arizona," Southwest Economy and Society, Spring 1976, Vol. I, No. 1, pp. 15-30.
- ³¹Silver City Independent, July 17, August 21, 1917.
- ³²Ibid., July 10, August 7, 1917.
- ³³Editorial, Engineering and Mining Journal, March 3, 1923, p. 403; Independent, January 20, 1914; Helen M. Calkins, "History of the

Public Schools of Silver City," Special Collections, Silver City, New Mexico Public Library, p. 34.

³⁴Independent, 1913-1917, passim; Ibid., May 1, July 31, August 7, 1917; File, "New Mexico Unions," p. 3.

³⁵Robert K. Murray, Red Scare (Minneapolis: University of Minnesota Press, 1955); Jack Cargill, "New Mexico Editorial Opinion and the Red Scare" (unpublished paper, 1977); Jensen, Heritage of Conflict, pp. 452-56.

³⁶D. H. Dinwoodie, "The Rise of the Mine-Mill Union in Southwestern Copper" (unpublished paper, 1976); E. E. Maes, "The Labor Movement in New Mexico," New Mexico Business Review, Vol. IV, No. 2, April 1935, p. 38.

³⁷Interviews with Joe Carrillo, July 29, 1977; and Virginia Chacon, July 27, 1977.

³⁸Interviews with Benigno M6nchez, July 26, 1977; Joe Carrillo, July 28, 1977; Gilbert Martinez and Mary Martinez, July 19, 1977.

³⁹Dinwoodie, "Rise of Mine-Mill," pp. 6-7; U.S., Department of Labor, Bureau of Labor Statistics, "Wage Chronology for Kennecott Copper Corporation, 1942-1950" (Mimeographed), 890 files; Organizers files, International Union of Mine, Mill, and Smelter Workers Papers (IUMMSW papers), Western Historical Collection, University of Colorado.

⁴⁰Kennecott contracts, 890 files; Dinwoodie, "Rise of Mine-Mill," pp. 9-10; Hull to Cramer, Southwest Hearing Series, Records of the Fair Employment Practices Commission (FEPC), Record Group 228, National Archives Building (hereafter cited "NA").

⁴¹Trimble to Cramer, Southwest Hearing Series, FEPC Records, RG 228, NA.

⁴²Report from Robert Williams, February 5, 1944, and Castaneda to Maslow, March 13, 1944, Southwest Hearing Series, FEPC Records, RG 228, NA.

⁴³Report from National War Labor Board, September 7, 1944, Southwest Hearing Series, FEPC Records, RG 228, NA; Trimble to Cramer, Southwest Hearing Series, FEPC Records, RG 228, NA.

⁴⁴Accident and Employment Tabulations, New Mexico Vols. I-II, Records of the Bureau of Mines, Record Group 70, NA; Interview with Clinton Jencks, April 19, 1977.

⁴⁵Report of the 1946 Nonferrous Metals Fact-Finding Board, Records of the War Labor Board, Record Group 280, NA. In North From Mexico (New York: Greenwood Press, 1968), Carey McWilliams incorrectly states

that the NFMC abolished discriminatory rates. The board explained that it could not do so because "the immediate elimination from the largest industry in the area of all wage rates that may be used to be discriminatory as such could not fail to have serious repercussions. Moreover, there is the impact on the wage rate structure of the companies themselves to be considered...." McWilliams also asserts that the 1946 strike was largely concerned with discriminatory practices, but I have found no evidence that suggests this was the case.

CHAPTER II

THE RISE OF LOCAL 890

The unity program, which held Mine-Mill's opposing factions together during World War II, fell apart in 1945 when the resignation of the Die Casting Division board member brought in another pro-Communist officer and threw control of the executive board to the Communist associated group headed by President Reid Robinson. At the 1946 convention the anti-Communist faction mobilized a full campaign to overcome their disadvantage on the executive board. When right-wing candidates were defeated in all but one race, they challenged the election on grounds of fraud, and scores of locals in Connecticut's brass industry and in the midwestern smelting works bolted from the union and joined the CIO Marine and Shipbuilders' Union. Phillip Murray appointed a committee to investigate the defections, while Mine-Mill's officers attempted to shore up their sprawling organization by replacing weak or ideologically suspect staff with those who identified with the leadership.¹

At this time Verne Curtis functioned as the international representative in Grant County. Although he associated with the Communist faction and was considered an exceptionally competent organizer, the executive board felt that he lacked the aggressive personality necessary for the struggle against secession. Therefore, in March 1947, Orville Larson, International Vice-President, journeyed to Grant County and persuaded the locals to provide half the funds needed for a full time organizer. They accepted his recommendation for "a very capable

fellow from Colorado" named Clinton Jencks.²

With the arrival of this remarkable young man in April 1947, the area's hardrock miners found in Jencks a personality and drive that would vault them into a decade long controversy and draw national attention to the previously obscure mining towns. Certainly, to both his admirers and detractors, Jencks seemed an unlikely candidate for such a role. The son of a mailman, he was born in Colorado Springs, Colorado, in 1919. He attended the University of Colorado where he excelled in his studies (some of them under Vernon Jensen, historian of the WFM) and graduated with a B.A. in Economics in 1939. While at the university, Jencks found in Marxism a cogent analysis and a compelling program for the rectification of problems in American society. He went to work for the John Deere Plow Company in St. Louis after leaving school, but when World War II broke out, he quickly joined the Army Air Corps and served as a navigator aboard a B-24 bomber. Jencks flew forty combat missions in the Pacific where he earned the Air Medal with six oak leaf clusters and the Distinguished Flying Cross. After leaving the army, he worked in the American Smelting and Refining plant at Denver, Colorado. The war had done little to quell his radicalism, and Jencks became active in both union and Communist Party affairs. In 1946 he served as regional vice-chairman of the American Veterans Committee and played a leading role in demonstrations which forced the Denver city government to establish a housing project for veterans. Mine-Mill's executive board soon grew aware of his organizing talents, as well as his politics, and they offered him a job as an international representative.³

When he arrived in Grant County, Jencks brought with him plans for a complete reorganization of the union structure that provided for a consolidation of resources and greater coordination of activities through the formation of a district council composed of one delegate from each of five locals. This council coordinated joint programs, discussed issues of general interest, and moved the locals closer to complete integration. Miners accepted Jencks' leadership because his easy humor, lack of pretension, and genuine affinity for people made his almost evangelical unionism palatable to them. He exuded good faith and infected others with his enthusiasm and self-confidence. After having quickly adopted Jencks' initial plan, the five locals took the final step in January 1948 and formed the Amalgamated Bayard District Union Local 890 with a membership of over 1400 miners. Consolidation laid a foundation for the union's growth and confirmed the membership's loyalty to the International Union. Jencks, now nicknamed "El Palomino," became Local 890's first president.⁴

The union crisis that prompted Jencks' mission to Silver City deepened in the months after he arrived. Reid Robinson resigned from the presidency after the revelation that he had made a shady loan request to a corporate official threatened his ability to function as the pro-Communist spokesman. Maurice Travis, a relative newcomer to the union after being expelled from the Steelworkers for Communist activities, first assumed the presidency after Robinson resigned, and then stepped down at Mine-Mill's 1947 convention to accept the post of Secretary-Treasurer after the Communists decided that Travis' background made him vulnerable. Beside this flux in leadership, the union suffered financially due to the secessions in early 1947 (they had the unintended

effect of consolidating Communist control over Mine-Mill), and the CIO committee which investigated the factional split used their report to denounce left-wing influence in the union. Anti-Communist pressure continued to mount within the labor movement, as the Truman Doctrine and Marshall Plan created divisive, if peripheral, foreign policy issues.⁵

Metal industry employers and their pressure groups also attacked Communist influence in Mine-Mill, although their desire to limit the power and growth of any union took precedence over ideological concerns with communism. After conservatives swept to victory in the congressional elections of 1946, anti-union lobbying bore fruit with passage of the Taft-Hartley Act. Most importantly for the left-led unions was the bill's provision that denied certification and union security to unions whose officers failed to sign non-communist affidavits. At first the CIO solidly refused to sign the communist disclaimers, but by October 1947 the CIO's executive board, led by Phillip Murray, retreated from this position to allow its constituent unions to establish their own policy on compliance. At the same time, John L. Lewis took the coal miners out of the AFL because it failed to stand firm against the law. This move by the pre-eminent labor leader encouraged Communist-led unions within the CIO to continue their boycott of the affidavits despite the CIO's apostasy.⁶

Although Phillip Murray and the center forces within the CIO were moving rapidly away from the Popular Front tolerance of Communists, CP-led unions desperately tried to preserve what they mistakenly called the center-left alliance. For awhile it seemed that the Communist Party would promote a loosening of ties with its union members, allowing them

the flexibility they needed to avoid devastating confrontations with the right-wing majority. In line with this policy, a CIO committee, composed of three Communists and three rightists, drew up a resolution for the 1946 convention which rejected Communist Party interference in CIO affairs. In conjunction with this resolution, the executive board voted to prohibit city and state CIO bodies from taking positions in conflict with the CIO's national policy and from making contributions to organizations that did not meet the national board's approval. To emphasize their compliance, Reid Robinson, then president of Mine-Mill, presented the decision at the convention. Both of these actions indicated a willingness by the Communists to accept unity with the right-wing majority on its own terms.⁷

This policy confronted Communist unionists with a contradiction which had not been resolved but only ignored during the Popular Front period. Enamored with a vision of the Soviet Union as a socialist society, American Communists blindly followed Moscow's policies, although they never had success in their attempts to transplant a semi-military political organization that grew out of the Soviet Union's peculiar situation and offered mimicry of the Russians rather than an independent and consistent program. The Communist Party was mildly successful when it submerged itself in democratic, reformist movements as sanctioned by Soviet policy from 1935-1939 and during World War II, but in doing so they failed to promote their alternative. The Soviet-U.S. alliance during the war provided American Communists a common cause with other native groups and a measure of acceptance, but the Cold War put them in a position of choosing between their hard won footing within the labor and progressive movements and their commitment to an inter-

national movement centered around an ostensibly socialist Russia.

The tension between Communist unionists' desire to keep their position and influence within the labor movement and their commitment to the Soviet Union later resulted in a break between Communist unions and the Party. But in 1947, after the formation of the Cominform, Mine-Mill's leaders accepted CP prognostications of increasingly strident attacks on unionism and the rise of fascism in the United States. Because the situation called for militant opposition to the "forces of war and reaction," according to the Cominform, Communists decided to support Wallace's candidacy in 1948 despite the CIO's vote in January of that year to condemn any third party action. This move by the CIO was part of a realignment of liberal forces away from the old anti-fascist united front and toward a new anti-communist "vital center" represented by the Americans for Democratic Action. The CIO feared a split in liberal forces, and the Party's political gamble convinced Murray that Communists would have to be removed from the CIO so that industrial unions could retain their legitimacy in the new order. Shortly thereafter, Murray replaced Lee Pressmen, one of the most important Communist-aligned figures in the CIO, as chief counsel for the organization and dismissed Harry Bridges as the regional CIO director for northern California.⁸

Aware of the Communist's isolation within the labor movement, several metal corporations refused to bargain with Mine-Mill until its leaders signed the communist disclaimers and won new certification elections at their plants. Right-wing unions quickly took advantage of the disruption, and the NLRB, showing unusual haste, immediately allowed re-certification elections and denied Mine-Mill a position on the

ballots. The Immigration and Naturalization Service also harassed Mine-Mill by denying its representatives entry into Canada or Mexico. Since about a quarter of the union's membership was located in Canada, the restriction had an appreciable impact on Mine-Mill's ability to function. Nevertheless, Mine-Mill stuck doggedly to its position and assured its membership and staff that legal protection could offer nothing to the union which could not be better secured through militant and united action. By ignoring the Taft-Hartley Act, Mine-Mill's education director wrote, "the union may suffer some fatalities in the beginning, but it is building a membership that will be prepared for the real onslaught when it comes."⁹

The United States Smelting and Refining Company (USSRC) led other corporations in Grant County with its refusal to bargain with Mine-Mill until its officers signed communist disclaimers. In a letter to Local 890 in early February 1948, USSRC ignored a list of proposals for negotiations that 890 had sent to the company and informed the miners that it would terminate its contract with the union on March 31. Mine-Mill assumed a militant posture, but the five newly amalgamated locals, previously conditioned by their wartime no-strike pledge and reliance on the War Labor Board, had not accumulated resources sufficient to withstand a prolonged strike. USSRC seemed content, however, to publicize the issue of Mine-Mill's non-compliance in hopes of promoting discontent among the rank and file. Both parties agreed to informally extend working agreements under the old contract until June when negotiations with other metal mining corporations were to take place. Jencks claimed that 890's threat to strike forced USSRC to negotiate, but in reality,

the company made no concessions and sent letters to its employees discussing Mine-Mill's avoidance of the Taft-Hartley affidavits.¹⁰

In early May, Kennecott Copper indicated that it planned to follow USSRC's lead in postponing negotiations, and the International Association of Machinists (AFL) took this opportunity to gather signatures for a re-certification election. Since Mine-Mill could not get on an NLRB ballot, it could only thwart raiding unions by bringing out a vote for "no union" or by preventing the opposing union from gathering the requisite number of signatures on a petition requesting an election. This activity presaged more serious threats to 890's jurisdiction, but the Machinists' challenge presented little difficulty for Mine-Mill because the AFL's discriminatory practices had thoroughly discredited the organization among Mexican Americans who comprised ninety percent of the mining labor force in Grant County.¹¹

The union faced greater problems in other parts of the country where right-wing CIO unions attempted to take over locals less committed to Mine-Mill's leadership. By March 1948, Mine-Mill had incurred heavy losses with many locals going into the Shipbuilders Union and the United Auto Workers (UAW). The UAW proved to be particularly successful in raiding Mine-Mill because of its established jurisdiction in die-casting and metal working shops and its well-financed campaign. Mine-Mill aided the secessionists by blundering into several ill-prepared strikes in a frantic effort to force the eastern die-casting plants into negotiations. When Mine-Mill called these strikes, the NLRB quickly approved certification elections and excluded Mine-Mill from the ballot. By early April 1948, it seemed Mine-Mill would lose a majority of its die-casting locals in this fashion, and Kenneth Eckert, head of the union's die-casting

division (and heretofore left-wing stalwart), began to waver in his defense of Mine-Mill's decision not to sign the non-communist affidavits. At the same time, the Eureka local, which was the oldest local in Utah, became the eighth in Utah and Nevada to secede; and Wesley Madill, vice-president of Mine-Mill's western division, joined with Eckert to agitate for a change in policy.¹²

After Kennecott's announcement that it would not renew its contracts with Mine-Mill until affidavits were filed, the executive board decided to call a conference in Denver to discuss its policy. Madill and Eckert led the attack on non-compliance at the meeting, but Phillip Murray announced shortly before the conference began that both the die-casting and Utah groups had asked for CIO charters, and this ill-timed revelation undercut their stance as the loyal opposition. Jencks' speech to the conference, attacking Madill and Eckert as disloyal and disruptive, characterized the left-wing's defense. Rather than accept the legitimacy of constructive policy debate on the question of signing the Taft-Hartley affidavits, Robinson and Travis associated those who wanted to sign the affidavits with secession and weakness. Despite a spirited defense by Eckert and Madill, the majority of delegates voted to reject their proposals and reaffirm the strategy of forcing metal corporations to bargain through economic pressure. Shortly thereafter, Madill and Eckert bolted from the union, taking a substantial portion of the membership with them.¹³

When Grant County unionists continued to question Mine-Mill's policy in the months following the Denver conference, Jencks referred to the Denver vote as a democratic determination of program that could not be deviated from under any circumstances. He explained that the

term "communist" could be applied to any labor leader with the courage to fight for the welfare of workers. The majority of 890's rank and file accepted this reasoning, but balked at the costs involved in striking several large companies for recognition. Membership drives and assessments failed to raise the money necessary to finance strike activity, while secessions and strikes in the Midwest and East drained the union of its resources. Mine-Mill's decision to stand alone, without NLRB assistance, and to rely on militance to protect its jurisdiction would have been difficult to effect under any circumstances; but given widespread opposition from mainstream unionists, employers, and the federal government, it proved to be highly unrealistic.¹⁴

Well aware of the union's difficulties, USSRC and Kennecott remained intractable throughout the summer months despite Mine-Mill's talk of strike action. On August 9, 1948, Mine-Mill accepted an arrangement with Kennecott similar to the one it had worked out with USSRC in April. Kennecott gave all its employees the 12¢ general wage increase that it had negotiated earlier with the AFL, and it informally extended provisions of the expired Mine-Mill contract. Though Mine-Mill claimed a victory, it was a hollow one, since no grievance procedure existed to enforce the agreement. Roy Hatch, Kennecott's director of labor relations, made this clear to reporters when he noted that "the relations between management and employees who are members of Mine-Mill will rest with management."¹⁵

Many metal companies failed to raise the communist issue in negotiations, however, and signed contracts with Local 890 in spite of the stand taken by USSRC and Kennecott. Even though there was a high degree of vertical integration and interlocking relationships in the metal

industry, chronic overproduction, high overhead expenses, and the great disparity in mining costs at different operations due to variances in ore quality and accessibility kept the industry from obtaining a cohesive oligopolistic order. But regardless of their varying tactics, other corporations in the district agreed that the union's difficulties should be exploited. American Smelting and Refining at first refused to negotiate with the amalgamated union, preferring to deal with the old ASR Local 530. Local 890 finally managed to get a contract in late July, but only after giving up fringe benefits gained from the company during World War II. Empire Zinc also proved obdurate in negotiations and forced 890 to sign an inferior contract after threats of a strike and intervention by a federal mediator failed to budge the corporation. Peru Mining Company and Phelps-Dodge quickly came to an agreement with the local, but the latter fired its entire evening shift in August 1948 after a grievance momentarily shut-down operations. Although the ensuing strike only affected forty men, it exacerbated the local's financial woes and fueled internal dissension. In general, the corporations mining in Grant County granted the 12¢ wage increase established nationwide in the "third round" negotiations to show miners that they intended no attack on labor's material gains, but most of these companies also unilaterally announced the wage increase and granted no concessions on work norms and management prerogatives in an effort to lessen Mine-Mill's credibility as a bargaining agent.¹⁶

In the midst of these bargaining difficulties, Mine-Mill again demonstrated its fatal tropism by throwing its support behind Wallace's candidacy in 1948. Local 890's left-wing leaders, including Albert Muñoz, Art Flores, Brigido Provencio, and Angle Bustos, manifested

their support for a third party as early as January 2, 1948, at an executive board meeting. On that date the board passed a motion to support Wallace at a state CIO political action meeting in Carlsbad. This action could expect little opposition since Mine-Mill's locals in Carlsbad and Grant County made up virtually the entire CIO presence in New Mexico at that time. Mine-Mill's support of a third party (following a policy established by the Communists two months earlier) assured that the state CIO political coordinating committee would follow a similar course despite the national CIO's decision to oppose any third party activity.¹⁷

Serious political activity by Local 890 got underway in June when it called a Political Action Committee meeting for the purpose of endorsing candidates. At the executive board meeting preceeding the PAC conference, Angel Bustos and Brigido Provencio, both Communist-aligned officials, proposed to invite all of 890's rank and file to the meeting in order to vote on the endorsements. After some debate, the motion was withdrawn, and the board agreed that only the candidates endorsed by the state coordinating committee would be recommended to the membership. This reversal points out the tension between the ideal of union democracy and the left-wing's desire for control which was manifested within Local 890 throughout the post-war period. Although the oligarchic character of Lenin's democratic centralism prevented broad participation in the Communist Party's decision making and influenced many Communists in Mine-Mill's leadership, Local 890's Communist-aligned leaders sincerely believed in the principle of democracy. This is not as strange as it seems, because in the Popular Front period, when most of Grant County's Communists joined the party, Communists

stressed their commitment to the democratic principles embodied in Lincoln, Jefferson, and even Jackson. Furthermore, Mine-Mill had its own long tradition of democracy which was revered, along with its militancy, as the union's most important heritage from the Western Federation of Miners. But again, the Communists' preoccupation with Moscow's needs overrode their own interests. Seeing that bi-partisan U.S. foreign policy was aggressive and war-minded, and that Wallace was the only candidate offering a return to U.S.-Soviet cooperation, they could not risk opposition to their well-orchestrated plans to advance his candidacy.¹⁸

Controversy quickly surrounded the Progressive Party in western states as Communists jockeyed for control of the delegations elected to attend the national convention in Philadelphia on July 20, 1948. Two prominent Denver Progressive Party leaders resigned over the selection of several Communist delegates, including Graham Dolan, educational director of Mine-Mill, to represent Colorado. In New Mexico, six top Progressive leaders threatened to resign if the Philadelphia convention failed to repudiate Communist support. The convention not only avoided a split with the Communists, but it turned into a rout of the non-Communist forces. The national committee was structured to facilitate minority control, and the national platform avoided any criticism of the Soviet Union; even an innocuous amendment proposed by a delegate from Vermont which stated that the Progressives would not give a blanket endorsement to any country's foreign policy was defeated. Shortly after returning from Philadelphia, the six New Mexican leaders, including the treasurer and state organizer, resigned in protest.¹⁹

With many non-Communist Progressives leaving the party, the left-wing increased its control. In New Mexico, Mine-Mill came to be the dominant element within the New Party, and five members of Local 890 were nominated for office: John Chacón and Henry Jaramillo for state representatives, Clinton Jencks for the House seat, Brigido Provencio for Senator, and Magdelano Lujan for county sheriff. These nominations closely identified 890 with a movement that was growing more unpopular every day after the Philadelphia convention associated Progressives with the Soviet Union; and the Czechoslovakian coup, Jan Masaryk's death, the Berlin Blockade, and Whittaker Chambers' testimony about espionage brought increasing attacks on communism. The Silver City Daily Press repeatedly charged that the Progressive Party was a front for the Communists in New Mexico and suggested that Wallace was guilty of sending atomic bomb secrets to the Soviet Union.²⁰

Reacting to these charges, a group of unionists at the USSRC mine who were already discontented over Mine-Mill's policy of non-compliance began to oppose the local's political activity. In September, the executive board voted to call a meeting "in order to expell the disrupters" at USSRC, and shortly thereafter, Ray Leon, treasurer of 890 and representative of the USSRC workers, resigned from the executive board in protest. Opposition to 890's leadership, however, was unorganized and ill-disposed to make a fight. The pro-Communist coterie continued to generate a considerable amount of activity during the campaign, and most of the membership expressed no dissatisfaction with their leaders' political activity.²¹

Nevertheless, this complacency cannot be confused with political support, since the party's candidates ran poorly even in districts

dominated by union voters. Jencks received the highest tally of the five New Party candidates in Grant County with 189 votes out of approximately 5,900 cast. Provencio received 148, Chacón got 152, and Lujan registered the poorest showing with 85 votes for sheriff. Traditional party patterns and adverse publicity no doubt played a significant role in thwarting left-wing political efforts, but despite the rank and file's failure to vote Progressive in the general election, their support for Mine-Mill's union leadership remained strong.²²

Given the fact that very few Communists belonged to Local 890, the surprising thing is not that opposition developed to Mine-Mill's policy of non-compliance and the union's support for Wallace, but that both internal and external opposition failed to have an appreciable impact on the rank and file. Mine-Mill continued to enjoy phenomenal support from its membership throughout the Cold War and McCarthy period. To understand the ambiguous role played by Mine-Mill in the New Mexican mining towns, it is necessary to appreciate the reasons for this support. Three important factors lie behind Mine-Mill's success in Grant County: the attention given to discrimination against Mexican Americans, confidence in Mine-Mill's ability to perform as a "bread and butter" union, and Mine-Mill's function as the center of social and community activity among miners.

As previously noted, Mine-Mill negotiated for non-discrimination clauses in its contracts and lobbied the FEPC during World War II in an effort to ameliorate discrimination against Mexican American miners. Although these efforts had limited success, the fact that Mine-Mill continued to push for Hispanic rights won it respect and support from Mexican American workers. Some of the organizers who came with Mine-

Mill's early efforts in Grant County also left a lasting impression on the local. One organizer in particular, Arturo Mata, helped to shape the politics of local leaders while promoting the union as the best vehicle for Mexican American progress. Mata embodied the heritage of the old hardrock miners union. His father had been a WFM militant and one of the leaders of the 1915 Clifton-Morenci strike where Arturo received an early instruction in class conflict when he suffered deportation along with his father. Mata was a Communist during the late 1930s and early 1940s when he organized for Mine-Mill in Grant County. Several Hispanic unionists became associated with the Communist Party through Mata's influence, and these individuals, including Art Flores, Brigido Provencio and Angel Bustos, occupied key leadership positions within Grant County locals during the post-war years. This small, but influential, group of left-wing activists caucused regularly and constituted the only organized policy-makers within the union. Because they formed a cohesive faction in 890 and commanded respect from the rank and file as intelligent, capable leaders, Communist unionists influenced opinion and played a decisive role in establishing the local's program.²³

Although the vast majority of 890's members never joined (or even knew about) the Communist Party, they saw Mine-Mill as a bulwark against economic exploitation and as a medium for their opposition to discrimination. The pre-war Mexican American rights groups, in an environment of nativistic reaction, had emphasized self-effacing amalgamation and their commitment to "Americanism." After serving in the armed forces during World War II, however, many Hispanic workers came back to the mines and mills with a new perception of their rights and opportunities.

These people often took aggressive stands on social reform and formed political pressure groups to resist the isolation and subordination of the Mexican American people. As part of this larger movement among Mexican Americans during the post-war years, Mine-Mill's support and encouragement for Hispanic rights activity in Grant County helped to protect the union from red-baiting, since Hispanic unionists interpreted attacks on communism as indirect attacks on their aspirations as an ethnic group.²⁴

The Communist Party was interested in developing a national Mexican American organization which could serve as a link between scattered local movements, and shortly after Jencks arrived in Silver City, he suggested that there was a need for a broad based organization to promote Mexican American advancement. Other groups existed, such as the League of Latin American Citizens and GI Forum, but Mine-Mill's leaders wanted a new organization that would accept Communist participation. Interest in the proposal waxed and waned in Grant County, but a dramatic incident in May 1949 coalesced a great many people around the plan, even if only for a short time.²⁵

The Fierro Riot, as it came to be known, took place when a Grant County deputy sheriff used "excessive force" in arresting a drunken miner outside the Fierro nightclub in Fierro, New Mexico. After the officer blackjacked the man and then shot him as he tried to escape, a crowd poured out of the nightclub and angrily demanded that the attack be stopped. But the deputy, surrounded by a menacing group, replied with a volley of gunfire, and another person fell wounded. In response, a mob of approximately a hundred people stoned and then overturned two police vehicles. After receiving numerous reinforcements, officers

finally managed to disperse the crowd.²⁶

Six miners were eventually arrested in connection with the incident. The District Attorney made no formal charges against the men, but he denied them bail. Jencks attempted to see the prisoners as their counsel, but Bartley McDonald, Grant County sheriff, told him that he did not qualify. When Jencks persisted, McDonald sprang out of his chair and smashed Jencks in the face, sending him sprawling across the room. The arrogance and violence displayed by county law enforcement officials fueled the growing resentment felt by Mexican Americans. Hundreds responded to the calls for mass meetings at the union hall to discuss the situation and develop a plan of action. Six days after the Fierro Riot, Local 890 launched the National Association of Mexican Americans with three members of Mine-Mill as its officers. The association's first objective was to secure the removal of the deputy responsible for the Fierro shooting. Judge Archie Marshall, seeking to mollify the resentful Hispanic community, dismissed charges against two of the defendants and gave three others sixty day suspended sentences. "An officer can make mistakes," Marshall piously remarked in the sentencing, "but you should not resist him."²⁷

One must go beyond Mine-Mill's relationship with Mexican Americans, however, to understand why the union commanded such loyalty from its membership. Many locals that predominantly consisted of Anglo miners stood just as firmly behind the International Union as 890. A union, in the final analysis, has to operate effectively as a bargaining agent, and the majority of western miners believed that Mine-Mill reflected their interests and could carry out a vigorous program. In general, Mine-Mill's rank and file knew little, and cared less, about the political

issues which separated Communist-aligned unions from the mainstream union movement, and they did not accept political belief as an important determinant of leadership ability. Jencks and other local Communist leaders never avowed their membership, nor did they advocate revolutionary upheaval. Unionists had no reason to believe that these men who worked for piecemeal change and immediate union gains were insurrectionists of any kind, and the label of "red" had been used too often and indiscriminately in the past to defame any union organizer. Therefore they supported Mine-Mill's decision not to sign Taft-Hartley affidavits both as a principled stand against the suppression of a legitimate minority and as a necessary defense against broad, anti-union red-baiting. Mine-Mill was more democratic than most unions, and Local 890's membership resented the implication that they were being used by Communists.

After all, the union hall served as the center of social and community life in most mining towns, and miners who intimately associated with leaders accused of being communist could not accept the contention that these men were somehow dangerous. The social and cultural role of the union cut across ethnic lines and made the rank and file much more defensive when "outsiders" attacked the union. Reacting to the fragmentation and atomization of industrial life, miners naturally turned to union activity in an effort to re-establish a sense of community and social cohesion. The local's importance as an inclusive community of the rank and file made Mine-Mill much stronger than a union that functioned merely as a bureaucratized and centralized pressure group.

Aware that the union gained in strength as it concerned itself with the varied problems and needs confronting miners, Local 890's leadership tried to enlarge the union's concerns to encompass a wider spectrum

of human activity. The first movement in this direction came shortly after the amalgamation into Local 890 with the construction of a new and larger union hall. By June the building had been completed and the membership voted to have weekly dances at the new hall. At the same time, the local purchased a movie projector and regularly screened education and entertainment films. Local 890's executive board also encouraged rank and file participation in business meetings, and attendance grew in response to measures as innocuous as door prizes and as punitive as reductions in sick leave benefits for excessive absenteeism.²⁸

Clearly, in this context, the union became more than a simple bargaining agent for workers. Mine-Mill wished to develop a kind of counter-culture that stressed the value of mutual aid, the dignity of labor, and the perfidy of capital; conceptions and images not unlike those employed by the late nineteenth century Populists. Any group trying to establish an alternative to a prevailing economic, social, and political system must seek to supplant or countervail the information and interpretation coming out of that system which reinforces its norms. Therefore education and the dissemination of information constituted Mine-Mill's most important tool in its efforts to move toward an alternative system, while insulating the rank and file from an environment that was hostile to its purposes.

Jencks developed the local's first educational program shortly after he arrived by introducing leadership and shop steward classes. Conducted in both English and Spanish, these lessons included step-by-step instruction in Marxist economic philosophy (though not labeled as such and sans jargon), labor history, industrial union strategy, and

and labor law. This material emphasized the fundamental difference in interest which separated worker from owner and used quotes from Lincoln, Wilson, and Franklin Roosevelt to support the legitimacy of its arguments. The economic analysis contained in these lessons was simple, but vivid:

What the capitalist buys from the worker is his ability to work, his power to labor, and that ability ... includes the ability to produce more than the worker's wage ... in each hour the worker works 15 min. for himself, producing his wages, and 45 min. for the capitalist producing his profits.... Now, you can't tell by looking at a car or shoe or piece of steel whether it is from the part that covered the wage or whether it covered the profit fund. The products the workers produce in the profit system carry no labels to show where they came from. They may show the company from which they come, but not the class they enrich.²⁹

The local also scheduled educational meetings for the general membership twice a month, and included union films along with the weekly fare of entertainment movies. To inform miners and their families of union events and activities, Local 890 established a monthly newspaper called the Union Worker and aired a radio program, "Reporte A La Gente," twice weekly. But most importantly, left-wing leaders helped to shape rank and file opinion through personal association.³⁰

In one of the first leadership classes, Jencks discussed the need to involve miners' wives in union affairs, and he suggested that the women be invited to attend local meetings "so they can realize that the coming negotiations are very important." Again, the idea was to broaden the base of union activity and support. From the outset, however, the emphasis lay in bringing in women to support the men's union. No one attempted to criticize traditional male-female roles and relations. An unofficial auxiliary operated during the negotiating troubles in the summer of 1948 (winning praise from the executive board for responding to strike action with a Stakhanovite effort of making 800 sandwiches on

short notice), but the group did not receive an official charter as Auxiliary 209 until May 1949. According to a statement by the ladies auxiliary, members were to "enlist the aid of all miners' families to further the principles of trade unionism, because they have a special interest in safety, health, compensation, political action, housing, education and child welfare." Although the statement is clearly role-ridden, it at least implied that the women would be actively involved in organizations concerned with a wide variety of issues outside the home. The reality of the early auxiliary, however, held even less promise. Cleaning the union hall and planning a seemingly endless array of dances, enchilada suppers, and bingo games absorbed most of the women's time in the auxiliary. No doubt many shared the opinion of the recording secretary who noted in the group's minutes that "bingo ÷ bingo = bingo." Nevertheless, the very fact that some women came to participate in union affairs, even in this ancillary capacity, served to lay the foundation for greater involvement when the union's needs for full mobilization helped to dictate such a change.³¹

But the year 1949 was a time of retrenchment for Mine-Mill, not full mobilization. Metal prices slid downward in March, and Grant County's metal mines began to shut down, one by one, as the market bottomed-out in late June. More than half of the approximately 2,000 miners in the area were laid off. With only Kennecott and Empire Zinc remaining open and metal prices at post-war lows, negotiating proposals became a mere formality. Jencks busied himself instead with lobbying efforts at the state legislature and county hall for an extension of unemployment benefits, public work projects, and preferential hiring of jobless

miners. But local and state government agencies provided few jobs and no relief money after unemployment benefits ran out. Local 890 afforded assistance, but, with twenty-five percent unemployment, its resources soon disappeared. Hundreds of unemployed workers migrated out of the district, while the mining towns and corporations pled for government subsidies and tariffs.³²

During this same period, Mine-Mill's struggle with the CIO came to a climax. At the CIO's Portland Convention in November 1948, after Harry Truman's triumph and Walter Ruether's ascendancy as undisputed leader in the UAW, Phillip Murray made it clear that he was ready for a showdown when he denounced Communist unionists as "unholy saboteurs." Several Communist-led unions scrapped party discipline and tried to resurrect the self-effacing united front, but the right-wing did not moderate its attack, and the factions polarized in the convention's aftermath. The Communist-aligned unions, including Mine-Mill, stopped paying per capita dues to the CIO, and the Steelworkers tried to take over Mine-Mill's jurisdiction among southern iron ore miners. The Steelworkers, however, had little appeal for Black miners, since the union tolerated Jim Crow practices in its other southern jurisdictions. Mine-Mill, on the other hand, had long followed a policy of including Blacks in its locals. It is not clear whether the Steelworkers used the racial issue to draw white workers away from Mine-Mill or if secessionist leaders simply failed to distinguish between communism and racial integration. In any case, the Steelworker organizers who aided and encouraged a secession among Tennessee Iron and Coal Company locals during the spring of 1949 accepted the demand for a white local, and the fight formed on racial

lines. In the course of an election to determine bargaining rights at the TIC mines, Maurice Travis, secretary-treasurer of Mine-Mill and a well-known Communist, received a severe beating at the hands of Steelworker organizers that resulted in the loss of an eye. Mine-Mill charged the Steelworkers with using racism and violence to destroy its locals, and an already acrimonious ideological debate became even more emotional.³³

Reeling from the hammer blows of raiding and recession, Mine-Mill, without consulting the rank and file, reversed its policy on the non-communist affidavits in July 1949. The Steelworkers' interest in Mine-Mill's jurisdiction posed a much greater threat to the union than the AFL or UAW because of its prestige, power, and established position in the iron-mining industry. Mine-Mill had already gone for over a year without gaining a contract with either USSRC or Kennecott, and the specter of an internecine labor war finally convinced the Communists that pure militancy would no longer insure its security or survival. One month after Mine-Mill announced its decision, Travis, just out of the hospital, publicly resigned from the Communist Party to sign the disclaimer after denouncing the affidavits as a denial of basic democratic rights. Travis' statement illuminates the Communist Party's basic inadequacy. Its lock-step adherence to Soviet policy denied it the political legitimacy it so desperately wanted, and the party's lack of popular acceptance or support led the Communists to engage in maneuvers and subterfuges which reinforced its image as a disingenuous foreign agent. Although a vigorous, independent democratic-socialist movement also would have faced difficulties in promoting a socialist alternative amid the anti-communist fervor of the post-war period, at least it would not have had the added burden of close association with totalitarianism.

Mine-Mill's decision to sign the affidavits was important in that it recognized a serious defeat already dealt to the Communists. Even though they denied the legitimacy of a political test for union participation, their affidavits recognized not only the compelling strength of the Taft-Hartley Act, but also the Cold War orthodoxy which had been reinforced by the CIO's anti-Communist doctrine.³⁴

At the 1949 Cleveland convention, the CIO formalized its political test when it adopted a constitutional amendment that allowed the expulsion of executive board members and constituent unions if a two-thirds vote of the executive board found members or unions guilty of following Communist policy. The convention expelled the United Electrical, Radio, and Machine Workers, and in December 1949, a CIO committee began hearings on Mine-Mill which resulted in its expulsion on February 15, 1950. The committee's report found that Mine-Mill's leaders had followed the Soviet Union's foreign policy from the early 1930s up to the time of the hearings, that certain leaders had formed a Communist steering committee which regularly met with top Communist officials to determine union policy, and that they effected this program with the help of a "Progressive Caucus" of sympathizers. Mine-Mill's expulsion climaxed its alienation from the mainstream labor movement; the union now concerned itself with the imperatives of survival.³⁵

Footnotes

¹Vernon H. Jensen, Nonferrous Metals Industry Unionism, 1932-1954 (Ithaca, New York: Cornell University Press, 1954), pp. 108-202; "Communism Menaces the Mining Industry," Engineering and Mining Journal, VII (July, 1947), pp. 96-99.

²Local 63, minutes of meetings, March 13, 1947, 890 files.

³Santa Fe New Mexican, January 20, 1952; El Paso Herald, January 14, 1954; New Jersey Zinc v. Local 890, 58 N.M. 416 (1954), transcript of testimony; American Veterans Committee bulletins, 890 files.

⁴Local 63 minutes, April 1947 to January 1948, passim, 890 files.

⁵Bert Cochran, Labor and Communism (Princeton, New Jersey: Princeton University Press, 1977), pp. 248-71; Jensen, Nonferrous Metals Industry Unionism, pp. 106-202.

⁶Engineering and Mining Journal, IV (April, 1950), p. 67; Joseph Starobin, American Communism in Crisis, 1943-1957 (Cambridge, Mass.: Harvard University Press, 1972), pp. 168-69.

⁷Cochran, Labor and Communism, p. 257; Starobin, American Communism in Crisis, pp. 147-48.

⁸For a discussion of the liberal realignment see Alonzo L. Hamby, Beyond the New Deal (New York: Columbia University Press, 1973); For a discussion of CIO's attitudes toward CP unions see Cochran, Labor and Communism, pp. 248-331.

⁹International Union of Mine, Mill, and Smelter Workers (Hereinafter referred to as Mine-Mill), education material, 1948, issued December 1947 (Mimeographed), 890 files; Elizabeth Sasuly to Senator Dennis Chavez, June 28, 1949, 890 files.

¹⁰Local 890, executive board minutes, February 6, April 18, May 13, 1948, 890 files.

¹¹Silver City Daily Press, July 14, 1948; Executive board minutes, May 16, 1948, 890 files.

¹²Jensen, Nonferrous Metals Industry Unionism, pp. 216-18; "Why Deal With a Communist Union?," Engineering and Mining Journal, V (May, 1948), pp. 75-79.

¹³Jensen, Nonferrous Metals Industry Unionism, pp. 219-21; Executive board minutes, June 4, 1948, 890 files.

¹⁴Executive board minutes, June 7, 1948, 890 files; Leaflet issued by 890, June 2, 1948, 890 files.

¹⁵Daily Press, August 9, 1948; Leaflet on Kennecott negotiations, August 9, 1948, 890 files.

¹⁶Vernon Jensen, Collective Bargaining in the Nonferrous Metals Industry (Berkeley, Calif.: Institute of Industrial Relations, 1955), pp. 13-14; Daily Press, July 7, 22, August 10, 12, 14, September 30, October 2, November 1, 1948; Executive board minutes, June 2, September 22, 28, 1948, 890 files.

¹⁷Executive board minutes, January 2, 1948, 890 files.

¹⁸David Shannon, The Decline of American Communism (New York: Harcourt, Brace and Company, 1959), pp. 134-63; Executive board minutes, June 2, 4, 1948, 890 files.

¹⁹Shannon, Decline of American Communism, pp. 164-82; Daily Press, July 6, 16, 19, 1948.

²⁰Executive board minutes, October 5, 1948, 890 files; Daily Press, July 24, September 3, 1948; Athan Theoharis, Seeds of Repression (Chicago: Quadrangle, 1971), pp. 147-57.

²¹Executive board minutes, September 22, October 5, 1948, 890 files.

²²New Mexico, Primary and General Election Returns (Santa Fe: New Mexico State Printing Office, 1949).

²³D. H. Dinwoodie, "The Rise of the Mine-Mill Union in Southwestern Copper," p. 7; Interview with Lorenzo Torrez, December 8, 1977; Executive board minutes, 1947-1948, passim.

²⁴Rodolfo Acuna, Occupied America (San Francisco: Canfield Press, 1972), pp. 189-90; Moore, Mexican Americans, pp. 28-29, 145-48.

²⁵Local 63 minutes, July 10, 1947, 890 files, Daily Press, August 18, 1949.

²⁶Daily Press, May 2, 1949.

²⁷Daily Press, May 3, October 28, 1949; Jencks attended a meeting at Phoenix, Arizona, in February 1949 to establish and promote a "National Association for the Advancement of Hispanic-Americans." But the formation of ANMA in Grant County seems to have been the first concrete step. A state organization was formed in August 1949 at Albuquerque. At the state convention, a proposal to ban CP participation was defeated. No national organization as such was established until October 1950 when a national convention met in Los Angeles. Local 890 minutes, February 17, 1949.

²⁸Executive board minutes, February 6, 23, May 13, 20, July 30, September 30, 1948, 890 files.

²⁹Mine-Mill, shop stewards outline (Mimeographed), 890 files; Jencks to Graham Dolan, December 6, 1947, 890 files.

³⁰Graham Dolan to Jencks, November 20, 1947, 890 files; Executive board minutes, February 6, 23, October 5, December 16, 1948, 890 files.

³¹Ladies Auxiliary, minutes of meetings, 1949, passim; Daily Press, August 7, 1948; Executive board minutes, February 23, 1948, 890 files.

³²New Mexico, Department of Labor, "Labor Market Report," February 1950 (Typewritten), copy in 890 files; Daily Press, April 23, May 24, July 6, 7, 13, 18, 21, August 1, November 17, 1949.

³³Jensen, Nonferrous Metals Industry Unionism, pp. 235-39; Daily Press, May 20, 1949; Cochran, Labor and Communism, pp. 304-07.

³⁴Jensen, Nonferrous Metals Industry Unionism, p. 249; Daily Press, July 21, August 15, 1949.

³⁵Max Kampelman, The Communist Party vs. the CIO (New York: Praeger, 1957), pp. 157-63; Congress of Industrial Organizations, "Resolution and Report Expelling Mine-Mill from the CIO," February 15, 1950.

CHAPTER III

THE EMPIRE ZINC STRIKE

LA HUELGA

Mine-Mill's ouster from the CIO caused no sudden secessions among its affiliates, because most of the locals sensitive to the communist issue had already left in 1947 and 1948. But several mining companies, believing the union to be vulnerable after its expulsion, decided to provoke a strike in an attempt to discredit Mine-Mill's leftist leadership. Three potash producers in Carlsbad (National Potash, Potash Company of America, and International Minerals and Chemical) first employed this stratagem in New Mexico shortly after the CIO announced its intention to expell Communist-led unions. Rufus G. Poole, attorney and negotiator for all three companies, contacted Robert Denham of the NLRB and asked if the metal corporations could legitimately refuse to bargain with Mine-Mill, but Denham advised him that to do so would be premature without a conviction of union leaders on perjury charges under Section 9h of the Taft-Hartley Act. With this advice, Poole met with negotiators from Local 415, but refused to budge on any issue raised by the miners; offering, in essence, a renewal of the old contract and arbitration of grievances. Five months after their contract expired, Local 415's bargaining council still received no indication that the companies were willing to negotiate seriously, so the local decided to strike on November 19, 1949.¹

Union leaders knew it would be a tough strike, but the swiftness and severity of the strike breaking measures surprised them. After pickets tried to block the Santa Fe railroad spurs into the potash mines, Federal Judge Carl A. Hatch issued a restraining order against the union and promptly cited nine leaders for contempt when the local resisted. The miners then turned to picketing the plants themselves, but the NLRB, in an unprecedented move, declared that the strike could cause a national emergency by restricting the production of fertilizers. Under its emergency powers, the board filed its own complaint and obtained an injunction against obstructive picketing. NLRB officers policed the plant gates while the companies imported hundreds of strike-breakers as permanent replacements for union men. In futile protest, miners stood along with their wives and children on each side of the road leading into the mines, watching in despair when busloads of non-union workers rolled in to resume production. By late January 1950, the local realized prolonging the strike would only result in greater losses, so the miners capitulated. Over three hundred workers lost their jobs and many others lost seniority; men with twenty and thirty years service were literally forced to the bottom as muckers or laborers.²

The mining industry quickly capitalized on the potash companies' victory. The Engineering and Mining Journal shed crocodile tears when it suggested that the "rank and file members suffered needless hardship through the short-sightedness and divided loyalties of their leaders." According to the trade magazine's diagnosis, Mine-Mill's only aim was to curtail U.S. agricultural production and hamper european recovery. G. F. Coope, president of the Potash Company of America and director of the National Association of Manufacturers, provided the prescription:

"No employer should recognize voluntarily, or be required to recognize, or even deal with any union led or dominated by a communistic group."³ But it was with only an ironic verity that the mining industry spoke of a politically inspired strike.

Meanwhile, zinc prices rose sharply starting in April 1950, causing the five mines in Grant County that closed in 1949 to reopen by June 1950. After easily obtaining a contract from Kennecott in December 1949, Local 890 ran into difficulty with the United States Smelting and Refining Company. USSRC had employed 450 men at its Bayard mine before it shut down in 1949 because of low zinc prices. When the company reopened its mine in May 1950, it hired back only 112 of its former employees, none of whom were strong unionists. Refusing to negotiate a new contract with Mine-Mill, USSRC established a company union called the Grant County Miners Association and immediately rehired former employees who joined the association. Local 890 could only petition the NLRB for an election and try to win the carefully screened men over to Mine-Mill.⁴

The American Smelting and Refining Company also tried to use its yearlong shutdown to shift its labor relations. When the company's Ground Hog mine prepared for a resumption of operations in May 1950, T. A. Snedden, general superintendent, sent registered letters to its laid-off employees, asking them to report to work with a sliding scale of wages; a scale which would have imposed a 21¢ an hour cut in pay. Rather than accept the sliding scale, ASR workers struck for two months before the company agreed to a 5¢ an hour wage increase which had been established by Kennecott as the district pattern. It was a costly victory, however. Expenses came to over \$4,000, and the local's strike fund absorbed over half of the outlay.⁵

Seven days after the ASR settlement, negotiations opened with Empire Zinc, a division of the New Jersey Zinc Company. Although other zinc producers in the district became more tractable in negotiations as the price recovery turned into a wartime boom, Empire remained intransigent. In six of the eight negotiating sessions held before its contract expired at the end of September 1950, the company refused to discuss union proposals, and it offered no propositions of its own. On September 26, Empire suggested a company controlled pension plan in lieu of a wage increase, rejected without discussion a union counter-proposal, and then withdrew its pension offer altogether. On September 29, in the last meeting held before the strike, C. E. Graves, a negotiator brought in from New Jersey Zinc's home office, announced a 5¢ an hour wage hike and an eight hour increase in the work week before he arbitrarily ended negotiations. Empire then sent letters to its employees implying that the wage increase came as the result of the company's efforts to break through an impasse created by the union. Although Jencks requested that negotiations be resumed, Graves left town, and the company refused to make any new offers. After three weeks of waiting, the Empire Zinc unit of Local 890 walked off the job.⁶

Local 890's major demands included "collar to collar" pay (remuneration for all time spent at the plant; i.e., paid lunch break) and paid holidays; concessions gained from all other mines in the district years before. When the War Labor Board directed mining companies to give "collar to collar" pay in 1944, Empire increased its hourly wage rates instead of paying for the lunch period, and the company remained on an eight and one-half hour day. The WLB approved Empire's decision, nevertheless. The system had real benefits for the company; miners worked a

half hour longer than their co-workers at other mines in the district; this extra work required no overtime pay since all underground time was not considered part of the workday; and by giving general wage increases without renegotiating the "collar to collar" rate, Empire could reduce its wage costs. Empire had granted a 6¢ an hour wage increase instead of "collar to collar" benefits in 1944, or 48¢ for the additional half hour underground. In October 1950 the rate remained unchanged, although Kennecott workers, for instance, received 80¢ for that half hour, and they would have received \$1.20 overtime pay for it if they had been on the eight and one-half hour shift which existed at Empire. A similar, though less severe, insufficiency resulted from the company's practice of paying an additional 3¢ an hour in wages as a substitute for the paid holidays adopted by other nonferrous mining companies in the area during 1947.⁷

A glance at the union's previous dealings with Empire reveals that the company's uncompromising position in the 1950 negotiations did not constitute a sudden shift in attitude. Bargaining with the company had always been difficult. In 1948 Empire summarily rejected twenty-two of the twenty-four union proposals and promised only to consider the other two. Negotiations extended two months past the contract's expiration before Mediation and Conciliation Service Commissioner Frank Ashe managed to work out an agreement. In the 1949 wage reopener, the company asked for a 25¢ an hour wage cut, but 890 vowed to strike and the confrontation ended in a stalemate. Other unions had similar problems with the company. From October 9 to November 24, 1950, 500 members of the AFL struck New Jersey Zinc's Austinville, Virginia, mine before they returned to work with no gains. On September 26, 1950, 2,000 Steelworkers walked out of

the corporation's smelter at Palmerton, Pennsylvania. Smelter workers called the strike after the company turned down a federal conciliator's proposal to continue contract talks for six days.⁸

Empire claimed it was a small operation that could not afford to give the same benefits that Kennecott Copper provided its workers. True, Empire's operation at Hanover, employing 128 men, did not compare in size to the Chino Mine, but a closer look at Empire reveals an organization that reflected its ambitious name. The corporation closely coordinated its activities with those of the St. Joseph Lead Company, which owned a large block of New Jersey Zinc's stock. These two companies accounted for twenty-five percent of the total U.S. production of zinc, and they controlled twenty-five percent of the domestic zinc smelting capacity. Alone, New Jersey Zinc was the largest mine producer of zinc in the United States, and the company's Hanover mine ranked fifteenth in the nation for production during 1949, turning out 110 tons of zinc concentrate a day from its milling operation.⁹

Moreover, Empire Zinc was a low cost producer. Its Hanover mine produced uncomplicated zinc ore, rather than the mineralogically complex copper-lead-silver-zinc ore common to the western mining districts. Therefore Empire had lower milling costs, since it did not have to go through the expensive selective flotation process that raised costs for other producers. Empire also controlled patents for the vertical retort process of smelting zinc. This smelting process provided efficient smelting of any grade zinc and resulted in ninety percent zinc recovery as opposed to eighty-five percent with the horizontal retort. This allowed Empire to adjust its production quality to meet changes in market needs from low grade (used primarily for galvanizing) to high grade (used for die

casting and brass). These assets gave the company a considerable competitive advantage over other zinc mines in the district.¹⁰

Why, then, did Empire refuse to negotiate with 890? Clinton Jencks believes that the district's mining corporations formed a profits pool and chose Empire to engage the union in a strike that would break the district-wide pattern of wages and working conditions. No evidence of such an arrangement exists, however. Did Empire fear that rising labor costs would not be offset by future technological progress or an increase in the price of zinc? This seems doubtful because the wage share of the metal value produced by the zinc industry actually decreased in the post-war years. In 1949, when prices dipped to 9¢ a pound and other zinc mines closed (either because they did not meet fixed costs, or because they did not want to sell in a falling market and drive prices still lower), Empire remained open with no reduction in workforce. New Jersey Zinc's profits for the recession year 1949 showed a healthy five million dollars after taxes, and its profits doubled along with the price of zinc by October 1950. Even the Engineering and Mining Journal stated that "mining management must strive as never before to establish premium wages for underground or unusually arduous work" so the industry could protect its labor force during the wartime expansion.¹¹

Although Empire could have conformed to the district pattern without financial difficulty, it does not seem that Empire's general manager, S. S. Huyett, expressed the whole truth when he claimed that the company refused to pay for "time not worked" as a matter of principle, since Empire apparently found over twenty other union proposals too distasteful for consideration. The real issue behind the Empire Zinc strike was whether the company could retain complete control over all management

prerogatives to neutralize the union's influence on the costs and conditions of production. It was a fundamental principle, indeed, and Empire Zinc invested over a million dollars in the fight before it was over.¹²

Mine-Mill could not match the wealth of a large corporation. It had to rely, instead, on human and organizational resources. Therefore, in the months following its expulsion from the CIO and preceeding the Empire Zinc strike, Mine-Mill and 890 had sought new alliances and support. In May 1950, Cipriano Montoya, soon to be elected Local 890's president, traveled to Mexico City to sign a mutual assistance pact between Mine-Mill and the Mexican Miners Union. Mine-Mill participated in a hemispheric conference of metal workers called together the following year by Vincente Lombardo Toledano, president of the Latin American Trade Union Federation. Local 890 also sent representatives to the San Lorenzo Indian village in Grant County and proposed joint action on housing problems. In October 1950, Mine-Mill joined with other groups to create the National Mexican-American Association, which could press for Hispanic rights while giving Mine-Mill's economic efforts greater public support. The following month Montoya again served as Mine-Mill's representative when he attended a conference among left-wing unions in Washington, D.C. The delegates decided against forming a third labor federation, but pledged mutual support and coordination of activities.¹³

Within the local organization the leadership renewed its emphasis on utilizing all resources. Jencks asked that the ladies auxiliary be represented in the executive board meetings in May 1950, and the local passed a motion to effect his proposal. During the following months, Jencks repeatedly urged members to assist in building a strong auxiliary, and the ladies auxiliary sent Carrie Gonzales and Mariana Ramírez to the

union's 46th convention in September. Reports brought back to the local from the convention indicated that the attention Local 890 was beginning to give the auxiliary paralleled the international union's policy. But coverage of women's activities before the Empire Zinc strike in 890's newspaper, the Union Worker, and references to the auxiliary's program in the local's minutes strongly suggested that the women still devoted most of their time to entertainment and fundraisers.¹⁴

As in the period of secession and consolidation when Jencks first arrived, the local again engaged in various promotions to encourage attendance at the weekly meetings and offered money to unionists who signed new members. They received one dollar for every new member signed and bonuses for signing the most new members as a percentage of the workers employed at a given plant. Local 890 also paid unemployed members three dollars a day to organize at the USSRC mine. The drive was reportedly a success, and the local's financial statement showed \$121.00 in bonus payments by December 1950. In conjunction with its membership drive, the local sought to strengthen its presence within the various mines by enlarging the shop steward system to cover every shift in the district. Ernesto Velasquez, 890's vice-president, urged the rank and file to inform themselves, to fight grievances, and to participate in all union affairs.¹⁶

The Empire Zinc strike would demonstrate that the union's resources at home were the most important; the rank and file's willingness to stand up against corporate domination, their commitment to the cause through many months of deprivation, and their own organizational vigor. The Empire Zinc unit of 890 organized the strike through six committees: negotiating, relief, publicity, legal and police, recreation, and soliciting. The negotiating committee and the chairmen of the other five

committees determined policy as the strike committee, and their decisions were subject to review and referendum at general unit meetings held once a week. The strikers established two picket posts, one south and one north of the company's plant, with three shifts of six men keeping each post active twenty-four hours a day. The local issued weekly food rations (consisting mainly of flour, beans, potatoes, and sugar), paid utility bills, and gave gas allowances to the pickets. With these minimum provisions, the strike cost the local an average of \$800 a week. The international union provided approximately thirteen percent of the money needed for strike benefits, other Mine-Mill locals and auxiliaries contributed about twenty-four percent, and the amalgamated strike fund paid for sixty-three percent of it. Local 890's unity, established in 1948 when Jencks forged a single strong union with a common strike fund out of five diffuse locals, enabled the miners to challenge Empire's unyielding position.¹⁶

In late October, one week after the strike began, the company called in Ethan Walker, a federal conciliator, and Graves came back to reopen negotiations. Empire held two meetings with Walker present, but no change had occurred in either the company's or union's position, and they came to no agreement. Graves made two proposals before the meetings broke up: that the union should return to work while negotiations continued, and that bargaining be restricted to a discussion of wages. The union refused both suggestions, but in mid-November 890 called for another meeting. Chesley Smothermon, district board member, and Vice-President Orville Larson negotiated for the local. Hoping for a quick settlement, international officers persuaded the strikers to drop all but three demands: "collar to collar" pay, holiday pay, and elimination of the no

strike clause. Empire rejected this package, but offered to give the 10¢ an hour general wage increase that had been given by all other mines in the district on October 26. Unwilling to accept what would have been, essentially, a return to the status quo ante bellum, Empire's workers continued to walk the picket lines.¹⁷

While the strike wore on, uneventfully if resolutely, into 1951, punctuated only by changing shifts at the picket huts, dissatisfaction grew among Mine-Mill's leadership. The executive board, faced with CIO raiding attempts, NLRB decertification elections, and employer hostility to the union's drive for industry-wide bargaining, did not want to be engaged in a seemingly hopeless fight with a reactionary corporation; a fight that could result only in financial and organizational losses. When John Clark, Mine-Mill's president, wired the board's strike sanction to Local 890 in late September, he cautioned that a strike should be called only if it was absolutely necessary. In early February 1951, after 890 requested \$1,000 to bolster the local's strike fund, Travis wrote to Jencks:

I continue to be concerned about the Empire Zinc strike. Everyone tells me that the possibility of settlement is hopeless. I can't accept this point of view because I know that no strike can continue indefinitely without weakening and if we accept the idea that there is no possibility of settlement that is tantamount to accepting the idea that we abandon hope of retaining that section of our membership which is involved in the strike. At the coming Executive Board meeting on February 8th, I want to have a pretty down-to-earth discussion about the strike.... Is the strike still costing as much money as it did? If not, about what is the cost running at this time?

In its February meeting, the executive board passed a motion to assume control of the strike and "determine what other strategy could be employed to win it."¹⁸

At the same time, a tremor of uncertainty shook the local. Although it may not have been a result of the executive board's position,

it reflected the same doubts. A few men deserted the picket lines to find work, and many others asked the strike committee for releases allowing them to seek employment. Travis wanted most of the workers to find jobs at other mines to lower strike costs, but the strike committee rejected this approach and recommended for release only those with special problems. The issue generated resentment and dissent among the pickets. Local 890's policy was to require employed strikers to "kick-back" twenty-five percent of their wages to the strike fund, but several miners protested that it was too high a percentage, and the local eventually lowered it to fifteen percent. The majority of strikers remained firm and vowed to continue the strike, but a minority complained that Jencks was too tough a negotiator and that the local's militancy prevented a settlement. They looked to the international officers for an end to the strike. Jencks admitted the picket lines needed to be reorganized "for a strike of indefinite length."¹⁹

The Federal Mediation and Conciliation Service provided Mine-Mill's leaders with an opportunity to bargain with Empire when the agency called for a meeting in El Paso, Texas, on March 7, 1951. Strikers announced before the meeting that they had increased their demands to include one week sick leave a year and three weeks vacation for miners with twenty years of service or more, but Larson, negotiating for Empire's workers, probably hoped to end the strike with the achievement of "collar to collar" and holiday benefits. Despite Larson's expectations, Graves presented a hoary scenario, merely repeating his old offer of the fifteen cent general wage increase and more negotiations when the miners returned to work. Several days later, at a negotiating session held in Hanover, New Mexico, Graves indicated to Jencks that he was willing to ask the Wage Stabiliza-

tion Board for a 4¢ increase in the "collar to collar" differential. Based on Empire's own formula for figuring the differential (average district wage ÷ seven and one-half hours), the 4¢ offer was substandard, and it still did not address the question of working hours or overtime benefits. The negotiating committee, however, did not choose to argue against the proposal on these grounds. Instead they questioned Empire's sincerity and the Wage Stabilization Board's willingness to grant wage increases in lieu of fringe benefits. It is doubtful that Graves meant the offer to be more than a propaganda ploy, since he did not make the proposal in front of Larson or the federal mediator in El Paso. But questions of sincerity or fairness were, after all, irrelevant, nothing more than skirmishers in a larger conflict. The absence of detailed haggling over the prices of various benefit and wage packages gives evidence of this. Strike costs incurred by both union and company dwarfed the specific economic proposals in dispute. At issue was the distribution of power. If 890 relented and allowed Empire to dictate terms, it would subside into impotence.²⁰

After the negotiations at Hanover, Empire sent letters to all strikers requesting that they return to work with the "highest per hour wages in the district." Pointing to \$1750 in lost earnings suffered by each miner during the first five months of the strike, the letters informed employees that the company's policy was to never acquiesce to demands made during a walkout, and it urged workers to exercise their "right to work." The corporation's stalemate strategy had affected some of the strikers, and several rank and file members of the Empire Zinc unit in 890 tried to force a secret ballot on the question of dropping more union demands. Article 5 Section 4 of 890's constitution stated

that "on the demand of five or more members in good standing a secret ballot shall be taken on any question coming before the Union." Jencks reported, however, that the move was "rejected by the membership." Other unionists circulated a back-to-work petition at the company's behest, and by the end of May, Empire claimed twenty-eight workers had signed the petition. Although only about fourteen of the petitioners were among the ninety-two unionists who struck Empire in October 1950, the action presaged more serious strikebreaking efforts.²¹

Empire increased the number of press releases criticizing the local's intransigence, and 890's leaders received anonymous letters filled with threats. In response, strikers sought to build public support by organizing a stream of letters to editors of two local newspapers. An NLRB certification election between Mine-Mill and the Grant County Miners Association at the USSRC mine assumed greater importance in this atmosphere. Accepting a sliding scale of wages when USSRC reopened in May 1950, the Grant County Miners Association was established expressly to counter Mine-Mill's strike leadership. Many striking Empire Zinc employees worked for months to reorganize the USSRC unit, but 890 suffered a crushing ninety-one to thirteen defeat. ASR also tested the union's strength at this time by pushing for a roll back of benefits, including "collar to collar," and Steelworker organizers contacted ASR employees, urging them to change their union affiliation. Local 890 knew if it lost the strike at Empire the defeat would serve as a clarion call to other employers and its entire organization would suffer.²²

Summer Crucible

On June 7, Empire made the move that 890 had anticipated. A full page notice in the Silver City Daily Press announced the mine would reopen

on June 11, 1951. Empire cited the back-to-work petition as its justification and conditioned further negotiations on the sentiments of the returning workers. Company officials had already met with Sheriff Leslie Goforth and District Attorney Thomas P. Foy to obtain assurances that the highway through their property would be opened. Goforth indicated he needed more deputies to enforce their decision, and Empire promised to provide funds for twenty-four special deputies to patrol the picket lines. Local 890 vigorously protested the hiring of company financed police officers, but Goforth's reply did little to alleviate union fears. "The new deputies will not be company police," claimed the sheriff. "They are sworn to uphold the law. If a man trying to go to work hits a picket he will be thrown into jail.... I will not allow the men to take sides in this dispute." Ernesto Velásquez, chairman of the strike committee, pointed out, however, that the deputies' sole purpose was to escort strikebreakers into the plant. Failing to dissuade Goforth from hiring the officers, the local requested that some of its members be employed as deputies. The sheriff flatly refused. Apparently, company and county officials cooperated closely in the back-to-work effort.²³

Controversy also developed over the status of the main road through Empire's property. The thoroughfare ran from the Santa Rita highway (State Road 180) directly through Empire's property, passing between its offices and shops and running underneath a conveyor that linked its mill and loading dock, then on to Fierro. Strikers had established picket posts on the road south and north of the company's property line when the walk-out began in October 1950. They allowed managerial, clerical, and technical employees to pass the lines and requested all others, including union members, to use another road approximately a quarter mile to the

east which allowed travelers to bypass Empire Zinc on their way to Fierro. The union made no attempt to block the railroad tracks alongside the highway because the Railroad Brotherhoods refused to carry ore from Empire's operations. Now both Graves and Foy agreed the road was public and had to be cleared of pickets. Local 890 emphasized that the road had been partially financed by corporate funds and pointed to a sign on the highway that read: "Private Road, Pass At Your Own Risk." Foy refused to reconsider his ruling, however, and the company prepared to resume production.²⁴

Having no luck with county officials, 890 sent a delegation to contact state officials in Santa Fe and Albuquerque. After discovering that the Labor Commission, under-appropriated and under-staffed, was bereft of power, the miners quickly arranged a meeting with Tibo Chavez. He told them the Democratic legislators were at loggerheads with the new governor, Edwin Mechem, and thus his influence was not likely to be great. "I wish I were governor," remarked Chavez, "so you wouldn't have any trouble securing help." The delegates failed to see Mechem, but they met with Joe Roach, State Police Chief, and he radioed the officer in charge of the Grant County area. Captain John Bradford confirmed that the strike had been peaceful and orderly, and he assured the miners no intervention would take place if property damage and violence were avoided. Before returning home, the delegation contacted the director of surplus commodities. He promised prompt action on their request for foodstuff as soon as the documentation, quadruple copied request form and federal authorization were processed and returned to his office. Generally, the miners found state officials to be curious, concerned, not at all hostile, yet, in the final analysis, hopelessly noncommittal.²⁵

On June 11, the day Empire had planned to open, scores of reinforcements from other mines in the district swelled the south picket line in defiance of Foy's order. A line of strikers, shoulder to shoulder, blocked the road. Behind them, a large number of pickets moved in a circle. Goforth, accompanied by several deputies, arrived at the picket line and asked Jencks to stop blocking the highway. Marching in the circular procession, Jencks quietly declined the sheriff's request and kept moving around the circuit. Again Goforth stopped him as he passed and repeated that the road had to be cleared. "Sorry," Jencks replied and for the third time he walked around the broad circle. Goforth then halted him and pressed for an answer. "We have no objection to your going through," Jencks said. But Goforth insisted, "You have to open this road to everyone." Jencks shook his head and started to move off. "You'd better come with me," said the sheriff, touching him on the arm. After Jencks, Goforth arrested ten other union officers and a woman who taunted the deputies. Each time Goforth made an arrest, a miner filled the vacancy. Charges that Lorenzo Torres, a striker, had been hit by a car trying to run the line, and that later fifty men lifted a truck trying to pass and then pushed it back a hundred feet, brought the state police into Hanover for an investigation. But no one wishing to return to work passed the line that day.²⁶

On the following day, June 12, Empire filed a petition requesting a court order to restrain 890 from coercing employees who wished to work, and District Judge Archibald W. Marshall granted the order immediately. Picketing continued, and for the first time many women and children joined with the men to block the road. Strikers allowed most cars to pass, simply asking the drivers to take the upper road on their next trip.

The outward calm exhibited by the pickets contrasted sharply, however, with the disquiet caused by Judge Marshall's order.²⁷

The strikers met that night to discuss the problem. Caught in a quandry, they argued into the early morning over various courses of action. A general strike by all local miners would be provocative and financially vulnerable, but the injunction promised fines if ignored, and the thought of acquiescing after eight months of deprivation was unacceptable. Bob Hollowwa, an international representative who had conducted the abortive organization campaign at USSRC and had come back to assist during Empire's back-to-work offensive, argued along with Jencks that having the women assume control of the picket line would allow 890 to circumvent Marshall's decree, since his order only prohibited union members from picketing. A heated debate ensued; most of the women, backed by Jencks and Hollowwa, maintaining that they were capable of handling the job, and a majority of the men, bridled by pride and fear, arguing that it was too dangerous. After several votes, a motion calling for the women to take over the strike line for twenty-four hours passed by a small majority.²⁸

The change was not altogether abrupt. Women's participation in support functions had grown throughout eight and a half months of the strike--writing letters and leaflets, organizing fund raisers and entertainment, contributing scripts and announcers to the weekly radio program. Before auxiliary members could share in strike activity, however, they had to take care of domestic chores. Angelia Becerra, wife of Vincente Becerra, a member of the strike committee, had three children, ranging from four years of age to six months. Mrs. Barraras, whose husband also served on the strike committee, had six children; the oldest,

twelve; the youngest, nine months. Braulia Velásquez, wife of Ernesto Velásquez, 890's vice-president and chairman of the strike committee, had three children, including a baby only one month old. Other pickets had similar commitments, but the women needed to escape the monotonous routine of housework, and they wanted to achieve the respect and value accorded to union activity. Some of the new pickets thought their husbands had opposed the women's increasing involvement in the strike because they did not want to take care of the children, and this added to the women's determination to prove themselves.²⁹

The switch in pickets caught county officials by surprise, and Goforth held back from clearing the lines for several days. Non-union workers regarded the change as an opportunity to enter the property, but they found the women to be very tough indeed. By June 15, Foy had issued six arrest warrants charging women with assault and battery. Empire claimed it had resumed operations, but only eight miners who lived on company property reported for work. The pickets' success drew many other women to participate, and, for the first time, elated and confident, they filled the union meetings and participated: Sister Chavez and Sister Jencks, "We need more organization." Sister Chacón, Sister Montoya, and Sister Moleno, "Organize more women." Sister Aurora Chavez, "No scabs are passing our lines. We don't need the men!" Sister Montoya, "What we need is more help from the men on the many jobs off the line, more help on the jobs we cannot do at home while we are doing this job." Sister Velásquez, "Our only problem is controlling the sneaking scabs crawling through the pine trees."³⁰

Meanwhile, Empire brought its public relations campaign to a crescendo when it ran a full page advertisement in the Daily Press

calling the union lawless and promising to open the road into its property as a public service. The newspaper then published a series of questions and answers from the company:

Why did the union go out on strike?

A. We do not know. The union for some strange reason did not seem to want an agreement. When the strike started the union had over some 20 demands so that we never discovered what the union really wanted. It appears that the union wanted a strike, unless the company complied with the unreasonable union demands.

Was holiday and collar-to-collar pay the big issue?

A. We do not believe so. The company has a holiday and collar-to-collar system which pays our employees [sic] more than the system in other companies. Our employees, we believe, prefer our system which was established by agreement with the union some time ago....

Are Empire Zinc employees picketing?

A. By far the majority of pickets are men from other companies. For example, of the 12 arrested Monday only two were Empire employees. What is the basic issue?

A. The basic issue is whether the union leaders are bigger than the law. You or I could not defy the law. Why should the Union have special privilege?³¹

On June 16, the caution shown by county law enforcement officials since women had assumed control of the picket lines dissolved into a day long battle for control of the road. Early that morning, Goforth drove out to arrest the six women charged with assault and battery and to escort a group of workers through the strike line, but the pickets would not allow him through when they learned of his intentions. Goforth was a mild-mannered, unpretentious man who had been elected by only a three vote margin the year before, strongly backed by 890 over the incumbent, who campaigned as a pro-company sheriff. No one doubted that Goforth owed his election to the union (indeed, he was the only Republican official in the county), but he appeared to be dominated by the district attorney.³² Up to this point, Goforth had been circumspect in carrying out Foy's orders, but when women refused to stand aside, he exploded in a paroxysm of anger, ordering his deputies to arrest any person

standing in his way.³³

A group of miners stood tensely on a hillside overlooking the road while officers placed pickets in police cars and drove away. New pickets immediately took the places of those arrested. Making no progress toward clearing the road, several deputies displayed tear gas grenades, but the women taunted the police and continued to march. Then, quickly, one deputy jerked the pin from his grenade and hurled the canister. A sickening cloud of gas billowed fifteen feet into the air, obscuring the highway and scattering the pickets. But a stiff wind from the southeast quickly cleared the road, and the pickets regrouped. Deputies again released a bomb, but in minutes the women had regained their positions. Arrests continued methodically, pickets offering only passive resistance, until several cars carrying scabs slowly approached the line. Cries of "No les dejan" (don't let them) echoed from the hills, and women struck back at the officers. Screams, blows, dust and wind conjoined in a terrific cacophony. One auto tried to push through the women; another attempted to squeeze through along the railroad tracks. Miners from the hillside edged toward the line, throwing rocks and screaming epithets, while pickets rushed to block the cars. For a moment it seemed the non-union workers would crash through, but the two cars finally turned back, and the line held.³⁴

Back at the County Court House, Goforth had his own crisis; sixty-two prisoners, forty-five women and seventeen children, including a six week old baby, were lodged in a jail designed to accomodate only twenty-four. He made arrangements with a local hotel to hold more there, but Goforth soon realized there were more pickets than he could afford to contain and feed. The imprisoned women were outraged by their

arrests, but reveled in the experience, nonetheless. Singing songs, yelling protests, or flinging epithets, the prisoners made themselves heard throughout the Court House. Virginia Chacón described the jailing:

I myself didn't know what a jail was, I didn't know what it looked like, and of course, we were all nervous in there, after we saw the rest of the women in there, and these paid gunmen registering us, and they said we have a choice of either staying in jail or going back home but just were not allowed to go back to the picket lines. We all responded at the same time we would not go home, we would go back to the picket lines and help our strikers, help our union members.

We stayed there all day. We had a very good time. We sang, we played cards, we read, we made all kinds of noise, and one of the trustees there came up to us and he asked us if we needed anything from town, and of course, were all mad at him, at the way they treated us, we didn't want their help, we had our help from the union. Mr. Bustos brought a boxful of union literature, leaflets, and in a little while we got some food, lunch--because we couldn't eat in there, it was a little bit too filthy....³⁵

Meanwhile, District Attorney Foy telephoned Governor Mechem in Santa Fe to obtain state assistance. But Mechem was aghast. "It is questionable if some forty women should have been jailed," Mechem told reporters. "Certainly they should be released on their own recognizance. The state police will not go to Silver City as strike breakers." Assistant District Attorney Vincent Vesely tried to secure pledges from the women to stay away from the strike line, but they steadfastly refused. Finally, he dropped all conditions and begged them to go home.³⁶

The dramatic events of June 16 captured attention nation-wide. All radio networks reported the jailing of women pickets; Time-Life sent reporters to Grant County, and the story appeared in the New York Times. The confrontation also forced many local people who were not directly involved to consider the situation. During the eight and one-half months of the strike preceeding the jailings, most of these people maintained, at least ostensibly, a neutrality bordering on indifference. Since only

about 130 of the 2,205 mining employees in the county walked out in October 1950, and because their activity had caused no violence or disruption, this complacency was understandable, even inevitable. Although the Daily Press made no effort to explore the issues in dispute between Empire and Local 890, neither did it assume a blatant anti-union position. Compared to the role of the Carlsbad Current Argus during the 1949 strike, the Daily Press' strike coverage was discreet. But Todd Ely expressed the attitude of many business and professional people in Silver City in an editorial printed beside several letters from the strikers on June 16:

Barring monopolies--which are unlawful--the basic cause of high prices is inflation.... It can't be cured by less work and more pay, indeed they are in themselves inflationary.... Some people we know have thot [sic] --and many still have the idea--that the present liberty to root hog or die ought to give way to some form of socialism under which all should share alike regardless of ability, skill, and willingness to work and produce.

Yet the story of women and children struggling with company paid deputies elicited sympathy from the townspeople, and even those who subscribed to Ely's analysis and remained unsympathetic could see it was a scandalous situation. Reflecting this sentiment, Grant County's weekly newspaper, the Silver City Enterprise, urged law officers to avoid violence and joined with the Daily Press in calling for a truce and further negotiations.³⁷

On June 24, Ethan Walker, of the Federal Mediation and Conciliation Service, called together another negotiating session. Four days earlier, Mine-Mill's attorney, Nathan Witt, represented the union in a hearing before Judge Marshall concerning the temporary injunction. Marshall promised to defer his final judgement until July 9, so the union could submit other evidence and arguments, but 890 came out of the hearing convinced of Marshall's hostility. Under this pressure, Larson accepted

Walker's offer of binding arbitration on "collar to collar" and holiday pay. Mine-Mill's officials, including Jencks, feared that the union's connections with the Communist Party would prejudice any government agency intervening in the dispute. For this reason, they avoided arbitration if any other alternative remained open. Mine-Mill's acceptance of arbitration could have been for propaganda purposes if the union was convinced Empire would reject Walker's offer, or it could have been a desperate bid to end the strike before Marshall made the injunction permanent and extended it to include women. In either case, Empire did reject arbitration, claiming that it and 890 were better qualified to decide the issues. Walker finally gave up after seven frustrating hours of negotiations. In essence, Empire still demanded an unconditional surrender from Mine-Mill.³⁸

Because Empire had decided to reopen its mine with non-union labor, it became increasingly important for 890 to seek public support outside of its membership and their families. Neither economic pressure nor adverse public opinion would, in itself, bring Empire to terms on the crucial matter of sharing power with the union, but if county and state officials could be dissuaded from interfering to end the blockade, perhaps the company would find accommodation to be the only answer. To do this, however, 890 had to appeal to professional (often coming from long-established ranching families), service, and technical workers, because they controlled the county government. For example, Judge Archibald Warren Marshall "was the only child of pioneer parents ... his father, a Virginian, was a lineal descendent of John Marshall, Chief Justice of the United States Supreme Court.... Marshall followed the family tradition in its long line of lawyers and judges." Sheriff Leslie Kimbal Goforth

was born in Georgetown, New Mexico, in 1891, graduated from the New Mexico School of Mines, and worked as an ore assessor at Kennecott's Chino Mine for sixteen years. He also ranched and acted as deputy mineral surveyor. District Attorney Thomas P. Foy, son of a prosperous rancher, held substantial power in the county Democratic Party. The majority of county voters also came from these groups. The economic structure of Grant County centered wholly around the mines, but more people worked in the dependent and auxiliary lines which lived off the mines and the earnings of mine and mill workers. In 1950, out of 7,276 employed in the county, 3,850 were service workers and 2,205 worked in the mining industry. Of the three other major employment groups, agriculture (576), construction (483), and railroading or trucking (162), only the smallest, railroad employees, gave any overt support to Local 890's actions.³⁹

In fact, the local had difficulty propitiating other socio-economic groups in the county. Metal miners earned more than workers employed in agriculture and construction, and they far outdistanced service employees. In rural non-farm areas, where miners' families predominated, the median income in the recession year 1949 was \$3,177, while the median income in Silver City was \$2,386; just above the state median of \$2,301, but substantially under the median of \$2,785 for urban areas of the state as a whole. Given these figures, it is not surprising that many people perceived the miners to be a labor aristocracy, though few envied the dangerous work underground, where thirty miners had died between 1946 and 1950 and hundreds more were injured. Businessmen and retail workers depended on union money to buy goods, but the extra money coming in after wage increases never offset the tremendous losses and credit problems

brought by strikes. Strikes also threatened technical workers' employment with no compensating benefits, and often Mine-Mill thwarted the technician's quest for efficiency in the mine. Professionals and businessmen admired and respected corporate wealth and technology, mingled socially and politically with corporate managers, and sympathized with Empire's claim to absolute control over its property. For these reasons, 890 could not easily secure broader alliances.⁴⁰

Although Local 890 sent letters to the service and professional people in Silver City, discussing the issues and asking for their backing, the strikers concentrated on enlisting the support of business people in the small villages close to the mines, since miners could exert more leverage on small business persons and officials in the towns where unionists comprised a majority of consumers and voters. In Central, twenty-four tradespeople signed a letter to Empire Zinc calling for the company to grant established conditions of employment and to remove non-union men and deputies from the company payroll. The statement had obviously been prepared by Local 890, and it contained strong anti-company statements. The mayor and three of the four councilmen in Bayard passed a similar statement in the form of a resolution. In response, forty-three merchants, mostly from Bayard, and twenty-eight other people signed a full page notice in the Daily Press:

We believe firmly in the right of the laboring man to be represented by a union of his choice.... We do not accept the propaganda of either side in the present dispute ... and do not support either side.... We deplore the ... use of women and children in the picket line which has resulted in violence and law violation.... We are not in favor of any union ... under the influence of communist sympathies.... We protest the use by Local 890 in its organization work of a man who served time in the California penitentiary.... We protest ... implied threats of violence and boycott.... We object to the action of the Mayor and three of the Trustees of the Village of Bayard in yielding to improper pressure⁴¹

The organizer referred to in the advertisement was Bob Hollowwa. He had been convicted of kidnapping in 1934 and served four years in San Quentin where he was Tom Mooney's cellmate. Steelworker organizers had printed slander sheets on Hollowwa that cited his prison record (Hollowwa claimed he was framed because of union and left-wing activities) and listed the dates and places of Hollowwa's Communist Party activities. These sheets, which included both Hollowwa's and his wife's party card numbers, probably were prepared with FBI assistance. Many signers of the Daily Press advertisement reappeared later as members of the well-financed Grant County Organization for the Defeat of Communism.

Local 890, as the advertisement accused, probably coerced some people to sign its petitions. Whether its actions constituted "improper pressure" or a venerable form of democratic arm-twisting depended on the observer's predisposition. When does the exercise of consumer sovereignty become a boycott? Nevertheless, a sharp but civilized exchange between Joe Carrillo and Senator Clinton P. Anderson evidences a time-honored process of influence. Carrillo wrote Anderson:

We had requested your assistance in securing Government Surplus Foods.... As Chairman of the Publicity Committee ... it became my duty to inform our entire membership (1400) of your answer. Some of the comments heard from the floor were: Following ellipses in original "Mr. Anderson came to us when he needed help to get elected. He may need us again.""Apparently Mr. Anderson has never had to go hungry to win decent working conditions." "If Mr. Anderson asks for my support again, I shall tell him that I am too hungry and weak to vote for him." "Mr. Anderson was elected to represent the people of New Mexico; not only the corporations, who make \$10 million clear profit a year."

Anderson replied:

My assumption was, maybe incorrectly, that the membership would rather work than have charity. If that is wrong, then you tell me. If it is not wrong, then the first thing to do is to see if there is any way of assisting in aiding the reopening of the mine.... I

wonder if you have been completely fair with me in whatever you have told your membership because the replies that you are quoting would indicate that you have not been very fair. Would you mind telling me just what you said to your membership?⁴²

While 890 jousted with its opponents during the first few weeks of Empire's back-to-work movement, racial tensions and conflict among the county's citizenry became increasingly apparent. Racial prejudice and discrimination had long constituted an ugly and devisive undercurrent in the community, but they were particularly important in this strike. Although Empire was a tough, anti-union company in the East as well as the West, with Anglo workers just as with Mexican Americans, the corporation also undeniably observed and exploited the racial divisions in the Southwest. Empire separated Anglos from Mexican Americans both economically and socially. All underground workers (muckers and miners) were Hispanic; most surface employees (mill and shop workers) were Anglo. Therefore Empire forced only Hispanic workers to spend eight and one half hours on their shift when it denied "collar to collar" pay to underground workers. Wage differentials between the western mining regions also indicated discrimination against Mexican Americans. Wage rates for laborers, muckers, and miners (jobs held almost exclusively by Mexican Americans in Grant County) were much lower in Arizona and New Mexico than in Utah, Nevada, or Montana where Anglos worked at these jobs. Pay scales for craftsmen and surface workers, however, were approximately the same in all areas. Although miners in Arizona and New Mexico had won increases equal to those gained at other mines in the West during the post-war period, industry bargainers refused to eliminate the area differentials, thus perpetuating a rate structure developed through exploited Mexican labor in the nineteenth century. A system of racial and class distinctions

also separated Mexican Americans from Anglos, and blue collar workers from salaried employees, in the company owned housing where ninety percent of Empire's employees lived. Location and size of the worker's dwelling indicated his status in the hierarchy. Mexican American housing did not have indoor plumbing. When the union asked Empire to install plumbing and bath tubs in houses occupied by Hispanic workers and to negotiate further increases in rents (after the 1948 wage increase, rents doubled), Empire held that such topics were outside the purview of Local 890's bargaining rights.

The ethnic division between workers in the mine was mirrored in the strike. Only twelve of the ninety-two unionists who struck Empire were Anglo. Most of these men either found work elsewhere or returned as strikebreakers in the summer of 1951; none participated in strike activities. The major issue of "collar to collar" pay did not affect them directly, and segregation, enforced by racial prejudice and company policy, militated against cooperation. Yet strikers did not make segregation an issue; and they de-emphasized their housing demands, often dropping them from the list of demands printed in union bulletins and press releases. Economic equality was their immediate goal.⁴³

After the confrontation between union and county forces became vociferous in the summer of 1951, polarizing groups to one side or the other, racial hostility surfaced to help determine both the community's reaction to the strikers and the strikers' interpretation of the opposition. Empire's workers had waged a grinding eight month battle for conditions which other corporations in the district had granted years before. Then, in June, the district attorney told them that Empire could open its mine, bring in new workers, and break the strike; but Foy explained

to the strikers that it was unlawful to interfere with the reopening. The anger, frustration and righteous indignation caused by the obtuseness and complacency of people like Marshall, Foy, and Goforth transformed the strike into a crusade against the abuses miners suffered as workers and Chicanos; it became a symbol of their people's struggle against economic and social subordination. Many Anglos, on the other hand, depreciated the charges of discrimination and prejudice. "The two races live, work, and play with practically no friction and considerable good will and toleration," wrote Todd Ely, editor of the Daily Press. But "if you have a dark skin, belong to a minority religious, political, or racial group, look no further for an excuse for your ill success." Ely suggested the reason for their problems in a later editorial: "Mexico, of course, is poverty stricken because its early settlers lost their identity in a mestizo melting-pot that lowered the general level of culture to a point little above that of the swarming aborigines." Ely's statements are particularly relevant, not only because he seemed to be representative of the Anglo community as a whole, but also because his paper filtered and shaped information received by most of the county's residents. He purveyed an image of culturally, if not racially, inferior people who did not understand free enterprise or democracy. This apprehension evoked a defensive reaction from many people that obscured union arguments and distorted its purposes.⁴⁴

At the same time, anti-communism was added to an already acrid brew of racial bigotry and class conflict. If Mexican Americans had no real cause for complaint, reasoned many people, then outside agitators, "communist rabble-rousers," must be stirring up otherwise contented workers.

When Nathan Witt and Maurice Travis arrived in Grant County on June 20 to attend a hearing on the injunction and to address a meeting of Local 890, more than one thousand people packed the hall to hear their speeches, including several newspaper reporters. Neither Witt nor Travis disappointed those looking for ulterior motives and subversion. To them, Witt's talk confirmed their suspicion that the communists wished only to use the union to achieve political goals. "The International Union is not forgetting that your fight is tied up with the big question of peace," the Daily Press quoted Witt as saying. "If there is war and the atom bomb is dropped, your working conditions will not be important." Travis also provided the paper with good copy when he claimed that Empire had "bought" its injunction. Although Marshall had promised to defer his judgement on the permanent injunction until July 9, he announced shortly after Travis' speech that the preponderance of evidence showed the road to be public. He made the injunction permanent and extended it to include women pickets. Travis' remarks probably influenced Marshall's haste.⁴⁵

Witt, however, drew more comment from the press because of his involvement in the major controversies over communism in the Federal Government. A distinguished looking man, forty-eight years old, with close-cropped silver hair and a dark moustache, his self-confidence and brusque intelligence impressed reporters. He had attended the Harvard Law School, where he worked on the Harvard Law Review and graduated near the top of his class. Lee Pressman brought Witt to Washington in 1933 to work in the Agricultural Adjustment Administration, and he moved to the National Labor Relations Board when Roosevelt established it by executive order in 1934. Serving as secretary and chief council for the

NLRB after the Wagner Act in 1935, he was, by reputation, quite an elitist, since he only hired graduates of the most prestigious law schools, and only those who had worked with distinction on a law review. In 1948, Whittaker Chambers, in his famous testimony before the House Un-American Activities Committee, named Witt as a leader of the "Washington Cell," which included Lee Pressman, John Abt, Henry Collins, Charles Kramer, and Alger Hiss. The committee subpoenaed Witt in 1948 and 1950, but he declined to answer its questions under his fifth amendment rights.⁴⁶

Witt stayed in Grant County through June 28 so he could represent Local 890 in a hearing before the NLRB, arising from Empire's charge that the local engaged in illegal picketing. The local had earlier filed a complaint with the NLRB over Empire's refusal to bargain in good faith. NLRB officers arranged to take testimony from 890 regarding the company's complaint and then conduct a hearing on the union's charge. Local 890 had a good case against the company, but even if the board decided in the union's favor, it could only enjoin Empire to bargain with the union; it did not have the power to force arbitration. Yet if the NLRB found Mine-Mill guilty of trespassing on Empire's property or coercing its employees, the board could enforce its decision through the courts.

These legal jousts, along with Marshall's premature injunction, provided the backdrop for a new attempt at negotiation, called by Cyrus Ching, director of the Federal Mediation and Conciliation Service, and held in El Paso on July 5, 1951. Neither side was in the mood to compromise. Growing support from other unions and segments of the county community buoyed 890's confidence. Velasquez, speaking for the negotiating committee, indicated the strikers would accept a settlement based

on any other contract Mine-Mill had in the district (Peru, ASR, or Ken-necott); but Empire, buttressed by Marshall's decision to extend and finalize the injunction, claimed the union's offer presented "new demands," so Charles Graves "retaliated" by withdrawing the company's wage offer. "It is regrettable," Larson told reporters, "that New Jersey Zinc prefers to conduct its negotiations through the medium of injunctions, scabs, and gunmen.... This strike can only be settled across the bargaining table. It cannot be broken."⁴⁷

With negotiations deadlocked, attention shifted back to the picket lines at Hanover and to the union's response to Empire's injunction. Frequent clashes between deputies and pickets in the days following the abortive bargaining session promoted bitterness on both sides, leading, in turn, to even more violent confrontations. Empire encouraged these battles by paying half a day's wages to any worker who tried to get through the pickets. Women used rocks and chile powder to bruise and blind the non-union workers and special deputies who tried to break the strike line, while officers beat several pickets with blackjacks and used their cars to crash through the picket lines, hitting two women and sending one to the hospital. The union filed many charges against non-union workers and deputies, and even got the justice of the peace in Hanover (a union man) to issue arrest warrants for three of the most blatant offenders. These cases quickly were transferred to more hospitable jurisdictions and dismissed. Justice of the Peace Andrew Haugland, who heard most of the assault cases, held that the women had no cause for complaint since they were breaking the law. At the same time, the courts issued numerous warrants for the arrest of union members, and

ruled methodically against 890. On July 11, Haugland convicted twelve unionists of unlawful assembly on the first day of the company's back-to-work effort. He sentenced eleven of the defendants, including one woman, to a ten day suspended jail term and a \$30 fine; Jencks, singled out for special treatment, received a twenty day sentence without suspension. Shortly after the twelve appealed their sentences and posted bonds, Judge Marshall announced that he would hold both the local and international union in contempt if they did not cease picketing activity by July 20. The coils of injunctive justice inexorably tightened around the union.⁴⁸

The strikers lacked any real strategy. Having bet too much on the strike to fold, they simply held on, hoping to outlast the company. Neither side in the dispute could lay claim to subtlety or balance in the presentation of its case. Empire, however, did not have to worry about its public image as Local 890 did ; the legal rights of property gave it the advantage. Mine-Mill, on the other hand, needed very much to reach people with its message and convince them of the virtues in its position. Any union would have had great difficulty in securing public support while defying a court order and physically preventing non-union people from returning to work. Mine-Mill had the added disability of being associated with both radicalism and Russia during a period of hysterical anti-communism. Nevertheless, as the strikers became more isolated, their publicity became more intemperate and rhetorical and therefore easier to dismiss. The publicity committee continued to turn out radio programs, leaflets, and letters, but often the union discovered that it was only reaching people who had already been convinced. For example, the Daily Press had not assumed an explicitly anti-union stance,

but it had overlooked the pro-union petitions signed by various business people, ignored 890's bulletins after the July 5 negotiating session in El Paso to print what was essentially a company account of the meeting, and disregarded many union letters that poured into the editor's office. After consulting with Bob Hollowwa, women volunteers decided to pressure the paper into printing more statements from the union. They tied up the newspaper's phone with calls, picketed outside its offices, and distributed leaflets that stated the Daily Press was being judged. Responding to the pressure, Ely changed his policy from veiled opposition to open hostility, urging officers to eliminate the picket lines at Hanover and to preserve the peace by any means necessary. On July 17, a front page story in the paper denounced "890's efforts to publicize the picket line and strike in a slanted fashion," and blasted "the leadership's manipulative methods." Local 890 succeeded in pushing Ely off the fence, but he landed on the other side.⁴⁹

Demonstrations at the time of Marshall's contempt hearings, July 20 to 23, proved to be more beneficial to the strikers' cause. Witt's strategy was to make only a nominal showing at the proceedings and then appeal the decision to a more sympathetic court. At the same time, the union planned a series of mass protests to dramatize its case against the court's policy. Witt moved for dismissal shortly after the hearings began and the six union officers named in the indictment walked out of the court room when Marshall overruled the motion. On the following day, approximately 300 men and women poured into the Court House and surrounded Goforth's office, demanding that he dismiss two deputies, Marvin Mosely and Robert Capshaw, charged with assault. Protesters conducted a noisy four hour sitdown which confined Goforth in his office until several

state policemen cleared the crowd. Judge Marshall and Charles Royall, president of the Grant County Bar Association, appealed to Mechem for state assistance in quelling "the near violence," but Mechem held back. The local could mobilize large numbers of people because rank and file participation had grown tremendously since the jailings in June. The union held mass meetings almost every night during this period, often with more than a thousand people in attendance. Only hours after the court house demonstration, a large procession of cars honked their way through the mining district and into Silver City. Signs taped to the automobiles read, "Phooey on Foy," "Goforth without Goforth," and "No Marshall Law."⁵⁰

Marshall announced his decision in the contempt case on July 23, with state policemen guarding the courtroom. The local and international unions each received a \$4,000 fine; three union officers, Jencks, Montoya, and Velasquez, and three members of the negotiating committee, Vincente Becerra, Pablo Montoya, and Fred Barreras, were sentenced to ninety days in jail. Marshall told the strikers that he would suspend half the fines and all of the jail terms if they would clear the road. Minutes after he handed down the decision, Marshall met with Royall "to discuss means of keeping the peace." After their conference, Royall wrote the governor that "things were getting out of hand.... It seems to us that we have reached the point where it must be decided whether the courts and the laws are to be obeyed by everybody alike, or that some block of people can thwart the law to carry out its policy." Mechem told reporters that he hoped it would be unnecessary to establish martial law, but that he would send in the National Guard if conditions warranted it. Local 890 responded by organizing a huge caravan to demonstrate against martial law.

Three hundred cars, escorted by a contingent of the state police, moved into Silver City and assembled at the County Court House. Over a thousand people listened as union leaders denounced Royall's request for troops and pledged their support to the continuing struggle. On the following day, the Grant County Bar Association, claiming that it took no side in the dispute, moved "to enforce respect for the law" by filing criminal contempt charges against Travis, Jencks, Cipriano Montoya, and Local 890 for asserting that Empire had "bought" its injunction.⁵¹

This action only exacerbated tensions in an already dangerous situation, and Ernesto Velasquez's bitter reply to Royall did not suggest any increased appreciation for the law in Grant County.

When Mr. Royall and Judge Marshall call for state troops, their concern is not for law and order. They're just scared to death they'll be ostracized from that tightly-knit group of union haters who have had life-time careers as court jesters for the mining operators ... Company gunmen's pistols and national guardsmen's bayonets will never produce an ounce of ore. Only workers' hands can do that. And those hands will remain idle as long as Empire Zinc persists in its stubborn attempts to maintain working conditions inferior to other mining operations in the Bayard mining district.⁵²

At this point, Mechem intervened in the dispute, but not in the way Royall and Marshall wanted. State police officers replaced special deputies on the picket line patrol, but they did not enforce the injunction. Following the take over, Mechem addressed Grant County residents in a KSIL broadcast. Although he made thinly veiled references to the communist issue and stressed the importance of zinc production in the war effort, Mechem did not condemn either Empire or Local 890, and he offered to serve as a mediator between the two parties. Local 890's negotiating committee immediately sent a telegram to the governor accepting his offer. Perhaps fearing that Mechem would favor the union if he scrutinized the issues, Empire declined the governor's services, and

proposed, instead, another meeting in El Paso on August 2 under the aegis of the Federal Mediation and Conciliation Service.⁵³

Before making his decision, Mechem had obtained information about the strike from several sources, getting conflicting opinions. Foy, Goforth, Haugland, Royall, and Marshall needled by unionists, businessmen, and colleagues, wanted him to send troops immediately, so they could crush Local 890's embarrassing opposition. But State Police Chief Joe Roach and Captain John Bradford, officer in charge of southwestern New Mexico, deflated the wild stories coming from anti-union people, insisting that they could handle the situation. The governor knew that Jencks was associated with the Communist Party (The special agent in charge of the Silver City investigation for the FBI was a close friend of Mechem's, who had been an FBI agent himself during World War II.), and he believed that Jencks had caused much of the trouble, but he did not think that the Communist Party itself was necessarily involved. Mechem felt, instead, that Jencks was motivated by "his own aggrandizement," and that he had "delusions of grandeur." Although Mechem did not consider the strike to be a legitimate industrial dispute, he knew that the Mexican American workers were strongly committed to it; so he avoided taking a position that could have been interpreted as anti-union. "Jencks had the ball there for quite some time and wasn't able to do anything with it," explained Mechem. "We were just hoping it would probably die a natural death, and as a result would lose a lot of its force as far as enhancing the position of the Communist Party or Jencks himself." Mechem's actions tended to favor the union. By resisting the demands for martial law, and by allowing state police to patrol the strike line without enforcing the injunction, he reduced tensions in the community and

demonstrated that peace could be maintained short of martial law. The governor's mediation offer also helped Local 890's public image, since Empire's rejection of mediation could hardly be considered cooperative.⁵⁴

Chief Roach and Captain Bradford played a very important role in Mechem's decision and in the subsequent interpretation of the policy. Seeing that the company financed deputies and the anti-picketing injunction had precipitated the strike related violence, Roach and Bradford made a special effort to reassure the strikers that the state police would not escort non-union workers into the plant or prevent pickets from occupying the road. If an incident occurred, Bradford would secretly meet with union leaders and reiterate that the status quo depended on their willingness to avoid violence. The policy was successful, and peace prevailed during the periods when state officers patrolled the picket lines. Bradford exhibited a surprisingly clear understanding of the situation when he recalled the strike during a 1977 interview:

Public sentiment is, and was back then, 'to heck with the strikers, put 'um down; industry is more important.' But anytime you threaten people, you're creating an irritation. Any time you try to bulldoze people, you are going to have a certain amount of resentment toward what you're doing. The deputies were causing trouble. We didn't need them. We did not try to enforce the court orders, leaving this to the sheriff. The union was not abiding by the law as far as this was concerned, and we were not trying to force them to. We were actually trying to talk them into it, and had talked them into it. We were aware of the Communist affiliation ... but it was not a case of espionage or sabotage; it was just an upheaval in the public relations of the community.⁵⁵

The negotiating attempt prompted by Mechem's intervention proved to be a disappointment. The meeting drew Richard Berresford, manager of employee relations for New Jersey Zinc, and its personnel administrator, Charles Graves. Larson and Travis headed up a joint bargaining

committee that included three women and five negotiators for Local 890. Mine-Mill's executive board wanted a settlement very badly. The strike encouraged other corporations in the district to stall during the crucial summer negotiations, and it drained resources made scarce by corporate pressure and CIO competition. Both Travis and Larson feared that Empire would never weaken, so their support for the strike was reluctant and half-hearted. After two days of fruitless talks, Mine-Mill proposed arbitration "without qualification and with the explicit understanding that the company and the union will be bound by the decision." Jencks and Velasquez had indicated to Travis earlier that in their opinion the presence of a federal mediator at the meeting would weaken the union's position, but Travis telegraphed both the regional and national offices of the agency, asking them to participate, and now he proposed arbitration by the conciliator. Although Berresford rejected the arbitration offer, and the union probably expected that he would, members of the local negotiating committee resented the executive board's willingness to compromise on the strikers' demands.⁵⁶

Nevertheless, the strikers maintained a strong commitment to the struggle. Only about thirty-five families still relied on strike benefits because many workers had found jobs at other mines in the district. Since the most militant strikers either elected to stay on strike duty or found it impossible to get work elsewhere, the nucleus of resistance was very tough. The strong rank and file support shown throughout the local also kept the strikers' morale high. Each member of the local gave a dollar a month to the Empire strike fund, and many women whose husbands worked at other mines were among the most militant and dependable pickets. With the local's organizational structure promoting wide

participation, myriad committees handled almost every aspect of the strike and usually functioned independently of the international representatives or union officers. Both the principle and practice of democracy were strongly rooted within the union. Participating directly in the determination, execution, and review of union programs, the rank and file exhibited a remarkable enthusiasm and competence.⁵⁷

A momentary lull in strike line confrontations also contributed to a sanguine atmosphere in the union hall. Empire's mine and mill remained shutdown. The company had about twenty supervisory, technical or clerical employees allowed into the plant by the pickets, and approximately ten returning workers who lived in Hanover. They simply walked down from their houses to work. Nine others regularly tried to gain entrance through the various roads into the property, but with the state police tolerating the picket lines on the main road, they had to walk in from the upper road, through the "saddle," and along Hanover Gulch to get to work. Few men were inclined to go to so much trouble when jobs were available elsewhere, and most of the people who tried to come in from the outside were shop workers, so Empire did not try to resume production work. The corporation's custom processing facilities also remained closed. Before the strike, Kennecott had shipped its zinc ore to Empire for milling, but after stockpiling its ore for several months in anticipation of Empire's reopening, the company began to ship its zinc to the ASR plant in Deming, which expanded to meet Kennecott's demands. Empire clearly lost the advantage while state police officers watched over the strike.⁵⁸

But Mechem pulled out as quickly as he intervened when the situation settled down and the negotiations returned the company and union

to the same old stalemate. Local 890 asked Mechem to call for another bargaining session, but the governor held back, and the strike's quietude quickly passed with the departure of the state police. County officers could not accept the law enforcement precedent set by Roach and Bradford because it implicitly criticized their previous efforts.

Shortly after the state police pulled out, District Judge David Carmody tried Jencks, Travis, and Montoya for implying that Empire had bribed Marshall to obtain its injunction. In his statement to the court, Travis protested that he did not mean to say the court was actually bribed. "Judges do not mix with miners or muckers or smeltermen," he explained. "Companies can secure injunctions by ... hiring gunmen and scabs to create trouble on the picket lines." Carmody found Travis' newly refined opinion to be just as reprehensible, however. The Bar Association's case against Jencks and Montoya was tenuous at best; Montoya being charged with signing a check that paid for a radio program containing the remark; and Jencks, with delivering the tape recording to the radio station. Although Carmody admitted that evidence of criminal contempt was inadequate, he sentenced Travis to a six month suspended jail term and \$100 in court costs; Jencks, sixty days and \$100 court costs; and Local 890, 50¢ per member, or \$700. Two days later, Justice of the Peace Haugland served notice that the union could not expect protection from the courts while it blocked the road. Haugland commended and exonerated two deputies who had been charged with driving their car over the foot of a fourteen year old picket, and then the judge bound the girl's parents over to district court, charging them with "contributing to the delinquency of a minor."⁵⁹

Empire also moved to re-establish the pressure it had brought to bear on the strikers before the state police intervened. Knowing that a constant parade of assault cases would be needed to bring county deputies back to the picket lines, Graves hired Marvin Mosely and Robert Capshaw, two of the special deputies most hated by the union, to regularly challenge the strike lines, while managerial and technical employees began to defy the picket lines more aggressively. The pickets did not need to be pushed very far, however, to react violently to the people working for the company that tormented them. They sometimes vented their frustration and hatred with very little provocation. With confrontations on the strike scene proliferating, Foy and Goforth criticized the state's method of handling the situation, claiming that deputies were needed again. Roach blasted the county officers when he learned of their statements: "If the conditions again get out of hand, it can in all probability be directly chargeable to the sheriff and district attorney, and this department would rather have no hand in it." But the deputies returned anyway, while angry charges flew from both directions and the opposing camps moved toward a showdown.⁶⁰

During the third week in August, Grant County witnessed a litany of violence, drowning out the faint voices of reason and growing more dangerous with each invocation. Ironically, at this time Local 890 scored what could have been its biggest public relations coup when the NLRB announced that Empire Zinc had failed to bargain in good faith, but the rush of events soon overtook the news, and it was quickly forgotten. A non-union worker swerved his car into an automobile driven by a striker, causing the unionist and his wife serious injury; pickets

struck strikebreakers with rocks, threw hot coffee on them, and vandalized their cars. Haugland allowed non-union workers and deputies to obtain peace bonds on any picket resisting them, and six people sat in jail rather than post bond. All pickets vowed to do the same if arrested. Then, Leroy Sanders, the company's bookkeeper for thirty-six years, brushed Hollowwa with his car when he entered the property in the late afternoon of August 22, and pickets almost demolished it with rocks. That evening, fifteen employees of Empire Zinc met with the sheriff and laid plans to break through the south picket line on the following morning. Goforth promised to back them up with at least twenty deputies. Anticipating some kind of trouble, the local called for more pickets to reinforce the line.⁶¹

Shortly before 7:00 A.M., Goforth and his deputies met with nine non-union workers in front of a church about 300 yards southwest of the picket line. He had only put together a force of about ten deputies, but most of the non-union workers were armed, so they decided to proceed to the south picket line. Approximately seventy-five women, men, and children were massed between the railroad tracks to the east of the road and the hillside just west of it. The three vehicles carrying the strikebreakers moved slowly up to the line and stopped; two cars in front and a truck behind. There they waited for almost an hour while Goforth argued with the pickets. Finally, the sheriff told the non-union workers that he could not control the crowd, but, he added, the road was public and they had the right to drive through and protect themselves. Hearing this, the strikers jerked open the hood of the car on the west side of the highway and tore off the spark plug wires. The other two vehicles started, but pickets pushed the front car back until

it hit the truck behind it. Rocks rained down on the automobiles. Odell Hartless, driver of the truck, crouched down low and revved his engine. Suddenly the truck roared through the picket line, pushing the car in front of it. Three pickets failed to get out of their way in time and were struck down. Marvin Marsh, in the stalled auto, scrambled away after a fusillade of stones shattered the windows of his car. Some strikers huddled over the injured women; others ran down the road after the strikebreakers who had parked about a hundred feet north of the line. One of the non-union workers yelled at the advancing men to stop; another, Carolyn Hartless, pulled out a .45 pistol and fired five times, the bullets hitting a few feet in front of the approaching crowd. Augustine Martínez, a former unionist who had just come back from Korea, sagged to the ground, wounded in the leg by a ricocheted bullet. The scabs retreated into the mine, accompanied by a deputy sheriff.

News of the encounter flashed through the mining camps, precipitating a general strike. Miners from Peru and Santa Rita first rushed to the Hanover picket lines; then workers struck at Hurley and Ground Hog. By 10:00 A.M. the entire district had shut down and 600 miners had formed a cordon around Empire's property. Goforth immediately called Mechem and appealed for state intervention: "The situation is out of control--we can't do anything about it. We need help and plenty of it." But Mechem refused to commit himself, saying he would wait for a report from Roach before he took any action. When the state police arrived that night, the camp was still under a state of siege. Cars full of union men patrolled around the mine's perimeter, while pickets used loudspeakers to excoriate the company. Those inside the camp armed

themselves and concentrated their forces into a few houses at the center of Empire's property. Roach talked with union officials, and, at about 1:30 A.M., state police escorted the strikebreakers out of the besieged mine.⁶²

The Daily Press' feature story blamed the violence on Local 890, printing in bold face type a statement from the non-union workers that said they had decided to fight back because they had "been hurt too much." Empire's management claimed that they did not know of any plan to run the strike line. Yet a special labor relations manager for New Jersey Zinc, David Peiffer, arrived shortly before the incident and stood north of the picket line, along with Clarence Snell, mill superintendent, taking pictures when the violence occurred. On the following day, Empire ran a full page advertisement in the Daily Press under the heading, "What Happens When A Mob Runs Wild?" After investigating the charges and conferring with company and union representatives, Roach re-established the state police patrols and advised Empire's employees not to approach the picket lines, especially those involved in the incident.⁶³

Violence abated after the state police arrived, but the strike continued and merged with a nation-wide walkout. Mine-Mill was trying to implement an industry-wide bargaining structure at this time, and it had planned a strike for August 27 to back up the union's national bargaining efforts. Local 890's executive board had already decided to "attach" the Empire Zinc issue to the national walkout, but the picket line violence, now known as "the bloody 23rd," provoked the miners to strike early. Because Mine-Mill had promised the Federal Mediation and Conciliation Service that it would postpone its strike action until

the service's director could present a proposal to Kennecott Copper, John Clark, international president, immediately contacted Local 890 and urged the miners to return to work. Strikers held a meeting that night to consider the request, but decided to stay out until mining companies in the district pressured Empire to bargain.⁶⁴

Although other unions in the district did not strike, they observed Mine-Mill's picket lines. The AFL and CIO national organizations were raiding Mine-Mill's jurisdictions, but their local affiliates sometimes cooperated with Mine-Mill in negotiations and gave discreet assistance during its strikes. Shortly after the Empire Zinc strike began, the railroad unions assured 890 that they would not handle the company's ore, and, along with craft workers in the district, they contributed money to the strike fund. After the August 23 violence, a delegation from these unions asked Goforth and Foy to resign, but the craft and railroad workers stopped short of publicly endorsing Local 890. Outside of the county, however, AFL locals steered clear of any association with the controversial strike at Empire Zinc. When Vicente Becerra, a member of the strike committee, visited unions in Albuquerque to solicit support in mid-August, the Iron Workers and the Laborers Union would not even allow him to speak. Only the Boilermakers listened to Becerra, but, before doing so, the president of the local, fearing trouble from the national leadership, told the recording secretary to leave the address out of the minutes and warned the rank and file to watch for "communist tricks." The nation-wide strike was more to their liking because AFL contract negotiations were stalled along with Mine-Mill's; its strike pushed the mining corporations toward a settlement while they collected unemployment benefits for observing the picket

lines.⁶⁵

Mine-Mill's maneuvers during this national walkout came as a result of its competition with the Steelworkers Union, which had struck earlier in Utah and had its dispute before the Wage Stabilization Board when Mine-Mill went out. Mine-Mill needed to make a strong showing in its contract negotiations to buttress its status in the face of CIO jurisdictional raiding, but the metal mining corporations were in a strong bargaining position because of the wartime wage controls. Negotiations remained deadlocked for a number of days, but after the main negotiating council had left town, Kennecott made an offer to Travis and Larson for its Utah properties which they quickly accepted. Therefore when Truman invoked the emergency injunctive powers which he held under the Taft-Hartley Act, and a federal court ordered the union back to work on September 5, Mine-Mill returned thinking it had established a pattern for the industry. The other major metal companies strongly criticized Kennecott's move, however, and the company at first refused to extend the agreement to its other properties. Local 890 was also unhappy with the agreement because a large portion of the wage increase went to craft workers who were under AFL jurisdiction at Santa Rita. Mine-Mill's executive board had a difficult time convincing its locals and other metal corporations to extend the settlement, so the union did not complete its contracts until shortly before the eighty day Taft-Hartley injunction expired in November. Nevertheless, the Steelworkers found the Wage Board even more dilatory, and Mine-Mill gained in prestige.⁶⁶

Reds, Pinkos, and Fellow Travelers

The two week shutdown in Grant County did not win any friends for Mine-Mill. Increasing numbers of local businessmen began to express an "I'm neutral, but ..." attitude toward the union. Shortly after the national walkout ended, over 200 people, mostly small merchants, attended a "law and order" meeting organized by non-union workers (receiving full pay while the state police kept them away from the strike line) and former Mine-Mill members who had broken with the union over the communist issue. They discussed the formation of a vigilante group to police the Empire strike, and Goforth offered to organize them into a sheriff's posse. At the same time, Silver City advertisers forced KSIL to cancel the union's bi-weekly radio programs. Carl Dunbar, station manager, told Local 890 that the programs could be reinstated only if the union could collect endorsements from downtown merchants.⁶⁷

Opponents of Mine-Mill spoke of saboteurs, communists and strikers in the same breath, and questions of loyalty soon overshadowed those of equity when prominent citizens discussed the strike. Across the country, both press and government portrayed communism as an intractable, diabolical force; it became a negative shibboleth by which an entire culture defined itself. The Daily Press carried articles and editorials discussing communist influence in Mine-Mill and warning of "Moscow-inspired" subversion. There was an overwhelming temptation to see the nationwide strike as an attempt to halt war production for ideological purposes. The strategic importance of nonferrous metals and Mine-Mill's activity on behalf of the peace movement made this analysis compelling. Many people in Grant County also emotionally connected the deadlocked Empire strike with the stalemated Korean conflict; therefore, their

anger was more volatile; their frustration, more intense.

Small business people in the "law and order" movement held a particular hatred for Clinton and Virginia Jencks. According to this group's interpretation, a few outside communist agitators had moved into Grant County to stir up trouble among the "poor, unschooled people." Like her husband, Virginia Jencks was very active in union affairs and a prime mover behind the increasing participation of women in the local. In early September, Virginia picketed along with eleven others outside of a grocery store operated by a leader of the anti-890 forces. A crowd gathered in front of the store and began to harrass the marchers. Virginia told the hecklers that they merely wanted to conduct a short, peaceful protest, but a scuffle started when store employees began to smash the picket's signs, and Mrs. Jencks was seriously beaten. She filed charges against three people who assaulted her, and one of them filed counter-charges. Haugland acquitted the three assailants, but fined her for touching one of the attackers "in a rude and insolent manner." Shortly after Virginia was sentenced, Clinton Jencks became the object of a similar attack. Earl Lett, a local druggist, approached Jencks while he talked with Robert Day, justice of the peace in Bayard. Lett tried at first to prod Jencks into a fight, but when he refused, Lett struck Jencks repeatedly from behind and tore out handfuls of his hair as the labor leader leaned into Judge Day's car to avoid the blows. Jencks received several cuts and bruises from the attack, but Day did not try to stop it. When Lett walked away, he told the judge that he would drop by later to pay the fine. That afternoon, Day charged Lett with assault and battery and fined him one dollar. A lock of "El Palomino's" hair was taped to the local's October

5th minutes as a sardonic memorial to Grant County justice.⁶⁸

Meanwhile a delegation comprised of Grant County businessmen and Empire Zinc's employees talked with Mechem in Santa Fe and renewed the request for martial law. Mechem again refused to commit himself, promising only to confer with Roach about the situation. When Homer McNutt, leader of the delegation, asked Mechem if he had any doubt that the strike was communist led, the governor replied, "Not much, if this thing could be licked overnight, or in two or three weeks, we could walk in and do the job. But it is a long range proposition ... and it won't be solved by our enforcing the law for two or three weeks." Back in Grant County, the "law and order" group accused Mechem of playing politics and Bradford of siding with the union. Odell Hartless, one of the men who crashed through the picket line on August 23, complained that Bradford had suggested he leave the mining district and had denied him protection on the picket line. Empire now ordered its employees living outside of Hanover to return to work, and Local 890, worried by the threat of vigilante action, consented when the state police requested that non-union workers be allowed through a dirt road southwest of the main picket line.⁶⁹

Giving up on Mechem and Bradford, the "law and order" committee turned to the Steelworkers Union and offered to help them take over 890's jurisdiction. Steelworker organizers, calling themselves the Grant County Organization for the Defeat of Communism, moved into the district in early October. As its name suggested, the organization relied primarily on anti-communist sentiment in its appeals to the rank and file. Steelworker publicity presented some economic arguments, but Mine-Mill's settlement in late October came before the CIO union

could finalize its own contracts in the industry, blunting considerably criticism of Mine-Mill's bargaining program. In October and November, the organization ran scores of prominent advertisements in the Daily Press that contrasted "God and Truth and Democracy" (the Steelworkers Union) with the godless, lying, and dictatorial Mine-Mill Union. Although the Steelworkers had a potentially powerful appeal, they mistakenly brushed aside the racial issue (as they had done in the South). Their organizers referred to Mexican Americans as one of two racial majorities in the county and reproduced the condescending argument that Mine-Mill merely used racial differences to confuse Hispanic workers. Mexican Americans knew well enough that social and economic discrimination was a reality in Grant County and that many businessmen who supported the Steelworkers had withheld support from the Empire Zinc strikers. So this off key siren song, showing the underside of "100 percent Americanism," failed to generate a substantial response from Hispanic miners.⁷⁰

Questions of communist influence also became explicitly involved in Judge Haugland's determination of cases related to the strike. As justice of the peace in Silver City, his court handled most of the charges brought against the strikers, and he ruled methodically against them. In late August, Judge Charles Fowler of Socorro had released six pickets from jail on a writ of habeas corpus after they had spent a week behind bars for refusing to post peace bonds in Haugland's court. Then during the steelworker's campaign, Haugland ordered Vincente Becerra to post a large peace bond following testimony by two non-union workers that he had threatened them. Becerra disputed their testimony and stayed in

jail for three weeks before securing the right to appeal. In handing down the decision, Haugland stated that communists were known trouble-makers and warned that any communist would receive harsh treatment in his court. The union's local attorney, David Serna, quickly agreed with the judge and reaffirmed his own political orthodoxy.⁷¹

The seemingly endless court proceedings, fines, and bonds, along with Empire's stalemate strategy, began to have their effect on the strikers. The union had to provide several hundred thousand dollars worth of bonds to appeal the multitude of cases decided against it, and with almost every car, lot, and home owned by the rank and file already under property bond, the continued viability of this strategy seemed doubtful. The nation-wide and district-wide strikes in August also depleted 890's funds and slowed contributions from other Mine-Mill locals. This, in turn, caused the local acute relief problems, since over 120 people still depended on it for their subsistence. Food rations did not include meat, eggs or butter; the strike committee made loans only if the family had been threatened with confiscation; the union tried to stall bill collectors or pay the interest due; and it paid utility bills only when the companies threatened to cut off service. Not surprisingly, enthusiasm waned among the women pickets and few showed up for duty on the picket lines. By November, Jencks admitted to the executive board that the situation did not look good. "If the company will not voluntarily enter negotiations," he concluded, "I feel we must persuade the conciliation service to make a public invitation to both parties, perhaps even including a request that the issues be arbitrated."⁷²

At the same time, friction between local leaders and international officers sparked a heated controversy when Mine-Mill terminated Bob

Hollowwa. An old union militant out of the IWW mold, Hollowwa had been involved in several violent confrontations before the August 23 battle, and he urged strikers to use the same confrontal approach with Mine-Mill's officers. He was very popular with the women because he encouraged them to take on any task and expressed confidence in their ability to do it well. The executive board believed, however, that Hollowwa sometimes forced neutral people into the opposing camp, that he consistently underestimated the opposition, and that he fostered unrealistic demands. The debate over his removal became very vituperative. The Ladies Auxiliary, Stewards Council, and Kennecott unit sent telegrams to the Denver office, calling his dismissal "another attempt to disrupt the union," and comparing the executive board to "the bosses we fight in our daily struggles." Because of this dispute and the international executive board's ambivalence toward the strike, several influential Mexican American leaders did not support the Communist-backed candidate for the District Two board position in the November election of international officers.⁷³

Although Empire Zinc's strategists may not have known about the controversy within the union, they definitely noticed the dwindling number of pickets on its lines and the imploring requests for contributions in its bulletins. The company had filed a motion for a second contempt citation on August 21, two days before non-union workers assaulted the picket lines, but Marshall never acted on this motion. Apparently, Empire had felt that the atmosphere following the "bloody 23rd" was not propitious to another contempt hearing. At this point, however, decisive pressure could be applied, and the corporation submitted a new motion for a contempt hearing which presaged more fines

and possible jail sentences for union leaders. The charges cited both the local and international unions, Jencks, Montoya, the negotiating committee, and four of the most active women.⁷⁴

In the days following Empire's contempt motion, increasing numbers of non-union workers entered the plant; often with rifle barrels protruding from the windows of their cars. Alarmed by this development, pickets blocked the southwest road into the property which had remained open since late September, but the state police escorted non-union workers into the struck plant when they saw strikers turn scabs away on several different roads. This was the first time state police had contested the main picket lines, and the change in policy took Local 890 aback. At a hastily convened conference that night, Travis, Larson, and Smothermon discussed the developments with the strikers. All agreed that the threat of strikebreaking by the state was serious, but most of 890's members believed that the patrolling officers had not consulted with Roach before clearing the picket line. Therefore pickets returned to the mine and tried to stop the new influx of strikebreakers.⁷⁵

Many ominous signs belied 890's hopes. In a nationally publicized speech on December 12, Senator Joseph McCarthy alleged that Maurice Travis had conspired with other left-wing labor leaders to wreck the country's war effort. Travis, in Silver City conferring with the strikers at the time, rebutted the charges while the Daily Press ran a long article discussing his background as a Communist leader. "Let the workers form a new union; let the bosses refuse to negotiate with the present one," urged the Organization for the Defeat of Communism. On the next day, union and non-union workers clashed on the picket line, and Haugland jailed two union leaders for assault with deadly weapons (rocks).

When Roach arrived to survey the strike situation, a barrage of anti-890 publicity drew front page coverage in the Daily Press. A statement supposedly from thirty of Empire's non-union workers charged that a majority of the company's workers had been against the strike from the beginning, but that the "communist Mine-Mill union" forced them out and used paid pickets to keep the strike going. After announcing that Empire's employees had petitioned the NLRB for decertification of Mine-Mill, the statement concluded: "We do not see how red-blooded Americans stand for such communist tactics when our sons, relatives and friends are dying in Korea.... We don't intend to ally ourselves with communist Russia through a communist-dominated union."⁷⁶

The culminating blow came a few days later when Mechem ordered the state police to assume complete control over the picket line and enforce the injunction prohibiting blockage of the road. The strikers were shocked, but they acquiesced. The state penitentiary, unlike the county jail, could accomodate every picket, and opposition to state officers could prejudice the union's appeals to the State Supreme Court. Those who opposed the strike jubilantly predicted that Mechem's new policy marked the beginning of the end. But others refused to join in the revelry, noting ruefully that a legitimate concern for the protection of property from the wrongs of some should not deny an equally valid need for the protection of people from the abuses of property. In the Silver City Enterprise, a bitter editorial chastised the strike-breakers: "We still condone and smirk at the use of power and wealth, both private and state, to crush an opposition rather than abide by the intellect and seek solutions to problems of human relations, labor or otherwise, in the manner generally prescribed by God."⁷⁷

Shortly after Mechem announced his decision, Empire escalated its attack by filing still another contempt charge against Local 890. Marshall could fine Mine-Mill as much as \$2,000 (Empire's estimated profits) for each day pickets blocked the road since the first contempt judgement on July 23. The company also began to import workers from Texas, Nebraska, Missouri, and Oklahoma. Many of these men had not been told about the strike, and the pickets persuaded some of them to quit. The majority continued to work, however, and Empire soon had enlarged its workforce to about fifty-five. A tight labor market in the hardrock mining industry kept Empire from getting the skilled miners it needed to resume production, but the strikers' position definitely had been weakened.⁷⁸

While the second contempt trial opened in Judge Marshall's court, Mine-Mill urged the Conciliation Service to call for another bargaining meeting. Empire had refused to meet with the strikers for five months, but surprisingly the company now accepted, and the twenty-fifth negotiating session opened at the El Paso Hilton on January 21, 1952. Why New Jersey Zinc decided to negotiate with the union when it was close to breaking the strike remains a mystery, but it did. Empire obviously wanted to show Mine-Mill's rank and file that it controlled the situation, but as Richard Berresford stated later before the House Labor Committee, "We are not trying to destroy this union. We are trying to give it proper leadership." Perhaps the company knew of federal plans to prosecute Mine-Mill's leaders and decided its purposes would best be served by reopening its operations while pursuing civil damages in the cases it had already initiated. Local 890 had observed the injunction after December 18, and no further charges could be produced.⁷⁹

Mine-Mill was eager to compromise, and the union gave up many of its major demands, but the company also made substantial concessions to the local. Empire kept the eight and one-half hour day for underground workers, but increased the pay for this additional half hour from 48¢ to 92¢. Likewise, the corporation continued to give a few cents an hour in lieu of paid holidays, but it raised this amount in line with the new wage rates. Empire also granted rate readjustments and cost of living increases ranging from 10¢ to 23¢ an hour in addition to the 15¢ wage increase offered during the strike. By giving an increase in per hour wages instead of benefits, Empire could claim it paid the highest wages in the district, which helped the company compete for scarce workers in the district's common labor pool. Other settlements included the right to negotiate wage rates on new jobs; a new sickness and accident insurance program; a pension plan; a company paid \$2,500 life insurance policy for each worker; a three week vacation after twenty-five years of service; and the right to use grievance procedures for new workers.

Yet Empire clearly wanted to show Mine-Mill's rank and file that it controlled the situation. Union negotiators renewed their request for inside baths and water lines for Mexican American housing, but Empire refused and demanded that the strikers double their housing payments until the company collected all delinquent rent. (Shortly after the miners returned to work, Empire notified them that modern plumbing would be installed.) Although the strikers returned to their jobs with full seniority; the company also kept the strikebreakers. Empire strengthened the no strike clause; rejected the union's demands for time on the job to process grievances; refused to keep miners in pairs

underground for safety; and kept multiple classifications for shop workers which constituted paying three different wage rates for the same job. The most important defeat for the union, however, came when Richard Berresford, chief negotiator for the company, refused Mine-Mill's request that the court proceedings against the union be dropped.⁸⁰

When union negotiators presented the contract to the strikers for ratification, they demonstrated various hues of enthusiasm, although everyone agreed that continuing the strike would be very dangerous for the union. Travis described the contract as a victory. Witt concluded by saying the settlement would be as good as the membership made it. Jencks admitted that the contract was not a victory "on paper," but he emphasized the recognition won by the women and the emergence of new leaders. Velásquez and Barreras stressed that concessions had been won, and Pablo Montoya waxed eloquent, calling for a pilgrimage to the San Lorenzo indian village "where all of the Empire Zinc strikers will feel honorable with a clear heart and conscience." As with many strikes, the benefits could not be meaningfully tallied on a material balance sheet. The miners had engaged in an epic battle with Empire to assert their dignity and worth in a world too often dominated and defined by the corporate entrepreneur; and in this opposition lay their ultimate strength and satisfaction. The thirty-two striking unionists in attendance ratified the contract unanimously. The longest strike in New Mexico history was over.⁸¹

Footnotes

¹"How to Handle Red Unionists," Engineering and Mining Journal, V (May, 1953), pp. 334-337; "The Carlsbad Strike," Engineering and Mining Journal, IV (April, 1950), pp. 175-78; Interview with Jake Cravey, January 10, 1979.

²Carlsbad Current Argus, November 14, 16, 21, 1949; Daily Press, November 30, December 4, 6, 1949; "Carlsbad Strike," Engineering and Mining Journal, pp. 175-78; Interview with Jake Cravey, January 10, 1979.

³"Red Unionists," Engineering and Mining Journal, p. 336; "Carlsbad Strike," Engineering and Mining Journal, p. 177.

⁴Bob Hollowwa to Maurice Travis, January 25, 1951, Box 96, International Union of Mine, Mill, and Smelter Workers (IUMMSW) papers; Script for radio program on Grant County Miners Association, February 1951, 890 files; Daily Press, April 12, 1951.

⁵Local 890, minutes of meetings, May 11, June 15, 25, August 31, 1950, 890 files; ASR bulletin, May 1950, 890 files; Daily Press, May 9, 1950.

⁶Daily Press, August 17, 1951; Union Worker, September 1950; Local bulletin, September 8, 1950, 890 files; Empire Zinc Negotiating Committee to Local 581, Gilman, Colorado, December 14, 1950, 890 files; "True Story of the Empire Zinc Strike" (company version of the strike), pp. 6-7, Box 93, IUMMSW papers.

⁷Supplement of petition to War Labor Board from Empire Zinc, January 31, 1952, pp. 7-9, 890 files; Figures for this comparison were taken from U.S., Department of Labor, Bureau of Labor Statistics, "Wage Chronology for Kennecott Copper Corporation, 1942-1950" (Mimeographed), copy in 890 files.

⁸Daily Press, November 1, 1948; Minutes of negotiating session with Empire Zinc, September 22, 1948, 890 files; Daily Press, August 29, October 1, 1949; Bernard Stern to Morris Wright, June 25, 1951, Box 294, IUMMSW papers.

⁹U.S., Department of Interior, Bureau of Mines, Materials Survey-Zinc (Washington, D.C.: Government Printing Office, 1951), Chapter VI, pp. 17-22; New Jersey Zinc v. Local 890, 58 N.M. 416 (1954), transcript of testimony.

¹⁰Bureau of Mines, Materials Survey-Zinc, S-18, II-40, IV-35, VI-46, VI-9, ANII-43; The statement concerning Empire's ore characteristics is

based on the fact that Empire was a substantial producer for more than a decade before the development of the selective flotation process in 1925 made complex western ores profitable.

¹¹Interview with Clinton Jencks, April 19, 1977; Mine-Mill, Research Department, "Lead-Zinc Bulletin," March-April 1951, p. 4, 890 files; U.S., Department of Interior, Bureau of Mines, Minerals Yearbook-1950 (Washington, D.C.: Government Printing Office, 1951), p. 1554; U.S. Securities and Exchange Commission and Federal Trade Commission figures on Empire's profits quoted in "Lead-Zinc Bulletin" cited above; Engineering and Mining Journal, I (January, 1951), p. 68.

¹²Empire claimed that it was losing \$2,000 a day in profits due to the strike. Given the mine's production history and the price of zinc, the estimate seems reasonable. One must add to this all fixed costs--salaries, maintenance, etc.

¹³Local 890 minutes, April 20, May 4, June 15, November 16, December 4, 1950, 890 files; John Clark's annual report to Mine-Mill's 47th convention, 1951, Report of Proceedings- 47th Convention of IUMMSW, IUMMSW papers.

¹⁴Local 890 minutes, May 4, 11, June 14, September 21, 1950, 890 files; Union Worker, September 1950.

¹⁵Local 890 minutes, June 25, July 14, September 30, 1950, 890 files; Financial statement for 890, period ending December 31, 1950, 890 files.

¹⁶Empire Zinc strike documents, 890 files; Jencks to Travis, December 20, 1950, Box 92, IUMMSW papers; Percentages and cost per week were figured using a financial report on the strike dated October 17, 1950 to May 16, 1951, Box 294, IUMMSW papers.

¹⁷Strike bulletin, October 19, 1950, 890 files; Silver City Enterprise, October 26, November 2, 1950; Negotiating committee to Mine-Mill locals, November 22, 1950, 890 files; Daily Press, November 18, 1950.

¹⁸Telegram from Clark to Jencks, September 29, 1950, Box 294, IUMMSW papers; Local 890 to Travis, February 3, 1951, Box 92, IUMMSW papers; Travis to Jencks, February 5, 1951, 890 files; Mine-Mill executive board minutes, February 8-14, 1951, IUMMSW papers; Hollowwa's report to international union, January 31, 1951, Box 97, IUMMSW papers.

¹⁹Minutes to Empire Zinc strikers' meetings, February 13, 28, 1951, 890 files; Jencks to Travis, February 18, 1951, 890 files; Jencks to Larson, February 27, 1951, 890 files; Interview with Jencks, April 19, 1977.

²⁰Transcript of radio program, March 1951, 890 files; Local 890 minutes, March 1, 15, 1951, 890 files; Strike bulletin, March 1, 1951, 890 files; Daily Press, March 14, 1951.

- 21 "Reporte A La Gente," March 1951, 890 files; Union Worker, June 1951, 890 files; Local 890 constitution, 890 files; Jencks' reports to international union, April 15, 30, 1951, Box 92, IUMMSW papers; Check-off list submitted by Empire Zinc to Local 890, September 1950, 890 files.
- 22 Daily Press, April 5, May 9, 1951; Local 890 minutes, January 25, May 3, 10, 17, 1951, 890 files; Jencks to Larson, February 27, 1951, 890 files.
- 23 Daily Press, June 7, 8, 9, 1951; "True Story," pp. 15-21.
- 24 Empire strike bulletin, October 19, 1950, 890 files; Minutes to Empire Zinc strikers' meeting, November 1950, 890 files; Local 890 minutes, October 19, 1950, 890 files; Daily Press, June 9, 1951; "True Story," pp. 16-17.
- 25 "Report on Santa Fe," June 7, 8, 1951, 890 files.
- 26 Daily Press, June 11, 12, 1951; "True Story," pp. 19-20; Enterprise, June 14, 1951.
- 27 Daily Press, June 12, 13, 1951; New Jersey Zinc v. Local 890, 58 N.M. 416 (1954), transcript of testimony; "True Story," p. 20; Enterprise, June 14, 1951.
- 28 Interview with Jencks, April 19, 1977; Interview with Joe Carrillo, July 28, 1977; Interview with Minerva Carrillo, July 29, 1977; Interview with Virginia Chacón, July 30, 1977; Report of Proceedings-47th Convention of IUMMSW, pp. 62-68, IUMMSW papers.
- 29 Empire strike bulletin, May 1951, 890 files; Negotiating committee to Local 581, December 14, 1950, 890 files; Minutes of Ladies Auxiliary meeting, May 31, 1951, 890 files; New Jersey Zinc v. Local 890, 57 N.M. 617 (1952), transcript of testimony.
- 30 Daily Press, June 14, 15, 1951; Local 890 minutes, June 14, 1951, 890 files; Interview with Mariana Rameríz, July 25, 1977; Interview with Virginia Chacón, July 30, August 3, 1977.
- 31 Daily Press, June 13, 14, 1951.
- 32 Jack Holmes, Politics in New Mexico (Albuquerque, N.M.: University of New Mexico Press, 1967). Holmes notes that union members in Grant County often crossed traditional party lines to vote for labor candidates, but he dates this activity from 1958. Actually the union achieved important mobilization of its political forces in certain elections starting in 1950.
- 33 Enterprise, June 21, 1951; Daily Press, June 16, 17, 1951; Grant County, New Mexico, County Commissioners' Records, Book 7 (1946-1952), Grant County Court House.

³⁴ This is based on an eyewitness account written by Bert Steele in the Daily Press, June 16, 1951; also statements made by participants in Report of Proceedings- 47th Convention of IUMMSW, pp. 62-68; and pictures of the confrontation found in union files.

³⁵ Enterprise, June 21, 1951; Chacon's statement in Report of Proceedings- 47th Convention of IUMMSW, p. 63.

³⁶ Mechem quoted in Daily Press, June 16, 1951; Union Worker, June 1951, 890 files.

³⁷ Enterprise, June 21, 1951; New York Times, June 17, 1951; Daily Press, June 16, 1951; Mine employment from Bureau of Census figures in New Mexico research file, Box 237, IUMMSW papers.

³⁸ Transcript of radio program, June 25, 1951, 890 files; Daily Press, June 22, 25, 1951; Interview with Jencks, April 19, 1977; Interview with Jake Cravey, January 10, 1979.

³⁹ Frank D. Reeve, History of New Mexico (New York: Lewis Historical Publishing Company, 1961), Vol. III (Family and Personal History), pp. 327, 341; Population statistics on Grant County in New Mexico research file, Box 237, IUMMSW papers.

⁴⁰ Income statistics from New Mexico research file, Box 237, IUMMSW papers; N.M., Bureau of Mines, Annual Report from the State Mine Inspector, 1946-1950 (Albuquerque: Ward Anderson Printing Company).

⁴¹ Letter from Central business people to editor of Daily Press, June 30, 1951, 890 files; Local 890 to professional people of Silver City, June 15, 1951, 890 files; Resolution passed by Bayard Town Council, June 28, 1951, 890 files; List of "unfriendly businessmen," no date, 890 files; Daily Press, July 18, 1951; Steelworker leaflets about Hol-lowa, 890 files.

⁴² Carrillo to Anderson, May 1, 1951; Anderson to Carrillo, May 7, 1951, 890 files.

⁴³ NLRB file, 890 files; Mine-Mill to Nonferrous Metals Commission, April 2, 1945, 890 files; Bureau of Labor Statistics, "Wage Chronology for Kennecott Copper Corporation, 1942-1950," 890 files; New Jersey Zinc v. Local 890, 57 N.M. 617 (1952), transcript of testimony; Interview with Joe Carrillo, July 27, 1977; Minutes of negotiating session with Empire Zinc, August 29, 1949, 890 files; Union membership lists for Empire Zinc, September 1950, March 1952, May 1952, 890 files; Union Worker, July 1950, October 1950, IUMMSW papers.

⁴⁴ Interview with Joe Carrillo, July 23, 1977; Daily Press, October 5, September 16, August 18, 1948.

⁴⁵ Daily Press, June 21, 30, 1951; Jencks' report to international union, June 30, 1951, Box 97, IUMMSW papers.

- ⁴⁶Earl Latham, The Communist Controversy in Washington (Cambridge, Mass.: Harvard University Press, 1966), pp. 124-50; Santa Fe New Mexican, January 20, 1952.
- ⁴⁷J. F. Woodbury to NLRB, June 11, 1951, 890 files; Edwin Elliott to Local 890, June 13, 1951, 890 files; Jencks to Witt, June 14, 1951, 890 files; Union Worker, June 1951; Telegram from Ching to 890, July 3, 1951, Box 294, IUMMSW papers; Daily Press, July 5, 6, 1951; Local 890 press release, July 19, 1951, 890 files.
- ⁴⁸Daily Press, July 11, 12, 13, 1951; Enterprise, July 12, 19, 1951; Local 890 press release, July 15, 1951, Box 294, IUMMSW papers; New Jersey Zinc v. Local 890, 58 N.M. 416 (1954), transcript of testimony; Local 890 press release, July 13, 28, 1951, 890 files.
- ⁴⁹Hollowwa to Travis, July 12, 1951, Box 97, IUMMSW papers; Publicity Committee bulletin, July 14, 1951, 890 files; Daily Press, July 14, 17, 1951.
- ⁵⁰New Jersey Zinc v. Local 890 et al., Civil Action No. 12812 (N.M. 6th Dist. Ct. 1951); Daily Press, July 21, 1951; Enterprise, July 26, 1951; Local 890 bulletin, July 15, 1951, Box 294, IUMMSW papers; Local 890 minutes, July 14, 20, 1951, 890 files.
- ⁵¹Daily Press, July 23, 1951; Enterprise, July 26, 1951; "True Story," pp. 28-29; Interview with Edwin Mechem, October 3, 1977.
- ⁵²Local 890 press release, July 24, 1951, 890 files.
- ⁵³Daily Press, July 27, 28, 30, 1951; Local 890 press release, July 28, 1951, 890 files.
- ⁵⁴Interview with Edwin Mechem, October 3, 1977.
- ⁵⁵Interview with John Bradford, April 16, 1977.
- ⁵⁶Daily Press, August 7, 1951; Local 890 press release, August 5, 1951, 890 files; Local 890 bulletin, August 10, 1951, 890 files; Hollowwa, Jencks, Montoya to executive board, August 19, 1951, Box 294, IUMMSW papers; Minutes of Empire Zinc strikers' meetings, August 20, 1951, 890 files.
- ⁵⁷Strike benefit figures, 890 files; Hollowwa to Travis, July 5, 1951, Box 294, IUMMSW papers.
- ⁵⁸Hollowwa, Jencks, Montoya to executive board, August 19, 1951, Box 294, IUMMSW papers; New Jersey v. Local 890, 58 N.M. 416 (1954), transcript of testimony; Bureau of Mines, Mineral Yearbook-1951, pp. 1322-61.
- ⁵⁹Telegram from Velásquez, Montoya, Jencks to Mechem, August 8, 1951, 890 files; Local 890 press releases, August 3, 4, 7, 9, 1951, 890

⁶⁰Daily Press, August 10, 11, 1951; Enterprise, August 16, 1951; Strike bulletins, August 11, 15, 1951, 890 files; Local 890 press releases, August 10, 13, 18, 1951, 890 files.

⁶¹Local 890 press releases, August 21, 22, 1951, 890 files; New Jersey Zinc v. Local 890, 57 N.M. 617 (1952), transcript of testimony; Daily Press, August 17, 23, 1951; Local 890 minutes, August 21, 22, 1951, 890 files.

⁶²New Jersey Zinc v. Local 890, 58 N.M. 416 (1954), transcript of testimony; Daily Press, August 23, 24, 1951; Hollowwa to international union, August 30, 1951, Box 97, IUMMSW papers; Local 890 press release, August 23, 1951, 890 files; "True Story," pp. 33-36.

⁶³Daily Press, August 23, 24, 1951; New Jersey Zinc v. Local 890, 57 N.M. 617 (1952), transcript of testimony.

⁶⁴Jensen, Collective Bargaining in Nonferrous Metals Industry, pp. 56-60; Minutes of Empire Zinc strikers' meeting, August 23, 1951, 890 files; Local 890 minutes, August 21, 22, 1951, 890 files; Mine-Mill, "Petition to Wage Stabilization Board," no date, 890 files; Local 890 press release, August 24, 1951, 890 files.

⁶⁵Local 890 minutes, October 19, 1950, 890 files; Daily Press, August 24, 1951; Hollowwa to international union, July 6, 1951, Box 294, IUMMSW papers; Becerra to 890, August 11, 1951, 890 files.

⁶⁶Local 890 minutes, August 29, September 19, October 17, 1951, 890 files; Daily Press, August 31, September 5, 6, 1951; Local 890 press release, September 4, 5, 6, 1951, 890 files. Jensen incorrectly states that the contract was quickly extended and the union was elated to get the settlement. Actually, the executive board's decision to by-pass the Kennecott negotiating council and sign an agreement with just one mine contradicted Mine-Mill's established bargaining strategy and created much friction within the union; Collective Bargaining in the Nonferrous Metals Industry, p. 60.

⁶⁷Daily Press, September 15, 17, 18, 25, 1951; Enterprise, September 20, 27, 1951; Local 890 to Rod Holmgren, September 1951, 890 files; Local 890 bulletin, September 14, 1951, 890 files.

⁶⁸Daily Press, September 27, October 4, 1951; Enterprise, September 13, 1951; Local 890 press release, September 29, October 5, 1951, 890 files; Bulletin on Southwestern Food and Sales, no date, 890 files; Local 890 minutes, October 5, 1951, 890 files.

⁶⁹Daily Press, September 22, 25, 27, October 2, 5, 1951; Enterprise, October 4, 1951; New Jersey Zinc v. Local 890, 57 N.M. 617 (1952), transcript of testimony; Interview with John Bradford, April 16, 1977; Local 890 leaflet on "law and order" committee, September 1951, 890 files.

⁷⁰Hollowwa to Clark, October 1, 1951, Box 97, IUMMSW papers; Daily Press, October 3, 4, 8, 9, 17, 20, 29, 31, November 10, 1951; Local 890 press release, October 12, 1951, 890 files; Jencks to business and professional people of Grant County, October 27, 1951, 890 files.

⁷¹Daily Press, October 18, 31, 1951; Enterprise, August 30, 1951; Civil Rights Committee bulletin, October 22, November 10, 1951, 890 files; Velásquez to business and professional people of Grant County, November 3, 1951, 890 files.

⁷²Jencks to international union, October 15, 30, November 30, 1951, Box 97, IUMMSW papers; Local 890 minutes, September 19, 1951, 890 files.

⁷³Local 890 minutes, September 19, October 5, 27, November 13, 1951, 890 files; Telegrams to executive board about Hollowwa, Box 294, IUMMSW papers; Clark to Hollowwa, September 20, 1951, Box 97, IUMMSW papers; Sanderson to Travis, December 2, 1952, Box 97, IUMMSW papers; Interview with Jencks, April 19, 1977.

⁷⁴"True Story," pp. 39-41; Civil Action No. 12812 (N.M. 6th Dist. Ct. 1951).

⁷⁵Daily Press, December 10, 11, 12, 1951; Local 890 minutes, December 12, 1951, 890 files; Jencks to international union, December 15, 1951, Box 97, IUMMSW papers; New Jersey Zinc v. Local 890, 58 N.M. 416 (1954), transcript of testimony; Local 890 bulletin, December 14, 1951, 890 files.

⁷⁶Daily Press, December 12, 13, 14, 1951; Enterprise, December 20, 1951; Local 890 press releases, December 19, 28, 1951, 890 files; New Jersey Zinc v. Local 890, 58 N.M. 416 (1954), transcript of testimony.

⁷⁷Daily Press, December 17, 1951; Enterprise, December 20, 27, 1951; Interview with John Bradford, April 16, 1977.

⁷⁸Jencks to international union, December 31, 1951, Box 97, IUMMSW papers; Civil Action No. 12812 (N.M. 6th Dist. Ct. 1951); Jencks to Mechem, December 27, 1951, 890 files; Local 890 press releases, December 28, 29, 1951, 890 files; Local 890 bulletin, December 27, 1951, 890 files; "Supplemental narrative statement by Empire Zinc to War Labor Board," January 31, 1952, 890 files.

⁷⁹Daily Press, January 21, 1952; Local 890 minutes, January 16, 1952, 890 files; Enterprise, January 17, 1952; Berresford statement in a special pamphlet by March of Labor, 1954, 890 files. Jencks received a subpoena on January 15 from a grand jury investigating his Taft-Hartley affidavits. Harvey Matusow, a professional informer for the FBI, claimed that the FBI first questioned him about Jencks in January 1952. False Witness (New York: Cameron and Kahn, 1955), p. 192.

⁸⁰The Union, January 28, 1952; Empire Zinc to War Labor Board, January 31, 1952, 890 files; "True Story," pp. 44-46; Local 890 minutes, February 6, 1952, 890 files; Minutes of meeting between Local 890 and Empire Zinc, February 5, 1952, 890 files; Local 890 press release, February 1, 1952, 890 files.

⁸¹Special strike meeting minutes, January 24, 1952, 890 files.

CHAPTER IV

RECRIMINATIONS

The union had hoped for a respite from government and company pressure after the contract settlement with Empire Zinc, but this pressure intensified. On March 10, Marshall handed down fines totalling \$37,840 in the second and third contempt cases and required Mine-Mill to post twice that amount in bonds before appealing the case. The union now faced fines of approximately \$50,000 and jail sentences totalling 1,148 days. Over ninety other cases of assault or unlawful assembly remained to be heard, and over \$100,000 in bonds had to be raised. Miners mortgaged land, homes and cars, but the court required still more. As attorney Arthur T. Hannett stated when he appealed the case, "the blind goddess of justice laid rather a heavy and cold hand on the brow of labor." More to the point, Local 890 was at the brink of insolvency. The high court costs helped to disaffect many rank and filers, and the Steelworkers experienced more success in their raiding.¹

In April, the county clerk, Conn Brown, exacerbated 890's financial troubles when he sued Jencks, Montoya and Velásquez as representatives of the union because its newspaper incorrectly identified him as a special deputy patrolling the Empire Zinc picket line in August. Local 890 tried to placate Brown with numerous retractions and apologies, but he adamantly sought damages. Witt thought he could avoid another legal backlash by calling for a jury trial, but a routinized discrimination

against union members and Mexican Americans in the selection of the venire insured a hostile jury. Once a year, a three person commission selected ten percent of the county voters for the jury list, and then Marshall drew the names at random as the need arose. "An effort is made, of course, to choose the venire from among those best qualified to serve as jurymen," explained one of the commissioners. Because of this process, only two and one-half percent of the Mexican Americans and only two percent of the union members registered to vote in Grant County during 1950 and 1951 were included on the jury list. In civil cases the law provides for a verdict based on the concurrence of ten out of twelve jurors. After defense attorneys exhausted their pre-emptory challenges, the union faced a jury comprised of ten Anglos and two Mexican Americans; eleven of the twelve jurors were either local businessmen, mine foremen, or their wives. The plaintiff's attorney fashioned his case into an anti-communist crusade, and the jury gave Brown \$15,000 in damages, which the judge reduced to \$12,500, citing the union's retractions and apologies. Although the three union leaders had sixty days to raise a \$25,000 appeals bond, the court immediately impounded their automobiles--suggesting that the underlying motive of the libel and contempt cases was to disrupt and debilitate the union's left-wing leadership.²

In September 1952, the State Supreme Court upheld Marshall's first contempt citation which sentenced Jencks, Velásquez, Fred Barreras, Pablo Montoya, Vicente Beccera, and Cipriano Montoya to ninety days in jail. Although imprisonment for civil contempt was unprecedented, the court ruled that Marshall had still employed the concept of coercive penalties by substituting conditional jail terms for fines. Stating that the

defendants deserved longer sentences, Marshall revoked the suspended sentences and remanded the six unionists to the county jail on September

5. The judge ordered Goforth to hold Jencks in solitary confinement, with no trusty work or outside exercise. Jencks described the experience:

It is amazing how you can adjust yourself when you have to, when you know where you are going and what you are fighting for. Here I am, with a space about 2½' X 6' to move about in, steel walls on three sides and steel ceiling, toilet at the backend, basin in the front and a concrete wall beyond the walkway. The lights have to be on all the time to be able to read or write, no sun or breeze gets backhere. I get up at 6 A.M. or earlier, coffee and oatmeal at 7. When I first came in there were thousands of cockroaches and a few less bedbugs. My time for the first few days was wholly taken up with a small scale war of self-preservation.... You see, since these cells are used primarily for drunks or one-night "holdovers," most prisoners are too drunk, sick or despondent to clean them up, so the filth accumulates.... Anyhow, I "clean house" for about an hour each morning, and a more thorough scrubbing each Saturday of two hours. Then I do about 20 minutes of exercise. After that I spend an hour or so on Spanish study.... Second feeding is at 11 A.M. consisting of coffee and beans. Supper is at 4 P.M., something. Two meals on Sunday, oatmeal at 8 A.M. and potato soup at 3 P.M.... We are not permitted any outside exercise nor are we permitted to get into the sun, even though the jail is equipped with a small "backporch" with bars overhead which was designed for that purpose.³

In late September the State Supreme Court agreed to hear another appeal of the contempt verdict, and Mine-Mill secured the unionists' release on bond in early October. Before Jencks was freed, however, a federal agent served him with a subpoena to appear in front of Senator Pat McCarran's Sub-Committee on Internal Security in Salt Lake City, Utah, on October 6, 1952. Marshall held Jencks until the hearings began, forcing the labor leader to leave for questioning in Salt Lake City immediately after he was released. McCarran conducted the hearings in Utah to aid Senator Arthur Watkin's bid for re-election over a challenger associated with the Americans for Democratic Action, and to discredit Mine-Mill in an important metal mining area. Harvey Matusow was the committee's

star witness. A footloose veteran with an interest in acting and a pen hant for recognition, Matusow had joined the Communist Party in 1947, seeking friendship and acceptance. Three years later, he became a professional witness in various hearings and trials by creating sensational stories of communist subversion and sabotage. Matusow was skilled at weaving half-truths into fantasies that a frightened and naive America could accept.⁴

In the summer of 1950 Matusow had stayed at a guest ranch in Taos, New Mexico, owned by Craig and Jennie Wells Vincent. Jencks had met Matusow there and gave a talk on "the role of trade unions in the peace movement." Before the House Un-American Activities Committee in March 1952, however, Matusow embellished the story, claiming that Communists were running a courier service from Mexico to a point near Los Alamos; and when he played the role of key witness on the third and final day of the McCarran hearings, Matusow staged a breathtaking finale, charging that Jencks had plotted to aid Korean communists by halting production of nonferrous metals. News of this dramatic testimony commanded the headlines of newspapers throughout the Southwest.⁵

Matusow's testimony seemed to confirm the suspicions about Mine-Mill which had been planted by the cold war and nourished by domestic conservatism. Every aspect of the union's program suggested malevolent designs to those who feared the union's power. Faced with either intimidation or action, Mine-Mill's increasingly beleaguered leadership decided to cooperate with several blacklisted Hollywood writers who wanted to produce a film based on the Empire Zinc strike--a film that could help to offset the vicious propaganda directed against the union. Paul Jarrico

first conceived of the project after visiting New Mexico during a vacation in the summer of 1951. He returned to Hollywood to convince several other blacklisted filmmakers of the story's potential. Michael Wilson, who had won an Academy Award for A Place in the Sun, accepted the job of writing the screenplay and spent a month in Grant County researching his story while the strike was still on.⁶

After several return visits to get input on the script and make other arrangements, Wilson and Herbert Biberman, the film director, arrived with a production crew in early January. Some miners expressed reservations about the legal consequences of the film, and few people thought Anglo unionists could be persuaded to play the unsympathetic parts of deputies. (One shop steward suggested, "Why don't you hire them scabs--they'll do anything for money.") Nevertheless, the filmmakers overcame the doubts and difficulties. The union granted the production crew membership in the local for the duration of the filming, and they participated enthusiastically, making motions, voting on proposals, and entertaining the membership with puppet shows, films, and songs. The larger community also accepted the newcomers at first. Because all lead and zinc mines in the district had shut down due to sagging metal prices and unemployment was high, a deposit of \$50,000 in a local bank and the purchase of supplies from county stores helped to placate those who were potentially hostile.⁷

The business community's cooperation and tolerance quickly disappeared in mid-February, however, when a nationally syndicated columnist, Victor Riesel, charged that Hollywood communists were making a propaganda film in Grant County, "not too far from atomic weapons proving grounds."

Riesel identified Jencks as the "regional Commissar" and implied that his role consisted of stealing atomic secrets from Los Alamos while stopping copper production and inflaming racial hatred in his spare time. The AFL Film Council immediately called for an investigation, and Pathe, a leading film laboratory, informed the film crew that it would no longer process their footage. Time magazine, after the union denied its reporters an interview, claimed that "two carloads of Negroes had been imported to play mob sequences," and Congressman Donald Jackson of California, a member of the Un-American Activities Committee, delivered a speech in the House that highlighted Riesel's irresponsible claims.⁸

On the following day, Immigration and Naturalization Service officers arrested Rosaura Revueltas, Mexican actress and the film's female lead. Federal Judge R. E. Thomason refused to release Revueltas on bond; so she "voluntarily" returned to Mexico. Meanwhile, someone shot five bullets into Jencks' unoccupied car, a mob attacked the camera crew, and vigilantes issued an ultimatum to Jencks and the filmmakers: "Leave the area by noon tomorrow or be carried out in black boxes." This threat brought over thirty state police into the area, and Biberman managed to complete the last few days of filming under their watchful eyes. After the crew departed and the state police withdrew, the home of an Anglo unionist who participated in the film and the Mine-Mill union hall in Carlsbad, New Mexico, burned to the ground. KSIL, already censoring union programs before airing them, now insisted that the union pay the station's attorney to check the programs for libelous statements.⁹

Taking advantage of the anti-890 atmosphere, metal companies sent letters to the union's membership and the Daily Press, blaming Mine-Mill

for the mine closings and citing the unions's refusal to accept the wage cuts offered by the corporations. Both ASR and Peru pointed to the twenty percent wage reduction accepted by the Grant County Miners Association and implied they would reopen with a sliding scale of wages and hire new miners if the local fought back. The barrages of anti-union publicity had some effect on the rank and file. Some miners complained to the leadership that they wanted to be good American citizens and questioned the union's policy of rejecting wage reductions. The AFL's newly formed Nonferrous Metals Council established an office in Denver and directed raids against Mine-Mill's jurisdiction. Its successful petitions for NLRB certification elections at Kennecott's Hurley smelter and the Empire Zinc mine indicated that at least thirty percent of the workers had signed AFL cards at those plants.¹⁰

Meanwhile, Jencks was vilified by the Anglo community as the main source of disruption in the union and singled out as the prime target for vigilante harrassment. Guarded by members of the local, the labor leader was prepared to stay, but his position rapidly became untenable. The coup de grace came when FBI officers arrested Jencks for filing a false communist disclaimer, making him the second person in the nation to be charged with perjury under Section 9h of the Taft-Hartley Act. Shortly thereafter, the NLRB issued a new ruling that the union shop contract was no bar to a decertification election when union officers had filed false affidavits. Faced with threats against his life, a ten year jail sentence and decertification of his union, Jencks decided to accept a transfer to Denver after consulting with international officers and 890's membership. Todd Ely heralded Jencks' departure in the Daily

Press as a blessing to the community, but to many Mexican American miners and to Jencks himself, the editor's words confirmed their criticisms and recognized their accomplishments:

All Jencks' crowd of left-wingers wanted was trouble. They deluged the newspaper with hundreds of letters, many so illiterate they could not be read, others cunningly and viciously designed to stir race and class prejudices, the majority of Jencks' stooges being of recent Mexican origin.... We're glad he's going elsewhere.¹¹

Jencks' hearing was more a pillory than a trial. Shortly before the trial opened in early January 1954 at El Paso, Texas, Governor Allan Shivers and Texas Attorney General John Ben Shepperd publicly attacked Mine-Mill for conspiring with two other unions in "a master plot directed from Moscow, aimed at obtaining a strangle hold on Texas mineral, port, and petroleum centers." Jencks' attorney, John McTernan (who had defended Elizabeth Gurley Flynn and others in the second Smith Act trial) requested a change of venue or a postponement because of the adverse publicity, but his motion was flatly denied. El Paso offered federal prosecutors an ultra-conservative judge in the person of R. E. Thomason and a prominent stage upon which to issue a caveat to the western metal miners.¹²

The pretrial publicity also may have been designed to aid the prosecution, because the government had an extremely weak case against Jencks by judicial standards. In accordance with the shift in Mine-Mill's policy toward the Taft-Hartley Act after the 1948 secessions, he had first signed a disclaimer as president of Local 890 in October 1949 and again in April 1950. Jencks only participated in party affairs on a semi-clandestine level because he was in a vulnerable position as a labor leader. He did not carry a membership card, nor did his name appear on membership lists. Therefore government prosecutors could only introduce circumstantial evidence dealing with his conduct and associations. Joseph Alderman,

chief prosecutor for the Justice Department, had five witnesses who could testify to Jencks' activities from 1946 until mid-year 1949, but only one person, Harvey Matusow, would swear that Jencks was a Communist during the period covered by his affidavits. The two witnesses with the most damaging testimony against Jencks had received thousands of dollars for their statements as paid informants for the FBI.¹³

Alderman could, however, draw on the pervasive hatred for communism and the excited imaginations of the jury. The second great "red scare" was nearing its zenith in 1954. More than a hundred Communist leaders had been indicted under the Smith Act and sixty-six had been convicted, not because they had engaged in any acts of sabotage, but because they believed in a revolutionary ideology. Cold War emotions led the courts to establish a new standard for determining the criminality of Communists, and this gave prosecutors a leverage they would not have otherwise possessed. The prosecution picked Holvey Williams, assistant U.S. attorney for El Paso, to present the government's case to the jury. They calculated that Williams' homespun manner and slow drawl would contrast favorably in the El Paso courtroom with McTernan's urbane demeanor and polished speech. Williams quickly established the tenor of the trial when he called Tod Holngrem, editor of the union's newspaper, to the stand and asked him if he belonged to the Communist Party, if he believed in the sincerity of an oath before God, and if he knew that Communists did not feel bound by such an oath. After Hongrem refused to answer the first question and nodded assent to the second, Williams produced a photostatic copy of a Communist Party membership card made out to "R. H." and asked Holngrem if it was his. Thomanson sustained

McTernan's objection, but the impression had already been made. Day after day, prosecution witnesses paraded one sensational story after another before a spellbound crowd: Jencks planned to cripple the war effort, dominate the local union, infiltrate Hispanic organizations, and manipulate unsuspecting miners. After a week of testimony, seven businessmen, two accountants, one rancher, one motel manager and a Black elevator operator deliberated for twenty-two minutes and declared Jencks guilty. Judge Thomason sentenced him to five years in prison, the maximum term allowed under the law.¹⁴

Perhaps the most important aspect of the trial occurred outside the courtroom, in the barrios and plants where Mexican Americans lived and worked. Here, CIO organizers, state officers, federal agents, and Catholic priests cooperated in an unprecedented campaign to drive Hispanic workers out of the Mine-Mill Union. While Texas Attorney General Shepperd personally contacted the four Mine-Mill locals in El Paso and urged them to disaffiliate immediately, representatives of the Steelworkers Union told resident aliens that they would be deported if they stayed in the union, and Bishop Sidney M. Metzger of El Paso denounced Mine-Mill in a letter distributed widely by parish priests and rival organizers:

An honest and loyal citizen is not afraid to tell the truth to his government.... It is my duty as a shepherd of souls to warn the members of my flock against the evil of Communism and its leaders. Every worker has not only the right but the duty to transfer to a union whose leaders are loyal to God and country. The worker who is loyal to God and country will not be fooled by Communistic leadership in a union. Beware of the wolves in sheep's clothing! Beware of those who sneer at your government! Beware of those who neglect or attack God and religion!¹⁵

When Metzger's letter was distributed in Grant County and two local priests asked 890 if they could address its membership, the local called a special meeting to deal with the situation. A large number of

unionists showed up to discuss the problem, and the consensus was to ignore the letter and deny the priests permission to speak. This strategy collapsed, however, when the Daily Press found out about it and ran a headline story that accused 890 of censoring the Church. Shortly thereafter, Juan Chacón, Local 890's president, extended an invitation to Metzger and other priests to speak before the union, but he rebutted the charges of communist domination and suggested that the Church could help the union care for the unemployed if it wanted to get involved in its affairs.¹⁶

Rumors were rampant both in El Paso and Grant County that the rank and file were prepared to withdraw from Mine-Mill en masse, but the movement never materialized. AFL raiders were rejected in elections at Empire and Kennecott, and Steelworker raiders were defeated at ASR's El Paso smelter. José Cordero of the El Paso refinery workers and Gonzalo Rodríguez of the cement workers provided an explanation for this amazing resistance in a telegram sent to Attorney General Shepperd. Responding to his request that they leave Mine-Mill, the labor leaders asked,

What is the name of your union? What experience have you had in gaining wage increases for workers? When and where did you give leadership in campaigns for fair employment practices? What have you done to eliminate dual wage scales, paying lower rates to Mexican Americans for like work? ... Appreciate answers to these questions to determine your reliability as union advisor.¹⁷

Although Mine-Mill was able to thwart most of the raids against its membership, a prolonged depression in the lead-zinc industry and a sustained campaign against the union by the Federal Government presented serious problems. Some mines in Grant County remained closed for three

years, and periodic shutdowns plagued the industry throughout the decade, depleting Mine-Mill's membership and resources. Meanwhile, Travis was arrested on charges of filing a false Taft-Hartley affidavit, and the NLRB withdrew certification from the entire union organization, claiming that Mine-Mill's rank and file had conspired with its officers to defraud the board. Travis and Jencks resigned from the union in 1955 in an attempt to circumvent the board's decree. Although the Supreme Court ruled in 1957 that the only punishment possible under the law was for perjury, the Subversive Activities Control Board (SACB) renewed the threat of decertification by prosecuting Mine-Mill under the Communist Control Act of 1954. Travis was convicted of perjury in 1956 and sentenced to eight years in prison and fined \$8,000. An appellate court reversed the decision and ordered a new trial in 1957, but he was convicted again. The Supreme Court finally overturned the conviction in 1961. The various proceedings against Mine-Mill and its officers during the 1950s and 1960s, including a conspiracy charge against fourteen union officers in 1956 and a SACB ruling in 1962 that Mine-Mill was "Communist infiltrated," involved the union in court battles that continually drained its treasury over a ten year period.¹⁸

Appropriately, Jencks' case, the first prosecution aimed at Mine-Mill, ultimately provided a signal victory to all civil libertarians, regardless of ideology, who fought the rigid and repressive conservatism which dominated the Cold War era. In early 1955, Mine-Mill's lawyers requested a new trial from Judge Thomason after Harvey Matusow disavowed his earlier testimony and wrote a book about his career as an anti-communist informer. Thomason denied Jencks' motion for a new trial, however, and sentenced Matusow to three years imprisonment for obstructing justice.

(An appeals court overturned Matusow's conviction a year later.) The Fifth Circuit Court of Appeals in New Orleans upheld Jencks' conviction, despite the fact that Matusow, the only witness who claimed knowledge of Jencks' non-compliance, had renounced his testimony. In denying Jencks' request for Matusow's FBI reports, the court concluded that, "such a shackling of law enforcement cannot be tolerated if justice is to be preserved and organized society is to be permitted to compete on equal terms with those who would destroy it."¹⁹

A year later, Jencks finally won an appeal to the Supreme Court. Upholding the right of a criminally accused person to be confronted with witnesses against him, the court, in a seven to one decision, ruled that the government had to either provide defense attorneys with secret reports made by government witnesses for their cross-examination, or it could keep these reports confidential but not use them as evidence. This landmark ruling was the first in a series of decisions that established the Warren Court's defense of civil liberties. Congressional action was immediate and fierce, with many Congressmen calling for a law to restrict the court's jurisdiction in cases dealing with national security. Two months after the Supreme Court reversed Jencks' conviction, Congress enacted legislation defining the rules for disclosure of FBI reports. Known as the "Jencks law," it gave judges the sole authority to review the agency's files to determine which evidence was relevant, and it provided that only reports containing verbatim statements made prior to the trial could be produced. Nevertheless, the Warren Court's decision in *Jencks v. The United States* freed many people convicted on the basis of questionable testimony solicited by the FBI, and it proved to be a water-

shed, marking a shift away from the persecution, hysteria and near terror which characterized the McCarthy era.²⁰

The protection afforded by the Supreme Court after 1957 did not stop the continual round of indictments, convictions, and appeals, however. Congressional investigations, SACB hearings and NLRB rulings repeatedly menaced the union throughout the late 1950s and early 1960s. The Communist Party had urged its trade union members to end their isolation and vulnerability by merging with the mainstream labor movement as early as 1950. After the SACB began to investigate the United Electrical Workers and Mine-Mill in 1955, the Communist Party again pressured Communist union leaders to dissolve their organizations and join the AFL-CIO on whatever terms were necessary. Mine-Mill held merger talks with six AFL-CIO unions that year, but the officers did not accept the terms offered. During the 1960s, Steelworker organizers experienced much greater success in raiding Mine-Mill's jurisdiction. With Mine-Mill's attention and resources diverted to the union's ideological defense, the more powerful Steelworkers organization surpassed Mine-Mill's collective bargaining gains and drew increasing numbers of unionists into its ranks on the basis of its economic benefits. Just as Mine-Mill's membership supported the Communist leadership in the 1950s because of their faith in its ability to serve their interests, the rank and file now turned to the Steelworkers because of its demonstrated effectiveness as a bargaining agent. In 1967, on its seventieth birthday, the tattered remnant of a once great union negotiated a merger agreement with the United Steelworkers of America and voted itself out of existence.²¹

Footnotes

¹Local 890 press releases, March 12, 19, 1952, 890 files; Witt to Mine-Mill, July 15, 1952, Box 294, IUMMSW papers; Enterprise, March 13, 19, 1952; Local 890 minutes, February 27, March 12, April 1, May 14, 21, 1952, 890 files; The State Supreme Court set aside the second and third contempt cases in 1953 because Marshall had levied the fines after the strike had ended, leaving only the first fine of \$8,000 and the ninety day sentences.

²Local 890 bulletin, May 14, 1952, 890 files; Civil Action No. 12988 (N.M. 6th Dist. Ct. 1952); Voter and jury lists for 1950 and 1951 in 890 files; Daily Press, December 2, 1948, November 5, 1952; Enterprise, April 24, 1952.

³Local 890 bulletins, September 8, 9, 1952, 890 files; Local 890 press release, June 24, 1952, 890 files; New Jersey Zinc v. Local 890, 58 N.M. 416 (1954); Daily Press, June 28, September 6, 1952; Quote from Jencks to Smothermon and Travis, September 29, 1952, Box 92, IUMMSW papers.

⁴Matusow, False Witness, pp. 152-61; Civil Action No. 12812 (N.M. 6th Dist. Ct. 1952); Daily Press, October 2, 1952; Interview with Jencks, April 19, 1977; Jencks to Smothermon and Travis, September 29, 1952, Box 92, IUMMSW papers; In July 1954 the State Supreme Court rejected the union's final plea, and the six unionists served the remaining sixty days of their sentences.

⁵Matusow, False Witness, pp. 156-57, 192; Daily Press, October 9, 1952; Executive board to all local unions, October 15, 1952, 890 files.

⁶See Deborah Silverton Rosenfelt, Salt of the Earth (Old Westbury, N.Y.: Feminist Press, 1978) and Herbert Biberman, Salt of the Earth: The Story of a Film (Boston: Beacon Press, 1965) for a more detailed account of the film making and the movie itself; Local 890 minutes, April 23, July 16, December 22, 1952, 890 files.

⁷Rosenfelt, Salt of the Earth, p. 53; Local 890 minutes, December 22, January 6, 21, 1953, 890 files.

⁸Daily Press, February 25, 26, 1953; Time, February 23, 1953, p. 102; Rosenfelt, Salt of the Earth, pp. 53-54.

⁹Daily Press, February 26, 27, March 3, 7, 1953; El Paso Times, March 4, 1953; ASR unit minutes, February 25, 1953, 890 files; Local 890 minutes, March 5, 11, 18, April 1, 1953, 890 files; Executive board minutes, March 16, 1953, 890 files.

- ¹⁰ASR unit minutes, February 25, 1953, 890 files; Mine-Mill, "Present Metals Situation in the U.S.," March 1953, p. 5, 890 files; Special membership meeting minutes, March 11, 1953, 890 files; Executive board minutes, March 16, April 20, May 4, 1953, 890 files.
- ¹¹Quote from Ely in Daily Press, May 26, 1953; Local 890 minutes, April 29, 1953, 890 files; Executive board minutes, March 11, 1953, 890 files; "How to Handle Red Unionists," Engineering and Mining Journal, V (May, 1953), pp. 96-100.
- ¹²Daily Press, January 4, 7, 8, 1954.
- ¹³Jencks v. United States, 226 F.2d 463 (5th Cir. 1955); Daily Press, January 9, 11, 16, 18, 19, 1954; El Paso Herald, January 9, 1954; El Paso Times, January 18, 1954.
- ¹⁴Daily Press, January 12, 13, 14, 15, 18, 19, 21, 22, 1954; Matusow, False Witness, pp. 190-204; "Taft-Hartley Frame-ups," March of Labor, May 1954, p. 19.
- ¹⁵Open letter from Bishop S. M. Metzger, February 3, 1954, 890 files; Steelworker leaflets, June 1954, 890 files; Daily Press, January 20, 22, 1954.
- ¹⁶Special meeting minutes, February 1, 1954, 890 files; Local 890 minutes, February 4, 18, 1954, 890 files; Executive board minutes, February 15, 1954, 890 files.
- ¹⁷Daily Press, January 23, 1954.
- ¹⁸Daily Press, October 29, December 9, 1954, February 3, 16, March 5, 1955, February 15, 1956; F. S. O'Brien, "Communist Dominated Unions in U.S. Since 1950," Labor History, Spring 1968, pp. 191-204; Clark to staff, locals and stewards, "Current NLRB Attack on Mine-Mill," May 12, 1954, 890 files; Executive board to all locals, February 16, 1955, 890 files; R. S. Keitel, "The Merger of IUMMSW into the United Steelworkers of America," Labor History, Spring 1974, pp. 36-43.
- ¹⁹Daily Press, March 1, 18, 1955, January 17, 1956; El Paso Herald Post, March 28, 1955; Jencks v. United States, 226 F.2d 540 (5th Cir. 1955).
- ²⁰Jencks v. United States, 353 U.S. 657, 778 S.Ct. 1007 (1957); American Civil Liberties Union, 1957 Report, pp. 9, 88; Ralph Brown, Loyalty and Security (New Haven: Yale University Press, 1958), pp. 140-43.
- ²¹Cochran, Labor and Communism, pp. 294-95; O'Brien, "Communist Unions Since 1950," Labor History, p. 204; Keitel, "Merger of IUMMSW into SWA," Labor History, pp. 38-39.

CHAPTER V

CONCLUSIONS

Union Democracy

Vernon Jensen's interpretation of Mine-Mill's Communist administration in his monograph, Nonferrous Metals Industry Unionism, 1933-1954, is an obfuscating morality play of a democratic, militant, but wholesome unionism being infiltrated and subverted by a small group of political fanatics who owed allegiance to the dark forces of foreign totalitarianism. Since, to date, no one has written a revisionist history that covers the broad scope of Mine-Mill's activities during the period of its Communist administration, Jensen's book continues to be the standard account, and several studies of domestic Communism and labor have cited Jensen as they expanded his generalization.¹ The main points of this analysis included the suggestion that Communists in Mine-Mill did not care about economic gains or piecemeal change on behalf of the membership, but only used collective bargaining as a camouflage for their revolutionary aims, and that rank and file participation and democracy were merely a thin veneer over the underlying reality of a political machine which exercised tight control over every aspect of union life.²

Jensen's work was strongly influenced by the passions and fears of the Cold War, and he often dignified irresponsible rumors as evidence, but his discription of machine control and greater centralization under Mine-Mill's Communist-aligned leadership was, in some ways, accurate.

International representatives (hired by the president and, in almost every case, Communist Party members) carried the left-wing's program to the locals and played a direct role in convention politics after Mine-Mill's constitution was amended in 1947 to allow international representatives to attend conventions if elected by their locals. In 1945 the executive board discontinued the practice of providing local unions with the addresses of other affiliates, and thereby increased the central organization's control over the flow of information. At Mine-Mill's Denver Convention in 1950, delegates passed a constitutional amendment that allowed the international president to remove local officers accused of furthering "the dissolution of any Local Union" and gave him the authority to appoint an administrator for the local even if only one of its officers was so removed. But perhaps the relationship between Mine-Mill's leaders and the Communist Party best exemplifies the top down orientation of the decision making process in the international union: a steering committee discussed major issues with party officials and brought its decisions to a "Progressive Caucus," which represented the left-wing faction within the union, and this caucus then would transmit the policy throughout the organization. Therefore, officers of the Communist Party sometimes initiated policy on matters vitally affecting the union, as in boycotting the Taft-Hartley affidavits, without the rank and file having a meaningful input. It should be stressed, however, that Mine-Mill remained structurally democratic; a majority of its rank and file either supported their leadership or did not care enough to participate. The administration exercised influence because it used the union's informational channels to communicate a coherent program with extensive rationals, prodigious resources, and organized backing

to its membership. It is a formula that defines every successful machine.³

Jensen weakened his interpretation by ignoring the general trend toward bureaucratization and centralization in the American labor movement. If Mine-Mill could be singled out for special blame, it had to be on ideological rather than structural grounds, but writers like Vernon Jensen, Max Kampelman, and David Saposs employed a double standard. When Mine-Mill's Communist-aligned president used his position to provide party members with jobs, they dramatically denounced the activity as insidious infiltration, but similar practices in right-wing unions hardly warranted a comment, since the commonplace functions of patronage provided a reassuringly familiar explanation. In fact, Mine-Mill was much more democratic than the Steelworkers Union, its chief rival during this period. From 1937 to 1957 no top international officer of the Steelworkers faced an opposition candidate, and a national committee negotiated all contracts without the rank and file having any power to ratify or reject the agreements. After the national leadership came to an agreement with the corporations, it gave local unions ten days to settle grievances with mine managers who were well aware of the deadline. Even in unions with a strong tradition of militancy and democracy, like the UAW, the post-war period brought ruling regimes and institutional conservatism. But the "settling in" of administrations was not a development unique to the post-war era, though the institutional legitimacy and stability afforded by government recognition and economic prosperity reinforced the conservative propensities within the movement. Jensen himself notes that Mine-Mill's president from 1932 to 1936, Thomas H. Brown, was almost impossible to unseat because of his advantage as an

incumbent. "Naturally," Jensen wrote, "the old time leaders had continued to build their own political fences and had seized every opportunity to damage those of their opponents." Moreover, the methods used by right-wing union establishments to effect their programs were often identical to those employed by left-wing union machines. Again, the issue was not the democratic "how" but the ideological "why."⁴

It is also important to recognize that the Cold War crisis exaggerated the tendencies toward factional manipulation. Certainly, the post-war developments strongly influenced Local 890's politics. Jencks undoubtedly had political as well as organizational objectives in mind when he pushed for amalgamation of the Grant County locals in 1947. The new structure allowed the small but cohesive group of left-wing activists in the local to concentrate their influence. "Because of the critical nature of the fight in which our union is involved and the attendant necessity for mobility of forces," wrote Travis in 1948, "we should attempt greater centralization of direction of organizations."⁵ But this did not result in greater bureaucratization in Local 890, nor did it bring repressive amendments to the local's constitution. The modus operandi remained, for the most part, consistent with democratic values. Since participation in union affairs was very low except in times of crisis, thirty to forty activists could exercise preponderant power in the local, and left-wing leaders consistently won re-election because their bargaining results and their activity on behalf of political and social reform generally pleased the membership. Concerning other issues, such as foreign policy, national politics, or support for various left-wing causes, the membership was largely indifferent.

Within a rather loose constitutional and procedural framework, however, the left faction was accused of manipulating the rules on occasion to accomplish their goals, but charges of decision-making improprieties were restricted to a relatively short period following the Empire Zinc strike. Either this was an indication that the financial-legal problems and anti-union publicity had produced a siege mentality among Local 890's leaders, and therefore had fostered abuses, or it merely showed that a serious opposition had challenged the incumbent leaders for the first time and had brought attention to the decision-making process. In either case, the election of delegates to Mine-Mill's 1952 convention provided the first evidence of manipulative methods. Delegates voted on important policy matters at the convention, so the left-wing stalwarts were anxious to send as many of their number as possible. The local agreed to hold elections to select one delegate for each unit and two delegates to represent Local 890 as a whole. But when a conservative candidate at the ASR mine beat Bud Debral, one of the left-wing nominees, the shop stewards council proposed that he represent them at the convention. Several miners objected to this change in policy since a vote of the membership had already established the number of delegates, but Debral won a position in the delegation on a vote of thirty-seven to three at the next amalgamated meeting. The two shop stewards at ASR resigned over the issue, and one of them, James Hayes, labeled 890's leaders "the unholy eight" and accused them of destroying union democracy in a letter published by the Daily Press. The issue was real, but the nature of Hayes' entry into the local and the content of his letter strongly suggests that he may have been an FBI infiltrator.⁶

Nevertheless, when Local 890's executive board called a protest strike in September 1952 over the jailing of the Empire negotiating committee, they again drew criticism for "bending" the local's democratic rules. A motion to hold a referendum on the question of staging a two day protest strike on the first, thirtieth, sixtieth, and ninetieth day that the six officials spent in prison had passed at a general union meeting in early August, but apparently there was some opposition from the rank and file, and the referendum was not held. Although shortly after the men entered jail the sentiment among miners attending the amalgamated meetings seemed to be in favor of a strike, the executive board had argued that the walkout should be postponed until the union's lawyers completed a plea bargain then underway. But after Serna settled the charges of unlawful assembly against sixty women and children for a fine of \$750, the executive board claimed that a group of rank and file members took over their meeting and demanded a vote on the protest strike. The board passed a motion to allow those at the meeting to decide whether the local would stage a walkout on the following day, and they authorized the strike on a vote of twenty-eight to seventeen. It seems unlikely that the left-wing group would have resorted to such circuitous maneuvers if a majority of the membership had supported the protest strike. Although the rank and file honored the walkout, a large group of unionists arrived at the union hall that night and voted to return to work.⁷

In 1953, Gregorio Mesa, one of the shop stewards at ASR who had actively opposed the September strike, was nominated to run against the incumbent, Juan Chacón, for the presidency. At first, the executive

board tried to deny Mesa's nomination because he was unemployed and therefore had not paid his union dues. The local's constitution, however, allowed for the suspension of dues payments when any member in good standing became unemployed and stated that these members retained "all rights and privileges." Mesa secured his nomination and Chacón won the election, but Mesa complained that the balloting had not been secret, that judges had counted the ballots before the voting period had ended, and that the executive board had not publicized the election. Nevertheless, at a general meeting, Local 890's membership voted to accept the results.⁸

In the final analysis, it can be said that the left-wing administration in Local 890 was neither a paragon of democratic virtue, nor a case of union autocracy. The local's rank and file had the right, and usually the opportunity, to vote on matters of union policy. Most members of the left-wing group were popular and effective leaders, and they continued to lead because a vast majority of Local 890's membership respected their abilities and trusted their judgement. Few union locals in the United States could provide a better record of democratic rule.

The Women

The story of union mothers, daughters, wives and sisters commanding recognition and respect as the aggressive saviors of a strike on the verge of collapse constituted one of the most extraordinary and remarkable facets of Local 890's history; remarkable because of a Spanish-Catholic tradition that stressed patriarchy and female submissiveness; extraordinary because of a sexual stereotyping that seemed to

be even stronger during the 1950s than in other decades. Salt of the Earth, the critically acclaimed film based on the Empire Zinc strike, projects a startlingly contemporary image of women claiming an equal role in a common quest for self-actualization and justice, challenging their husband's myopic view of oppression, and forcing them to examine the relations between male and female as they scrutinized those between worker and owner. But the story that has been bequeathed to us, as interpreted by Michael Wilson's brilliant vision and reinforced by the feminist movement's present struggle, is a complex mixture of myth and reality. Even those who participated in the Empire Zinc strike sometimes find it difficult to separate the film's recounting of the strike and their own experiences.

I was able to interview only four of the women who participated in the strike, but their responses and the union's records indicated that the scope and character of the women's function in the Empire Zinc strike was not as transfiguring as the film suggests.⁹ Certainly, the auxiliary's role changed and grew during the walkout, augmenting the women's confidence and self-respect, but this did not necessarily lead to a general critique of their subordinate status. Although the decentralized structuring of the strike into departments gave women a certain degree of autonomy in devising methods to carry out union policy, none of the women interviewed thought that they had obtained any meaningful input into the decision-making process. They had no role in negotiating the final contract, nor did they participate in its ratification.¹⁰

Statements made by the miners and their wives during the summer of 1951 show that they both regarded the situation as a novel but temporary swap of certain roles, not a fundamental change that would lead

to a re-definition of male-female relations. This can be seen in the rough draft of a speech found in the June 1951 auxiliary minutes:

"Ladies, we may lose this fight, but you will not find us too busy with our housework ... or sitting in front of our vanity tables looking at ourselves in the mirror and thinking only of ourselves...." Similarly, in Ernesto Velasquez's address to the 1951 convention we see roles being exchanged, but not questioned:

I hate to be calling her a wife now--she's the boss of the family. It so happened the 13th of June she took over the household. We have a little baby and she said you go home and wash the dishes and change the diapers. That puts me in an embarrassing position. I have washed the dishes and I have swept the house, but one thing I cannot get myself to do and that is change a diaper.

But perhaps the best example of the seeming compatibility and co-existence of the "old" and "new" ways and of the distance between present day feminism and the Grant County experience was found in the Union Worker of June 1951, where a picture of a scantily clad starlet with the caption, "Pass the fruit ... Elena would be popular at any price," was juxtaposed with an article written by the jailed women which dealt with their experiences on the picket lines.¹¹

The strike experience did draw several women, including Carrie Gonzales, Virginia Chacón, Mariana Ramírez, and Josie Campbell, into union affairs for a sustained period of time. In addition to the usual round of bake sales, enchilada suppers and bingo games, they promoted various political causes, assisted the unemployed, participated in union meetings, and spoke at fund raisers for the legal defense committee in various parts of the country.¹² But for the majority of women who marched on the picket lines and filled the jail cells in June 1951, the experience may have been intense, but it was also relatively short. By

mid-September 1951, Braulia Velásquez reported to the executive board that few women were picketing, and when the union made a last ditch attempt to hold the lines in early December, only about twenty pickets, half of whom were women, confronted the scabs. Practically all of these pickets were Empire strikers or their wives--there was no evidence of the broad participation by women from other mining communities which had characterized earlier resistance. On January 22, one day before union negotiators reached a final settlement in El Paso, Local 890's executive board discussed the serious decline in the auxiliary's membership. Although they decided that miners had to be persuaded to let their wives participate in the organization and suggested that a nursery be established to give mothers more freedom, the membership largely ignored their suggestions.¹³

Salt of the Earth influenced the relatively small group of activist women in Mine-Mill and elicited some shallow gestures of recognition from leftists in the union, but the idea was always to involve women in support functions aimed at strengthening the men's union, at carrying out their program. The union never considered the problems and needs of the women themselves. For example, a resolution on organizing women that the auxiliary presented to Mine-Mill's 1953 convention said in part:

Men cannot be wholehearted union members without the co-operation of their womenfolk ... our union needs their understanding, sympathy and support ... in these days when the labor movement is under such vicious attack.... [Be it resolved] that when issues arise in the community or the nation on which the union takes a position and decides on a course of action, that the union locals consider how women can be involved in such a campaign and utilize this vast source of potential energy.

Hardly a clarion call for women's liberation, the resolution presents a perfectly conventional projection of the comforting, succoring and

loyal girl Friday. Entirely consistent with the proposal's orthodoxy, the women concluded by timidly petitioning the executive board "to give serious consideration to the appointment of an organizer or organizers for the Ladies Auxiliaries" Who could object? The resolution passed without opposition.¹⁴

It seems that the auxiliary's role in Mine-Mill was far from being unprecedented, and it remained well within the prevailing cultural norms. World War II had provided women with an opportunity to enter the labor force (in fact, the number of women in the Grant County labor force had increased by forty percent from 1940 to 1950), but their sojourn in traditionally male occupied jobs was brief, and it brought few permanent changes in the social position assigned to females. Women's rights activists have often observed that men can tolerate or encourage strong and capable women, but that this does not necessarily erode the dominant-submissive character of their relations. No form of domination is easily displaced; it can only be eliminated by a virtual upheaval, and neither the women nor the men in Grant County were ready for such a revolt.

Mine-Mill and Mexican Americans

Mine-Mill's success in Grant County always rested in large measure on its appeal to the Mexican American miners. From the earliest organizing efforts in the 1930s, the union had drawn Hispanic workers because it promised to ameliorate the discrimination they faced in the mines. Although Mine-Mill eschewed militant tactics during World War II for political reasons, it vigorously lobbied the War Labor Board and the Fair Employment Practice Committee to eliminate discriminatory practices in the nonferrous metals industry. The WLB ignored segregation and

readily compromised in favor of the companies on economic issues, and the FEPC had little power to change employers' practices, but the union secured several notable victories: the eight hour "collar to collar" shift for underground workers (almost exclusively Mexican Americans) at most properties, a narrowing of regional wage differentials between the border mining areas and other mining districts, and the elimination of some multiple job classifications which served to restrict wages and advancement for Mexican Americans. Conditions in the mines had remained basically unchanged from the 1890s to the 1940s; low wages, frequent accidents and ethnic discrimination plagued employees. During and after World War II, however, the hardrock miners made rapid gains in hourly wages, working conditions and fringe benefits under Mine-Mill's leadership. This experience fostered a loyalty among the county's miners that withstood the terrific pressures of the post-war period.

Historians writing about Mexican Americans have stressed that World War II was a watershed in the development of their political self-consciousness. In Grant County, Mine-Mill played a key role both in the Hispanic miners' wartime experiences, which developed greater expectations and confidence, and in their increasingly aggressive political style following the war. It seems that Mine-Mill's own political problems first served as a catalyst for the evolution of a ethnic rights movement among the area's Mexican Americans. Right-wing secessions in 1946, the Taft-Hartley Act in 1947, and the friction between the Communist and non-Communist unions within the CIO led to Jencks' arrival and the consolidation of locals in 1948. The amalgamated local facilitated an exchange of ideas, coordination of programs and accumulation of resources necessary for a vigorous grassroots movement. The new union

also played an important social role by establishing an inter-ethnic perception and critique of discrimination, and by providing an alternative mobility structure for many capable Mexican American leaders who were denied job and status advancement in Anglo controlled institutions.

The massive influx of Mexican immigrants, mostly illegal, into the United States during the 1950s highlighted a recurring dilemma for the second or third generation Mexican Americans who comprised an overwhelming majority of 890's membership and pointed to an important reason for their support of Mine-Mill.¹⁵ Because they suffered from acute poverty, the immigrants were willing to accept virtually any wage offered them, and many mojados were taking industrial jobs. In 1953 the Immigration and Naturalization Service picked up 2,000 Mexicans a month from industrial plants; by 1954, over 3,500 a month. Mexican Americans in Grant County exhibited a certain ambivalence toward immigrant labor. On the one hand, they did not argue for exclusion, but called instead for a program that resembled the 1940 La Follette Committee's recommendations for migrant farm workers: equal pay, job security, adequate housing, union protection, and contract rights. On the other hand, they had realistic fears that the influx of Mexican citizens would reinforce Anglo prejudice, erode native economic progress, and thereby relegate them to an undifferentiated social and economic underclass. These concerns gave rise to a vigorous protest by Local 890 when Mine-Mill decided to have its 1951 convention in Nogales, Arizona:

As we see it, the only so-called "benefit" [of the convention site] would be to put our Anglo brothers in a position to act as typical American tourists.... We feel there is a serious possibility of "incidents" from too much liquor, brothels, excessive bargaining on merchandise, and the sub-conscious kind of prejudice which comes out under such influences. Frankly, the reaction here was that holding a Mine-Mill convention in Nogales would be "slumming."¹⁶

Within this context, Local 890's membership saw Mine-Mill as the primary bulwark in their struggle for economic, social, and political advancement, strengthening further the bonds of allegiance between Mexican American miners and the union.

Local 890 concentrated on mobilizing the miners' political potential through a political action committee--registering voters, interviewing candidates, making endorsements, and lobbying legislators. Although many of the union's campaigns focused on international and national issues that drew little response from the Mexican American community, Local 890 experienced much greater success in organizing around issues closer to home. Its first significant accomplishment, ironically, was the election of Goforth, a Republican, over Bartley MacDonald after the Fierro Riot (see p. 45 above). Similarly, following the Empire Zinc strike the union turned out large numbers of voters for Slim Matthews after he promised to stay out of labor-management disputes and hire Mexican American deputies. Matthews beat Bartley MacDonald in the Democratic primary and defeated Goforth in the general election, winning by a margin of six to one in the mining districts. Local 890's support for the Republican candidate opposing District Attorney Foy was also notable. Foy had won the three county vote by a very large margin in 1950, but the miners' strong opposition to Foy split the Grant County vote in 1952, and Foy had to rely on his support in Hidalgo County to win. The fact that Local 890 induced many union members to desert the straight Democratic ticket to oppose Foy in 1952 and to elect Goforth in 1950 indicated a significant change in voting behavior. By the late fifties, Local 890 had developed a cohesive swing vote which often proved to be decisive in county elections.¹⁷

In addition to its lobbying on working class issues such as workmen's compensation and tax reform, the union became involved in a wide range of activities on behalf of the Mexican American community. In 1951 Local 890 sent delegations to the Grant County Draft Board and the State Legislature to protest the discriminatory drafting of Mexican Americans for the Korean War, pointing out that the dearth of educational opportunities and therefore of draft exemptions for Mexican American boys led to them being drafted at a rate fifteen to twenty percent higher than Anglos in the same age group. The local also funded a civil rights committee which brought attention to local law enforcement practices, and it persuaded the State Fair Employment Practices Commission to investigate Kennecott's racial policies. The commission later ordered Kennecott to cease segregating employees in company owned housing, washrooms, and payroll lines. In 1956 the union promoted a cooperative food store in Bayard, fielded seven union members in the county's primary election, and campaigned for an end to the county's discriminatory hiring practices.¹⁸

In fact, Local 890's program in Grant County closely paralleled the development of Community Service Clubs in Colorado and Community Service Organizations in California. Each stressed working class community involvement in non-partisan political action for the redress of local grievances, though there is no indication of communication between Mine-Mill and these other groups. Apparently, they simply grew out of similar desires and needs. Although Mine-Mill was known as an extreme left-wing union, and it certainly had close connections with the Communist Party, its approach to Mexican American problems implicitly accepted the viability of democratic institutions and the assumption that properly

organized political pressure could produce changes in governmental policies that affected Hispanic citizens. Mine-Mill's left-wing image hampered its effectiveness at times, and it perhaps unnecessarily diffused its energy into campaigns around international issues that seemed esoteric to most of the membership, but it could compliment political mobilization with direct action in the form of a strike to enforce non-discrimination agreements or to obtain better working conditions and wages. Overall, Mine-Mill's accomplishments for Mexican Americans equalled or excelled the achievements of LULAC, the GI Forum, or the CSO during the 1950s.¹⁹

Communism and Local 890

Conservatives, liberals, and socialists endorsed the proscription of the Communist Party in the post-war period. They perceived the party to be outside the pale of First Amendment rights accorded to other heretical sects at the time, contending that the Communists were, in effect, foreign agents trying to infiltrate and control strategic organizations such as trade unions for the purpose of violently overthrowing the United States Government. The Communist Party's influence on Local 890, generated by Mine-Mill's officers and staff, was as manifold and important as it was varied, but the party's relationship to the union cannot be defined by either the conspiratorial conceptions of the anti-Communists or the righteous rationalizations of the Communists themselves.

The Communist Party's religious adulation of the Soviet Union was indeed the dictum that determined much of its policy and character. This, in fact, had defined American Communism from its beginning in 1919 as a splinter group from the Socialist Party. Drawing on a crude formulation

of economic determinism (found in Marx's Introduction to a Critique of Political Economy) that described a uni-directional flow of causality from the economic "base" of a society up through its legal, political, and social structures, the Communists devised a key syllogism: collective control of the means of production (socialism) will transform all other institutions and human consciousness itself, eliminating greed, aggression, deception, and exploitation; the Soviet Union had achieved socialism; therefore the Soviet Union was not only inherently peaceful, but it was also the natural leader of all oppressed peoples because it had escaped the obscuring influences of the old order. This deduction provided all the gravitational pull needed to keep the American Communists revolving around the Soviet Union.

In Grant County, Communist union leaders did organize assiduously around the party's program, but their activities represented the concerns of an ideological sect rather than the machinations of foreign agents. They brought in Communist Party spokesmen who lauded the "peoples democracy" in Eastern Europe; sought to involve unionists in the party's peace mobilization; and promoted communist publications such as the People's World, National Guardian, and March of Labor. Mine-Mill's critics claimed that union leaders ignored traditional unionism to pursue revolutionary goals and misappropriated union funds to finance Communist Party activities. The local did use a substantial amount of money to send delegates to various peace conferences and political gatherings sponsored by the party, to support various front organizations; and to pay for Communist speakers, films and literature. How much time union organizers spent in party activity while on the union payroll is impos-

sible to determine. Since the Communist Party's apparatus in the Southwest existed largely within the union, most of its functions could have been conducted as an adjunct to the normal administrative conclaves. It should be stressed, however, that outside of the international executive board's hiring policies, which provided an employment service for Communist activists, the union's membership had the opportunity to vote on the appropriation of funds for left-wing programs.

Likewise, the charge of Communist duplicity in the conduct of trade union bargaining and political activity was wide of the mark. Mine-Mill's leaders did sometimes give priority to their ideological concerns over the welfare of the union, as in the Taft-Hartley affidavit problems in 1948, but Communists did not believe that they necessarily had to eschew reforms to promote the revolutionary solution as the ultimate answer to society's ills. The Communists thought that workers could gain knowledge and self-assurance through the pursuit of limited reforms. Local 890 was vigorously involved in reform activity and pragmatically utilized both direct action and political pressure to ameliorate unfavorable conditions in the hardrock mining district. In fact, the few Grant County unionists (about thirty) who were recruited into the Communist Party joined on the basis of its reformist face, and the organizers, like Jencks, who came into the union with a Marxist-Leninist orientation had to consider the values and expectations of their constituency--values that were often incompatible with the party line. But even Communist programs that were designed to draw broad popular support failed to attract a great deal of interest in the mining communities when they dealt with anything other than local problems. The Progressive Party

vote in 1948 and 1952 provides a useful index of left-wing influence in Grant County. In 1948 the highest tally for a Progressive candidate was 189; in 1952, Vincent Hallinan, the New Party's presidential candidate, received 169 votes. Local 890 claimed that Hallinan had been counted out in some precincts, but its estimate of 200 to 250 votes still shows a small base of support.²⁰

But the Communists in Mine-Mill did make important and enduring contributions to Local 890 by helping to create a tradition of militant unionism and by aiding the development of many capable and committed native leaders. A synthesis of the Communists' and the miners' subcultures took place which drew out the best features of each. The miners, with their commonsensical and open-minded approach to problems, mitigated the left-wing's dogmatism and intolerance. The Communists, on the other hand, imparted their elan and idealism to the miners.

Local 890's current president, Juan Chacón, laments the rank and file's indifference to union affairs and blames this decline on the miners' affluence and on the effects of mass culture: "Back in 1949, we were very much behind with radios, television, stuff like that, and television has done alot to the working people--kept their mind away from unions." Chacón's own career as a labor leader, however, indicates that 890's fire has been banked rather than extinguished; it can flare up in a new cycle of activism and militancy if the bureaucratized union hierarchy continues to ignore workers' needs. As the leading actor in Salt of the Earth and one of the original left-wing stalwarts in 890, Chacón symbolizes Mine-Mill's heritage. He served as the local's president from 1953 until 1963 when he was defeated by thirteen votes. Ten years later, miners expressed their opposition to the enervating centralism

of the Steelworkers Union by re-electing Chacón to the presidency.²¹

In 1974, when the Steelworkers' national nonferrous bargaining board extended the union's contract with Kennecott Copper past the expiration date without consulting its local membership, Local 890 rose in open revolt. The real issue was the Steelworkers' policy of ignoring local grievances in the interest of obtaining greater economic benefits through industry-wide contracts. As Cass Alvin, a Steelworker spokesman, put it: "When you have the economic package agreed upon, as we have, then people are anxious to get the few remaining local matters cleared up and get back to work." The Steelworkers' executive board immediately declared 890's walkout to be illegal, and Kennecott obtained an injunction against the strike.²²

Able McBride, the Steelworkers' current president, continues to direct a strong machine, but a vigorous opposition movement has grown larger in the past few years. Perhaps Local 890 will once again assume the role of iconoclast by challenging a hidebound, narrow-minded unionism which has caused the number of unionists to shrink as a percentage of the total workforce and has alienated both the public and its rank and file. The old Local 890 of the International Union of Mine, Mill, and Smelter Workers provided a relevant alternative: a socially conscious union that transcended the myopic bargaining typical of "bread and butter" unionism to serve as a social critic, an agent for institutional reform.

Footnotes

¹Max Kampelman, The Communist Party vs. The CIO; David Saposs, Communism in American Unions; David Shannon, The Decline of American Communism.

²Jensen, Nonferrous Metals Industry Unionism, pp. 296-304.

³Jensen, Nonferrous Metals Industry Unionism, p. 228; Mine-Mill, Report of Proceedings- 49th Convention, 1953, pp. 188-90; Transcript of radio program, October 20, 1950, 890 files; Copy of resolutions to 1950 convention, 890 files; Testimony of Kenneth Eckert before CIO investigating committee, January and February 1950, 890 files.

⁴Joel Seidman, Democracy in the Labor Movement, Bulletin 39 (New York: School of Industrial and Labor Relations, Cornell University, 1958), p. 12; Cochran, Labor and Communism, pp. 332-44; Jensen, Nonferrous Metals Industry Unionism, pp. 30-31.

⁵Travis to all staff members, June 14, 1948, 890 files.

⁶Local 890 minutes, August 20, 27, 1952, 890 files; Daily Press, August 26, 1952.

⁷Local 890 press release, September 25, 1952, 890 files; Local 890 minutes, August 6, September 10, 17, 24, 1952, 890 files; Executive board minutes, September 23, 1952, 890 files; ASR unit minutes, September 24, 1952, 890 files; Daily Press, September 24, 1952.

⁸Constitution of Local 890, IUMMSW, Article 6, Section 6, 890 files; Executive board minutes, December 7, January 4, 1954, 890 files; Local 890 minutes, December 9, January 6, 1954, 890 files.

⁹I interviewed Minerva Carrillo, Virginia Chacón, Mariana Ramírez, and Mary Martinez. See Rosenfelt, Salt of the Earth, for a more optimistic interpretation, but she makes no distinction between the small group of militants and the larger group of women who were active only for a short time in 1951. Also, without the use of union documents, she was unable to differentiate between the film's impact on women like Mariana Ramirez and Virginia Chacon and the influence of the strike itself.

¹⁰Hollowwa to Harold Sanderson, July 5, 1951, Box 294, IUMMSW papers; Special Empire Zinc unit meeting, January 24, 1952, 890 files.

¹¹Ladies auxiliary minutes, draft of speech is after the May 7, 1951 entry, 890 files; Mine-Mill, Report of Proceedings- 47th Convention,

1951, p. 63, IUMMSW papers; Union Worker, June 1951, 890 files.

¹²Josie Campbell was nominated to be Local 890's vice-president in December 1952, but she declined. Then she was nominated for recording secretary along with several other women. No woman was elected, however, and it apparently was no more than a gesture.

¹³Local 890 minutes, June 11, 1952, 890 files; Special unemployment meeting minutes, October 29, December 2, 1953, 890 files; Ladies Auxiliary minutes, July 1, 15, 17, November 4, 1954, February 24, 1955, 890 files; New Jersey Zinc v. Local 890, 57 N.M. 617 (1952), transcript of testimony and photographs of December confrontations.

¹⁴Mine-Mill, Report of Proceedings- 49th Convention, 1953, pp. 27-31, IUMMSW papers.

¹⁵I was able to gather background information on fifteen people connected with the union; all of them were native born (at least seven were third generation) and their fathers had worked in the mines. Census statistics reinforce this generalization. In 1950, the county's Mexican-born population was only 4.8 percent of the total, down from 6.2 percent in 1940, and roughly 40 percent of the Mexican-born adults were citizens, compared with about 25 percent a decade earlier; U.S., Department of Commerce, Bureau of Census, Population Reports, Population Characteristics, Series PC-12, No. 24, August 22, 1951.

¹⁶Meier and Rivera, The Chicanos, pp. 226-27; Local 890 resolutions to 1952 convention, 890 files; Local 890 to national officers, April 6, 1951, 890 files.

¹⁷Daily Press, November 5, 1952; Local 890 press release, November 15, 1952, 890 files; Mine-Mill PAC leaflet, November 1952, 890 files.

¹⁸Union Worker, June 1951, March, April 1956, 890 files; Local 890 minutes, January 4, 20, 1951, 890 files; Civil rights committee leaflets, September 20, October 9, December 19, 1951, 890 files.

¹⁹Carey McWilliams, North from Mexico, pp. 279-80; Joan Moore, Mexican Americans, pp. 145-47; Meier and Rivera, The Chicanos, pp. 244-46.

²⁰Daily Press, November 3, 1952; Local 890 PAC leaflet, November 1952, 890 files. James R. Prickett, in "Some Aspects of the Communist Controversy in the CIO," Science and Society (Summer-Fall 1969), pp. 299-321, contends that CP unionists operated in almost an apolitical manner--almost indistinguishable from non-communist liberals. This was not true of Mine-Mill. It tried to organize around the party program, but the response was not great.

²¹Seers Catalogue, Vol. 3, No. 18, August 1974, p. 4.

²²Daily Press, July 2, 3, 12, 16, 1974.

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