

## Showing Agency on the Margins: African American Railway Workers in the South and Their Unions, 1917–1930

**Joseph Kelly**

AFRICAN AMERICAN RAILWAY WORKERS, even in the Jim Crow South, benefited from federal legislation during World War I that temporarily challenged racial discrimination in hiring and pay for workers under federal jurisdiction. Both employers and white racist railway trades unions challenged such legislation after the war, often working in tandem. African American trainmen responded collectively and relatively effectively to these challenges during the postwar decade before mass layoffs during the Depression removed their wartime gains.<sup>1</sup>

Historians have tended to ignore the victories of the African American trainmen during the 1920s. Eric Arnesen argues bleakly:

“The wartime transformations that promised dramatic improvements in black railroaders’ position proved fleeting. By the early 1920s, the larger political, social, and economic environment had turned increasingly inhospitable to black demands, shifting the balance of power toward employers and white labor. Unable to strike because of their vulnerable position, some black workers sought to promote amicable relations with employers in the hope of securing a more solid place for blacks in industry.”<sup>2</sup> Theodore Kornweibel, Jr. adds:

1. Raymond Wolters, *Negroes and the Great Depression: The Problem of Economic Recovery* (Westport 1970); Harvard Sitkoff, *A New Deal for Blacks: The Emergence of Civil Rights as a National Issue: The Depression Decade* (New York 2009); William A. Sundstrom, “Last Hired, First Fired? Unemployment and Urban Black Workers During the Great Depression,” *The Journal of Economic History*, 52 (June 1992), 415–429.

2. Eric Arnesen, *Brotherhoods of Color: Black Railroad Workers and the Struggle for Equality* (Cambridge 2001), 83.

“Black trainmen could only very cautiously protest, usually beseeching railroad managers to reward their hard work and loyalty by guaranteeing the percentage of jobs that they traditionally had held. But appeals to paternalism, which at times achieved modest success in the past, were unavailing. None of the railroads officially recognized the weak independent black unions because they feared only the power of organized white workers. Blacks’ interests were disregarded.”<sup>3</sup>

This paper argues by contrast that the majority of African American railway workers made use of federal administrative boards and courts to defend their rights, and enjoyed substantial success considering the odds against them. They were not “beseeching railroad managers” or, in other ways, behaving subserviently. The story of their resistance to the combination of racist employers, white racist railroad unions, and a cautious federal government is worth telling because it provides a foretaste of the type of resistance that African Americans generally would provide to racism during the civil rights movement of the 1940s and afterwards. They took advantage of whatever spaces for resistance they could find within racist America. Arnesen deprecates these African American unionists of the 1920s by noting that their “arena of conflict was not the point of production – the yards or trains-but the conference room, boardroom, and courtroom.”<sup>4</sup> But that ignores the reality that for racially oppressed peoples, whether African American or Canadian Native or South African Blacks under apartheid, the courtroom can also be an arena of successful struggle. Desegregation decisions wrenched from a courtroom reaffirm a sense of social justice among the oppressed and inspire broad social movements for progressive change. The courtroom victories of African American railway workers during and after World War I need to be seen in that context as part of the long-term movement of African Americans for social justice as both workers and citizens.

## Wartime Reform

FOR AFRICAN AMERICANS the Progressive era offered little advancement that they did not achieve without voting with their feet as many literally did in the Great Migration. Within the labour movement African Americans were a marginal presence. Even so, they helped give a militant edge to biracial locals of unions like the American Federation of Labour’s (AFL) United Mine Workers of America in the coal mines of Alabama and South West Virginia, and the Industrial Workers of the World’s Brotherhood of Timber Workers in the lumber mills of west Louisiana and Texas.<sup>5</sup>

3. Theodore Kornweibel, Jr., *Railroads in the African American Experience: A Photographic Journey* (Baltimore 2010), 72–3.

4. Arnesen, 73–4.

5. Daniel Letwin, *The Challenge of Interracial Unionism: Alabama Coal Miners, 1878–1892*

While the white-dominated craft unions of the AFL did not allow African American membership, their racism was tempered by their ambiguous attachment to the colour-blind principles of the Knights of Labor out of which the AFL had emerged. On the railroads AFL affiliates assisted African Americans in establishing organizations like the Colored Association of Railway Employees (CARE), which would play a significant role in representing African American trainmen.<sup>6</sup>

Despite President Woodrow Wilson's appalling record on race relations including his removal of African Americans from key administrative posts and intensification of segregation in Washington, African American railroad workers experienced far-reaching improvements in their working conditions during Wilson's second term in office.<sup>7</sup> This anomaly was an indirect and unintended result of Wilson's need to appease the AFL, which had allied itself with the Democratic Party candidate in the presidential elections of 1912 and 1916. Wilson's administration initially demonstrated an unwillingness to defend labour's interests against capital, for example, turning a blind eye to the AFL's campaign to have unions excluded from potential prosecution under the Clayton Anti-Trust Act of 1914.

By contrast, Wilson established the Department of Labor and the United States Commission on Industrial Relations. This commission produced a controversial report in 1915 that "made workers' rights a central focus of national reform efforts, placing the issues of authority and consent in the modern work place on the national political agenda for the first time."<sup>8</sup> In response to the Commission's call for government to rapidly extend principles of democracy to industry, employers defended their control over the shopfloor with attempts to undermine trade unionism.<sup>9</sup> As the US entered the war, Wilson was determined to include the white-dominated labour movement as a minority partner along with corporations within the wartime federal administration.<sup>10</sup>

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(Chapel Hill and London 1998); Joe William Trotter, Jr., *Coal, Class and Color: Blacks in Southern West Virginia, 1915–32* (Urbana and Chicago 1990); James R. Green, "The Brotherhood Of Timber Workers, 1910–1913: A Radical Response to Industrial Capitalism in the Southern USA," *Past and Present*, 60 (August 1973), 161–200; Covington Hall, *Labor Struggles in the Deep South and Other Writings* (Chicago 1999).

6. Philip S. Foner and Ronald Lewis, eds., *The Black Worker: A Documentary History from Colonial Times to the Present*, Vol. V (Philadelphia 1980), 107–129; Sterling D. Spero and Abram L. Harris, *The Black Worker: The Negro and the Labor Movement* (New York 1931), 87; Peter J. Albert and Grace Palladino, eds. *The Samuel Gompers Papers, Vol. 8: Progress and Reaction in the Age of Reform, 1909–13* (Urbana 2001), 244.

7. John Milton Cooper, Jr., *Woodrow Wilson: A Biography* (New York 2011), 170–1, 204–6.

8. Joseph A. McCartin, *Labor's Great War: The Struggle for Industrial Democracy and the Origins of Modern American Labor Relations, 1912–1921* (Chapel Hill 1997), 13.

9. McCartin, *Labor's Great War*, 12, 41.

10. K. Austen Kerr, *American Railroad Politics, 1914–1920* (Pittsburgh 1968), 72–100.

The overwhelming presence of railroad executives at the helm of the federal railroad administration had to be balanced against the pressure of labour shortages, the threat of strikes, and the needs created by US intervention in World War I. In the face of sharp housing and consumer price increases, workers vigorously defended their interests in an unprecedented strike wave during 1917 and 1918.<sup>11</sup> African American railroad workers in the South often participated in the labour ferment around them, including protest strikes over violent racist attacks on the job and against racial differentials in wage increases.<sup>12</sup>

As a result of all the tensions that threatened the railways, federal control over the railroads produced a commitment to labour reform, which strengthened the partnership between the Democratic Party and the AFL. The Wilson administration established new agencies and boards such as the War Labor Policies Board, the National War Labor Board, and the United States Railroad Administration (USRA). President Wilson proclaimed the USRA on 26 December 1917 with William G. McAdoo, the Secretary of the Treasury, appointed as Director-General. The USRA provided temporary federal government control over the railways to replace the pre-war competition of private firms that was viewed as an impediment in fulfilling the “extraordinary demands of the European belligerents for supplies.”<sup>13</sup>

The leading railroad operators had agreed to surrender their authority to the state a month earlier under considerable pressures from labour unrest.<sup>14</sup> Soon after government takeover of the railroads, Director-General McAdoo set to work to improve labour relations. In early February 1918, he set up the Division of Labor under W. S. Carter, formerly president of the Brotherhood of Locomotive Firemen and Enginemen. Carter appointed trade unionist J. A. Franklin, former president of the AFL’s International Brotherhood of Boilermakers, and federal mediator G.W.W. Hanger, as assistant directors.<sup>15</sup>

General Order No. 8, issued on 21 February 1918, gave the USRA authority over questions of hours and wages. It also strengthened the bargaining power of organized labour by prohibiting discrimination in “the employment, retention or conditions of employees because of membership or non-membership

11. McCartin, *Labor’s Great War*, 39; David Montgomery, *Workers’ Control in America: Studies in the History of Work, Technology, and Labor Struggles* (Cambridge and New York, 1980), 96.

12. Arnesen, *Brotherhoods of Color*, 50–1.

13. Walker D. Hines, *War History of American Railroads* (New Haven 1928), 6–7.

14. Hines, *War History*, 18–9. Despite involving a compromise with labour, wartime state control of the railroads was welcomed by private railroad interests that had long campaigned for federal over state regulation. See Gabriel Kolko, *Railroads and Regulation, 1877–1916* (New York 1965), 208–30.

15. Hines, *War History*, 154.

in labor organizations.”<sup>16</sup> Apart from the “big four” railroad brotherhoods, organized labour was compelled to extend its reach to workers “who were not already organized.”<sup>17</sup> This encouraged the organization of African American railroaders as various organizations of the shop crafts, maintenance of way employees, clerks, station and freight house workers organized locals on roads in which they previously had no recognition.<sup>18</sup>

General improvements in working conditions during the period of federal control were extensive. To improve the wages of the least paid workers, General Order No. 8 increased wages on a sliding scale, a move which increased pay for workers earning under \$46 a month by 43 per cent, and 16 per cent for workers earning \$150 a month. Workers earning \$200 a month received an 8 per cent increase, while those earning \$250 or more received no increase.<sup>19</sup>

Among numerous labour-friendly measures introduced because of the wartime state administration of the railroads was the January 1918 establishment of the Railroad Wage Commission (Lane Commission), which made recommendations that influenced the USRA to issue, in spring 1918, General Order No. 27, which reduced the vast wage gap that railroad supervisors enjoyed over their subordinates.<sup>20</sup> Possibly taking confidence from the declaration in General Order 27 that “colored men employed as firemen, trainmen and switchmen shall be paid the same rates of wages as are paid white men in the same capacities,” organized African American trainmen persuaded the USRA to introduce a supplement to the general order that would reinforce its anti-racist thrust. Supplement 12 described in detail the duties to be assigned to brakemen and flagmen, including technical operations such as connecting hose and chain attachments, inspecting cars, testing signals and brakes, and opening and closing switches. Brakemen and flagmen maintained the safe movement of trains, as specified in rules requiring them to compare watches and to use hand and lamp signals. Although Supplement 12 declared that it was not intended to “infringe upon the seniority rights of white trainmen,” it reinforced the principle of equal pay for equal work.<sup>21</sup>

Providing a clear description of their work, Supplement 12 distinguished the duties of brakemen and flagmen from train porters who, in theory, were

16. Hines, *War History*, 302.

17. Hines, *War History*, 155; The “big four” were the Brotherhood of Locomotive Engineers, the Order of Railway Conductors of America, the Brotherhood of Locomotive Firemen and Enginemen, and the Brotherhood of Railroad Trainmen.

18. Arnesen, *Brotherhoods of Color*, 75.

19. Hines, *War History*, 161.

20. Hines, *War History*, 161.

21. Kheel Center for Labor Management Documentation and Archives, Cornell University Library, Ithaca, New York (hereafter KC), National Railroad Adjustment Board (hereafter NLAB) First Division, Docket 13033, RG 228, Selected Documents of the Committee on Fair Employment Practice (hereafter SDCFP), Reel 10.

meant solely to provide service to passengers; its drafters wanted to ensure that porters performing the duties of flagmen or brakemen were paid accordingly. In addition, Supplement 12 specified that African American brakemen must be given equal compensation to white men doing the same jobs.<sup>22</sup>

### **African American Workers' Response to Federal Reform**

THESE DEVELOPMENTS ENCOURAGED African American railroad workers to correspond directly with high-ranking officials of the new state agencies. They did not engage in collective industrial action, but African American trainmen took courage from federal wartime control over the railroads to dispatch a flood of letters and petitions, that collectively expressed a confidence they previously lacked, especially in the South, where they seldom had access to higher authorities than local supervisors and managers who generally shared oppressive Southern racial norms. Significantly, while many of their letters to USRA officials were expressions of individual frustration, African American workers understood that they could more effectively approach wartime federal agencies through collective petitions.<sup>23</sup>

African American railroaders' choice of letters and petitions over work stoppages as their most vocal form of protest suggested their confidence in the government's broader overtures to labour. Southern Railroad trucker John Crocker informed W. G. McAdoo in July 1918 that, "We feel that you are a man of your word, and we noticed in one of your speeches that there would be no discrimination."<sup>24</sup> Matt Lewis, Fred Pryor, and John High of Little Rock, Arkansas, suggested that their aspirations could best be met by government rather than private control over the railroads.<sup>25</sup> Likewise, an African American labour organizer at Bay St. Louis, Mississippi, informed Director-General Walker D. Hines that he understood that "you and other members of the Administration are the laboring man's friend and want to give them as much freedom, justice and unity as possible."<sup>26</sup>

But African American railroaders planning to approach the USRA often had to be prepared to defy local managers. So, for example, the African American general organizer of the American Brotherhood of Railway Trainmen (BRT),

22. The controversy over the distinction between the tasks that porters and brakemen performed would resurface during World War II. See Arnesen, *Brotherhoods of Color*, 221–222.

23. Arnesen, *Brotherhoods of Color*, 56.

24. KC, United States Railroad Administration (hereafter USRA) Papers, Reel 2, John Crocker to W.G. McAdoo, 27 July 1918.

25. KC, USRA, Reel 2, Fred Pryor, John High, Matt Lewis to Board of Railroad Wages and Working Conditions, 21 June 1918.

26. KC, USRA, RG 14, Reel 2, General Organizer on the Louisville and Nashville for the American Brotherhood of Railway Trackman to Hines, 3 July 1919.

complained to Hines of the following confrontation with his supervisor on the Louisville and Nashville Railroad.

I was using the typewriter of Mr. W. H. Smith, who is foreman of Section 10-1/12 at Bay St Louis, Mississippi ... at the time the supervisor Mr. C. W. Madison happened in the office. Mr. Smith introduced him to me and told him my business. Mr. Madison then stated that a man was mighty low down to organize a Negro institution. I told him that if a Negro wasn't worthy of his organization and rights, and if he was too low down to belong to the organization, he was too low down to work on the tracks of their Maintenance of Way Department ... He then turned to Mr. Smith instructing him to get me out of the building ... upon reaching the door I asked Mr. Madison to give me his name and address that you might want to communicate with him, and he said it was none of my business. I turned and asked Mr. Smith what his name and address was and he replied 'ask him yourself, he will tell you.' I then asked him again. He said 'What's it up to you?' Upon that assertion I went to the station and obtained information from the station.<sup>27</sup>

Making contact with officials in Washington posed risks for workers, as federal officials often referred them back to local officers against whom they were brought into immediate conflict.<sup>28</sup>

African American railroaders had begun organizing themselves before World War I. The pre-war organizers led the way to establish numerous informal and formal organizations to take advantage of wartime labour reforms.<sup>29</sup> By 1919, for instance, the Memphis- headquartered CARE, later renamed the Association of Colored Railway Employees (ACRE), claimed more than 2000 members.<sup>30</sup> African American trainmen also used wartime state takeover of the railroads as an opportunity to try to gain an equal footing with white workers, both with respect to pay and access to lucrative positions in the train service.

Their efforts did not go unrewarded while the government ran the railroads. In a petition to the United States Railroad Labor Board (USRLB) in 1920, challenging the Illinois Central and numerous other lines over issues such as wages and job classifications, CARE, under the presidency of J. H. Eiland, insisted that the USRA's Board of Railroad Wages and Working Conditions had introduced Supplement 12 as a direct response to its demands. Earlier CARE had presented a petition for wage increases to the Board, which on 12 December 1918 gave "full and free hearing of the complaint." The Board ruled in favour of the petitioners, declaring that the "passenger train porters who performed the service of flagmen and brakemen ... were declared to be within the class of passenger flagmen and brakemen. This order is known as Supplement No. 12 to General

27. KC, USRA, Reel 2, General Organizer of the American Brotherhood of Railway Trackmen, Bay St. Louis, MS, to Hines, 3 July 1919.

28. KC, USRA, Reel 2, Petition from H. Brooks, H. Hall, Joe Karmen, A. B. Smith to Hines, 26 December 1919.

29. Arnesen, *Brotherhoods of Color*; 60–65.

30. KC, USRA, RG 14, Reel 2, Colored Association of Railway Employees' (hereafter CARE) Petition to the Division of Labor, USRA, 28 July 1919.

Order No. 27.”<sup>31</sup> Several railroads implemented the order, including the Illinois Central, which, according to CARE lawyer L. Clyde Going, “complied with this order and increased salaries of train porters.”<sup>32</sup> The substantial wage increases introduced during federal control over the railroads targeted the wages of the lowest-paid workers.<sup>33</sup>

As African American railroaders grasped wartime opportunities that afforded them more dignity and self-respect than had earlier been possible in the racist South, they confronted employers who remained only willing to offer African Americans secure employment on the railroads if they continued as a cheap labour supply. When wartime state interventions such as General Order No. 27 raised African American railroad workers’ wages substantially, railroad employers looked to restructuring the racial hierarchy of work in ways that began to undermine the position of African American workers.

Just as the war ended, despite compliance of some railroads with Supplement 12, many employers attempted to avoid implementing the supplement and the wage increases it sanctioned. Representatives of organized African American trainmen, T. A. Keith, W.A. Bannaker, and William C. Turner informed W. S. Carter of an apparent understanding among the federal managers of all the Southern railroads to defy Supplement 12.<sup>34</sup> Keith told Carter that he believed that the Illinois Central and the St. Louis-South-western Railroad had implemented Supplement 12 in contrast with the Southern Railway Company (SRC), which would not pay African American brakemen wages outstanding from June 1918 to June 1919.<sup>35</sup> However, the Southern proved unable to impose a uniform policy on the pay and status of its African American trainmen. The company’s reluctance to implement Supplement 12 focused specifically on the wages of African American passenger brakemen rather than firemen and freight brakemen, whom the company agreed to pay the same rate as white firemen and brakemen.<sup>36</sup> The SRC’s inability to restrict wage increases for many of its African American trainmen highlights that these workers did not passively accept continuing attempts to deny them their wartime wage increments.

31. National Records Administration (hereafter NARA), Washington, RG13, Docket No. 38, “Before the US Railroad Labor Board, the Association of Colored Railway Trainmen vs. Illinois Central, Yazoo and Mississippi Valley Railroad, the Southern Railway Company and others,” 6.

32. KC, USRA, RG 14, Reel 2, L. Clyde Going to J. A. Franklin, 28 July 1919.

33. KC, Illinois Central Gulf Railroad Selected Personnel Department files, 1901–1965, Box 1, B. M. Jewel and George M. Cucich, “Historical Development of the Railroad Wage Structure,” 6–8.

34. NARA, RG 14, W. S. Carter for the Director General, US Railroad Administration (hereafter USRA), 21 June 1919.

35. NARA, RG 14, T. A. Keith to Hines, 16 June 1919, 2.

36. NARA, RG 14, Keith to Hines, 16 June 1919, 5.



## Employers' Backlash and White Workers' Violence

IN JULY 1918 T. E. WOOD, a member of the Brotherhood of Locomotive Engineers, gave War Labor Board Chair Carter an account of the experience of African American firemen working for the Louisiana and Navigation Company. It exemplified employer resistance to significant improvement in working conditions of African American railroaders. In 1915, these firemen received an award that raised their wages to \$85 per month. The company instead reduced their pay to \$60 per month. The company complained "that the award would give the men overtime and other concessions which had not been in existence." The firemen were later given an additional five dollars a month, which increased their pay to \$65. When the USRA directed the company "to pay the firemen all back time under the rulings of Director McAdoo," it responded as if it had never been required to pay them \$85 per month, calculated what it owed them on the basis of \$60 per month as the minimum that it ever needed to pay, and provided no back pay to the firemen.<sup>37</sup>

Faced with a rapid drop in traffic and increased operating costs after the armistice in November 1918, the railroads were determined to roll back wartime wage increases, particularly for African American labour. While African Americans extolled the principle of equal pay for equal work, employers quickly moved to reshape the status quo. Train porters on the Illinois Central experienced a backlash against their wartime wage gains even before the return of the lines to private operators. If African Americans had served initially in wartime as a useful buffer against the demands of higher-earning white workers, after General Order No. 27 they had become a liability.

On 1 July 1919, Illinois Central issued an order notifying train porters "that their salaries would be reduced by taking from them the keys and lanterns."<sup>38</sup> Porters' possession of switch keys and lanterns meant that they would have to be paid at the same rate as brakemen and flagmen thanks to Supplement 12. Depriving them of these items was a means to evade compliance with the supplement and deny African American porters' demand for formal recognition of their performance of duties normally assigned to brakemen and flagmen.<sup>39</sup>

Similarly, porters at New Albany, Mississippi, claimed that they had been trained and examined in the duties of passenger brakemen. Against management claims that they had performed these duties without formal consent, the New Albany porters argued that they had received switch keys and lanterns for which they had been charged a deposit of one dollar and fifty cents, though later the keys and lanterns were taken from them.<sup>40</sup>

37. KC, USRA, RG 14, Microform Roll 2, T.E. Wood to Carter, 12 July 1918.

38. KC, USRA, RG 14, Reel 2, Going to Franklin, 28 July 1919.

39. Arnesen, *Brotherhoods of Color*, 65.

40. KC, RG 14, Reel 2, Colored Association of Railway Employees vs. Louisville and Nashville, the Southern Railway Company, Illinois Central, and others, 28 July 1919; KC, RG 14, Reel 2,

Meanwhile, in May 1919, the management on Morgan's Louisiana and Texas Railroad that ran between Lafayette and Baton Rouge, Louisiana, issued an order classifying African American porters as "restricted porters." Besides injuring the workers' sense of self-worth, this reclassification had immediate material implications as their pay tumbled from \$114 to \$55 per month. Petitioners Allan Handy, Alex B. Bracket, Henry Williams, William Jones, and M. Henderson explained that "prior to the issuance of this order, the porters on these runs were receiving pay as flagmen and performing duties incident at that employment."<sup>41</sup> African American workers at Meridian, Mississippi experienced a similar loss in pay and status after the Southern Railroad issued a like order that September.<sup>42</sup> J. A. Edson, manager on the Missouri North Arkansas Railroad, writing J.A. Franklin, regarding a complaint from African American porters at Eureka Springs, Arkansas, admitted depriving them of compensation for work usually performed by designated brakemen. "We relieved train porters on the M&N of duties that would classify them as brakemen," he stated, "and have continued to pay them the porters' rate ... We have not paid back time to any of our train porters who were relieved of the duties [of brakemen] although they did perform these duties up to about May 1 1919."<sup>43</sup>

These moves against African American switchmen and brakemen formed part of a wider offensive against wage gains of African American railroaders during the war. In 1920, the government established the Railroad Labor Board which, despite equal representation of unions and carriers, proved weak in dealing with union-bashing practices that led to a strike of 400,000 shopmen in 1922.<sup>44</sup>

The tide began to turn against African American trainmen soon after federal control of the railroads ended in March 1920.<sup>45</sup> By the early 1920s, particularly after the 1922 shopmen's strike, wage cuts for African American railway workers accelerated markedly.<sup>46</sup> Companies often imposed cuts in wages earned by African American trainmen by restricting their employment

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W. Sanders to Carter, 29 September 1919, RG 14.

41. KC, USRA, RG 14, Reel 2, Train Porter Alan Handy and others to the Director of Labor, October 1919.

42. KC, USRA, RG 14, Reel 2, Homer Dunn, Tom Page, Bill Buffkin and others before F. K. Ethridge, public notary, Meridian, Mississippi, 23 February 1920.

43. KC, USRA, RG 14, Reel 2, J. A. Edson to Franklin, 11 September 1919.

44. Robert H. Zieger, "From Hostility to Moderation: Railroad Labor Policy in the 1920s," *Labor History*, 1 (Winter 1968), 27–8.

45. KC, NRAB, First Division, Docket 13033, SDCFEF, RG 228, Reel 10.

46. KC, FEPC, SDCFEF, Reel 11, "Summary, Findings and Directives in re: Illinois Central Railroad Company, Brotherhood of Locomotive Firemen and Enginemen and Brotherhood of Railroad Trainmen in Public hearings held in Washington, D.C. 15–18 September 1943."

to positions on the trains, obviating the need to pay them at the same rate as firemen, brakemen, or flagmen.

The railway company offensive to undo African American trainmen's World War I wage gains was part of a broader campaign of railroad companies nationally to cut wages.<sup>47</sup> The 1920 Transportation Act and the new Railroad Labor Board were both weighted in favour of employers.<sup>48</sup>

During the six years of the Board's existence (April 1920 to May 1926), wages for the lowest paid railroad workers fell by between 3.4 and 16.2 per cent, though wages for more skilled categories increased from 10 to 20 per cent.<sup>49</sup> After 1922, most wage disputes were settled by conferences between employers and organized labour without resort to the Board, which was eventually replaced by a labour-sanctioned body of mediation under the Railway Labor Act of 1926.<sup>50</sup>

At the same moment that employers challenged wartime wage gains of African American workers, white railroad trainmen aggressively attacked the African American presence in train service, resorting to race strikes and violence.<sup>51</sup> Unlike AFL affiliates in the railroad shops, which cautiously embraced biracial unionism in the form of subordinate African American locals, the "big four" white railroad brotherhoods that organized train service workers shunned organizing African Americans altogether. Perceiving African Americans as a threat to white wages and working conditions, the "big four" sought to completely exclude African Americans from service positions above porter.<sup>52</sup> The white brotherhoods often came into conflict with employers whose relationship with African American workers was shaped by considerations of profitability and not solely by racist assumptions about the suitability of African Americans for certain kinds of work.<sup>53</sup>

Before World War I, when employers had the upper hand in manipulating the boundaries of the racial hierarchy, African American railroad workers gained leverage to carve out "for themselves a number of solid occupational niches."<sup>54</sup> While most of these were service positions such as Pullman porters

47. NARA, RG 14, Hines to Woodrow Wilson, 23 August 1919; Colin J. Davis, *Power at Odds: The 1922 National Railroad Shopmen's Strike* (Urbana and Chicago 1997), 45–49.

48. Davis, *Power at Odds*, 54–63.

49. H. D. Wolf, "Principles and Policies Adopted by the Railroad Labor Board," *The University Journal of Business*, 4 (October 1926), 392.

50. Davis, *Power at Odds*, 391.

51. Arnesen, *Brotherhoods of Color*, 35–6, 80–2.

52. Eric Arnesen, "'Like Banquo's Ghost, It will Not Down': The Race Question and the American Railroad Brotherhoods, 1880–1920," *American Historical Review*, 5 (December 1994), 1614.

53. Arnesen, *Brotherhoods of Color*, 40.

54. Arnesen, *Brotherhoods of Color*, 40.

that white workers shunned as “nigger” work, African American workers in the South gained a fairly secure foothold in occupations such as firemen and brakemen. This gave railroad employers the advantage of cheap labour in certain strategic posts as well as an “effective deterrent against white unions.”<sup>55</sup>

After the war the big four brotherhoods of white trainmen had enough bargaining strength to make deals with employers to reshape the racial hierarchy of employment so as to eliminate opportunities that African Americans had gained within an already restrictive structure. When such deals proved elusive, and especially during recessions, when white trainmen coveted secure positions in which African Americans enjoyed seniority, they sometimes resorted to violence to get their way.<sup>56</sup>

Unidentified assailants killed or wounded sixteen African American trainmen on the Illinois Central system in a shooting spree throughout the Mississippi Delta and Louisiana in 1921. The Illinois Central’s lackadaisical approach to the violence revealed a disturbing convergence between white workers’ quest to eliminate African American trainmen from key posts in the train service and employers’ determination to cut wages and undermine African American labour organizations. It was no coincidence that some African Americans targeted in the shootings were active labour organizers.<sup>57</sup> Indeed, Memphis resident William Glover had been a prime target of intimidation from low-ranking officials on the Illinois Central system because of his activity as a leading trade unionist. He was chairman of grievances from 1918 when he first joined the Brotherhood of Railroad Brakemen in Memphis until he was compelled under threat of violence to leave the Illinois Central in 1921.<sup>58</sup>

## African American Workers’ Networks of Resistance

THE HOSTILE ENVIRONMENT African American railroad workers faced in the early 1920s signalled increased power both for employers and white labour. It is a misjudgement however to suggest that African American workers had no “extensive network of labor solidarity to bolster their claims.”<sup>59</sup> That argument ignores a wider environment in which African American communities continually resisted Jim Crow, both by clandestine and publicly transparent means.<sup>60</sup>

55. Arnesen, *Brotherhoods of Color*, 40.

56. Arnesen, *Brotherhoods of Color*, 66–67, 125–126.

57. *Chicago Defender*, 4 March 1922.

58. William S. Glover, Cairo, Illinois, to F. C. Bateman and J. T. Settle, 23 January 1938, Robert R. Church Jr. Papers, Mississippi Valley Collection (University of Memphis).

59. Arnesen, *Brotherhoods of Color*, 73–83.

60. Robin D. G. Kelley, “‘We are Not What We Seem’: Rethinking Black Working Class Opposition in the Jim Crow South,” *The Journal of American History*, 80, (June 1993), 75–112;

African Americans in coastal Louisiana, rural Georgia, Mississippi, and parts of the Arkansas Delta, for instance, enthusiastically embraced the militant nationalism of Marcus Garvey's United Negro Improvement Association. The growth of this movement in the early 1920s was facilitated by racially separate locals of labourers in the AFL's International Longshoremen's Association in cities like New Orleans, sympathetic African American church leaders, and networks of kin, friends, and social institutions linking Southern locals both to each other and to migrants in Northern cities.<sup>61</sup>

ACRE did not operate in isolation. During their agitation against the January 1920 agreement between the BRT and the Illinois Central, Association leaders appealed to wider community and political support. They received backing from local African American figureheads such as successful Memphis banker Robert R. Church, who, through his contact with the National Association for the Advancement of Colored People (NAACP), secured the trainmen a meeting with USRA officials in Washington to protest the discriminatory impact that the 1920 agreement would have on their employment.<sup>62</sup>

In the face of reluctance on the part of C. S. Lake, Assistant Director, Division of Operations in the USRA, to push for abrogation of the agreement, the Association momentarily set aside their grievance and pushed instead for wage increases. For trainmen on the Southern Railway system, this involved an increase totalling \$12,525 in monthly wages and an overall increase of \$125,000 in back pay owed to the trainmen.<sup>63</sup> Some Association members were also NAACP members, and served as conduits between leaders of the Association of Colored Railway Trainmen and unorganized trainmen seeking redress for their grievances when NAACP leaders were unavailable to intervene.<sup>64</sup>

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Tera W. Hunter, *To 'Joy My Freedom: Southern Black Women's Lives and Labor After the Civil War* (Cambridge, MA and London 1997); Robin D. G. Kelley, *Hammer and Hoe: Alabama Communists During the Great Depression* (Chapel Hill and London 1990).

61. Mary G. Rolinson, *Grassroots Garveyism: The Universal Negro Improvement Association in the Rural South, 1900–1927* (Chapel Hill 2007), 72–102; James R. Grossman, *Land of Hope: Chicago, Black Southerners and the Great Migration* (Chicago and London 1991), 67; Steven Hahn, *A Nation under Our Feet: Black Political Struggles in the Rural South from Slavery to the Great Migration* (Cambridge MA and London 2003).

62. Robert R. Church to James W. Johnson, 17 January 1919; Walter White to Archibald Grimke, 3 January 1920; Walter White, Memorandum Re Railroad Trainmen's case, 4 & 5 January 1920, in the Papers of the National Association for the Advancement of Colored People (hereafter NAACP), Reel 22, Peonage, Labor and the New Deal, 1913–1939 (University Publications of America, Bethesda, Maryland). Note that microfilms of the NAACP are held at various institutions. University Publications of America has collected and published the NAACP papers in full. All references in this paper to the NAACP Papers refer to that source.

63. NAACP Press Release, 10 April 1920, Papers of the NAACP, Reel 22.

64. White to E. S. Campbell, 11 January 1921; White to F.G. Antione, 12 January 1921; White to Clarence Banks, 8 March 1921, Papers of the NAACP, Reel 22.

Labour solidarity among African American trainmen is evident in various claims for back pay, including law suits, which railroads across the South had to contend with. The Southern Railway Company, for instance, faced about 25 suits with claims amounting to about \$35,685 in the summer of 1920. They settled for an out-of-court compromise of 25 per cent of the total amount the trainmen claimed.<sup>65</sup> Likewise, legal counsel for the Seaboard Airline Railroad advised the company to settle a suit with a slight concession (41 per cent of the increase provided for in General Order No. 27) rather than risk a continued court fight which might result in the claimants receiving the full payment to which they were entitled under General Order 27.<sup>66</sup>

Some workers persisted with their claims against the equally firm resolve of employers to resist.<sup>67</sup> Despite setbacks such as a jury ruling in favour of Seaboard against the Train Porters' Association in a case brought on behalf of trainman O. E. Crump of Richmond, Virginia, railroad officials were continually confronted with claims, which some believed had no merit but which "spread over the country like a prairie fire."<sup>68</sup> An especially revealing case of African American trainmen's persistence was led by Thomas E. Dudley, chair of the Wage Committee of the AFL-affiliated Train Porters' Union against the Southern Railway Company. In its dispute against the Train Porters' Union's claim for compensation in accordance with Supplement 12, the Southern argued that porters were simply "helpers," requiring none of the initiative required of brakemen or flagmen.

Insofar as these porters performed work designated as brakemen's duties, Southern officials held, they only did so under the authority and close supervision of the conductor. According to company vice president H. W. Miller, the porters' primary duties on the Southern Railway System involved only custodial duties such as "calling stations, opening and closing the doors of toilets and coaches, cleaning and dusting the aisles and seats of coaches at certain designated points ... issuing drinking cups to passengers, helping passengers on and off and assisting with grips."<sup>69</sup> They were also to keep aisles clear of

65. NARA, RG 14, Records of the Law Division, USRA, Atlanta, Records of the Regional Counsel, 1920–21, Reuben R. Arnold to MacDonald & Black, Attorneys at Law, 22 June 1920.

66. NARA, RG 14, Records of the Law Division, USRA, Atlanta, Randolph Parker to Victor L. Smith, Regional Counsel USRA, 10 July 1920.

67. NARA, RG 14, Records of the Law Division, USRA, Atlanta, Alexander W. Smith to Director General of Railroads, USRA, 30 March 1921.

68. NARA, RG 14, Records of the Law Division, USRA, Atlanta, James F. Wright, General Counsel to Alex W. Smith, Special Counsel, 25 March 1921 and Regional Counsel to Edmond Colston, 2 April 1921.

69. NARA, RG 13, Records of the National Mediation Board, Case Files 1920–26, Docket 835, Box 433,1, Entry 56, H.W. Miller, Vice President, Southern Railway System, to C.P. Carrithers, Secretary, United States Railroad Labor Board, 4 October 1921.

baggage, look after African American passengers, and assist in the handling of baggage.<sup>70</sup>

African American trainmen on the Southern challenged such demeaning categorization of their work. Early in 1919, the trainmen “perfected their organization and presented claims for pay under the wage awards of the Railroad Administration.”<sup>71</sup> Management responded with a bulletin with the false assertion that porters did not “throw switches, couple or uncouple cars and various other things that had always been required.”<sup>72</sup> The USRLB increased train porters’ wages by \$20.40 a month in addition to the standard \$85 a month for porters prior to Supplement 12.<sup>73</sup>

The increase of \$20.40 was granted thanks to efforts of African American trainmen, a point emphasized by Dudley in a letter to Railroad Labor Board secretary, C. P. Carrithers, noting that it was “only through organization that we received the \$20.40 increase in wages.”<sup>74</sup> The Train Porters’ Union was initially a local union in Washington, chartered under the AFL. Its campaign to gain recognition for its members as brakemen strengthened its claim to “represent a majority” on the extensive Southern Railway System.<sup>75</sup>

After granting the \$20.40 increase the Board ignored subsequent petitions from the Train Porters’ Union demanding that porters’ wages be adjusted to match wages of white flagmen and brakemen who had been awarded an additional \$30. Dudley and eighteen members of the Train Porters’ Union took the case to a Washington, D.C. court in a major challenge that included litigation against the Southern and other railroads, including Atlantic Coastline and Seaboard Airline. A court ruling in April 1923 granted the porters the full back pay due to them. This amounted to about \$30,600, with each trainman receiving \$1,700 of the total. Trainmen who had settled earlier received only 25 per cent of what the litigants received.<sup>76</sup>

The caution of some African American trainmen regarding wage demands is unsurprising given a generally hostile environment to workers’ demands in the 1920s as well as the need to combat the sometimes violent encroachment of white over black trainmen’s seniority rights.<sup>77</sup> Widespread legal suits brought against the Southern and other railroads suggest however that most

70. NARA, RG 13, Miller to Carrithers, 4 October 1921.

71. NARA, RG 13, Contentions of Employees, Train Porters, Southern Railway, 14 March 1921.

72. NARA, RG 13, Miller to Carrithers, 4 October 1921.

73. NARA, RG 13, Miller to Carrithers, 4 October 1921.

74. NARA, RG 13, Thomas E. Dudley, Chair, Wage Committee to Carrithers, 2 December 1920.

75. NARA, RG 13, Miller to Carrithers, 4 October 1921.

76. *Chicago Defender*, 14 April 1923.

77. *Chicago Defender*, 4 June 1921.

African American trainmen were not prepared to settle for a line of least resistance and persisted in their demands.

### The Persistent Presence of African American Trainmen

AFRICAN AMERICAN RAILROADERS disproportionately suffered the overall reduction in railroad employment of the 1920s and 1930s, though their organized efforts to hold onto their positions helped them retain a visible presence throughout the twenties.<sup>78</sup> On the Illinois Central and Yazoo & Mississippi Valley Railroad between 1920 and 1929 there was a loss of 41 trainmen positions held by African Americans – from 180 to 139, a 23 per cent drop, in the broad region covering Memphis, Greenville, Vicksburg, and New Orleans.<sup>79</sup> Throughout the South positions held by African American trainmen declined by 26 per cent during the 1920s (from 5,083 to 3,745), and in the 1930s the decline was almost 45 per cent.<sup>80</sup> In part, though, the declining numbers reflect employers' tendency to reclassify positions of African American trainmen. Since porters were not categorized as trainmen, a change in the designation of a brakeman to porter, in effect concealed that the porter was continuing to work as a brakeman.

Before 1920, African American switchmen at the Memphis Terminal, though restricted to working on the front end of the switching engine, held a range of positions such as head brakemen and liners (teams of men posted at intervals in the switching yard ahead of an engine). After an agreement between the Illinois Central and the white Brotherhood of Railway Trainmen on 18 November 1920, African Americans were guaranteed a continuation of their seniority rights on the head end of the switch engine. The agreement, however, allowed white yard men, whose seniority rights were usually confined to positions on the rear end alone, to take positions on the head end of the engine as well, which increased their opportunities to eliminate African Americans from employment in the Terminal yards.<sup>81</sup>

The agreement eliminated the separate seniority lists that previously protected positions in which African American yard men predominated, with the clear intention of creating new job opportunities for whites, not African

78. Arnesen, *Brotherhoods of Color*, 118.

79. KC, Illinois Central Gulf Railroad Selected Employee Files, Box 8, General Superintendent, Illinois Central System, to W. Atwill, 31 December 1929.

80. KC, Selected Documents of the Committee on Fair Practices, Reel 10, Leslie Perry to Maceo W. Hubbard, 28 July 1945.

81. NARA, RG 13, Docket 4092, Records of the National Mediation Board, Docket Case Files, 1920–26, R.M. Barton, Attorney and Counsel for Petitioners, Association of Colored Railway Trainmen, to M.L. Parker, Secretary, United States Railroad Labor Board re Association of Colored Railway Trainmen versus Illinois Central and Yazoo & Mississippi Valley Railroad Company.



Americans. But its language sanctioned equal rights for black and white trainmen. The second article of the agreement was explicit: "Rights contained in this agreement shall be understood to apply for both white and colored employees alike, and this plainly and necessarily involves only one seniority list in which all men will be treated uniformly regardless of race or color."<sup>82</sup> African American trainmen seized on that language to fight for equal rights with white employees. But their short-term interests dictated a focus on the hypocrisy evident in the enforcement of the agreement.

When ACRE first challenged the agreement it focussed on a blatant bias: white trainmen were now allowed to oust African Americans from their posts via a racially integrated seniority list, while in practice African American trainmen's right to bump white employees was purely hypothetical.<sup>83</sup> There was no possibility of an African American trainmen becoming a conductor, baggageman, or flagman. An African American trainman who called on his seniority to encroach on the man at the rear end knew "full well" that he could not "invoke the rule on his behalf against the white man" for fear of a violent response.<sup>84</sup>

ACRE challenged the rule before the USRLB in 1920 on the ground that it was in "direct conflict with Supplement 12" and that its effect would be "of irreparable injury to the colored man because conditions where colored men are employed will not admit of the enforcement of any such rule and it will enable the white man to take advantage of the colored man under the guise of the law."<sup>85</sup> Between February 1920 and November 1921 when the Board finally made a decision on the case, the Association produced 42 instances from Tennessee, Mississippi, and Kentucky of white trainmen violating the seniority rights of African American trainmen and switchmen. Despite the carefully prepared documentation of encroachments on the seniority rights of African American trainmen put forward by ACRE, the Board ruled against the Association's petition calling for abrogation of the agreement between Illinois Central and the BRT.

The Board, however, did acknowledge that the agreement violated Supplement 12, as in some instances "senior white flagmen have, in accordance with the provisions of the schedule bid in positions as head brakemen for the purpose of displacing colored head brakemen with less service age, leaving vacant positions of flagmen, for which position colored men are not

82. NARA, RG 13, Docket 4092, Association of Colored Railway Trainmen versus Illinois Central Railroad Company and Yazoo & Mississippi Valley Railroad Company.

83. NARA, RG 13, Docket 138, Petition of the Colored Association of Railway Employees against the Illinois Central Railroad Company and the Yazoo & Mississippi Valley Railroad Company, 2 June 1920.

84. NARA, RG 13, Docket 138, Petition of the Colored Association of Railway Employees, 2 June 1920.

85. NARA, RG 13, Docket 138, J. H. Eiland to United States Railroad Labor Board, 1920.

eligible, which is then bid in by junior white men.”<sup>86</sup> The vigorous challenge posed by an organization of African American trainmen against a racially discriminatory agreement was not in vain. Despite the backdrop of violence against which that challenge occurred and the adverse USRLB decision they received at the end of a turbulent year, African American trainmen on the Illinois Central and Yazoo & Mississippi Valley Railroad continued to hold positions above porter. ACRE took what was positive in the Board’s otherwise negative decision to refocus its efforts to win justice for African American trainmen. In a 1924–25 hearing before the Board, it won a victory by calling for an anti-racist interpretation of the 1920 agreement as opposed to abrogation of the agreement. They charged that the Illinois Central, in cahoots with the Brotherhood of Railway Trainmen, had violated the letter of the agreement and prejudiced the seniority rights of African American switchmen at the Memphis Terminal yards.

According to a petition that ACRE president J. H. Eiland read before the USRLB on 18 June 1924, soon after the conference in which the Brotherhood of Railroad Trainmen and company officials ratified their 1920 agreement, these officials privately assured Association representatives that seniority rights of African American switchmen in the 1920 agreement were not “being properly enforced.”<sup>87</sup> Discriminatory practices at the Memphis Terminal were the result of an unwritten “gentlemen’s agreement” between white supervisors and white yardmen.<sup>88</sup>

This arrangement benefited white workers at the yard who displaced African American yardmen from positions at the head end of switching engines while barring them from positions on the rear end, customarily held by white yardmen. For company officials, such an unwritten practice absolved them from paying African American trainmen the same wage as white trainmen. They had been compelled under Supplement 12 to classify all workers according to the actual duties they performed and to employ them at a standard rate of pay in positions both on the front and rear end of switching engines.<sup>89</sup>

ACRE, speaking for the African American switchmen, underlined the unfairness of a rule that in practice robbed African American workers of jobs that they increasingly had held thanks to wartime rulings. Despite the situation they faced at the Memphis Terminal, the representatives of African American switchmen, in their Labor Board hearing, indicated repeatedly that this situation was unusual in the wider district of which the Memphis Terminal was

86. NARA, RG 13, Docket 138, United States Railroad Labor Board, 4 November 1921.

87. NARA, RG 13, Docket 4092, Ex parte Submission filed with the United States Railroad Labor Board by J.H. Eiland, Grand President, Association of Colored Railway Employees versus Illinois Central-Yazoo & Mississippi Valley Railroad Company, 18 June 1924.

88. NARA, RG 13, Docket 4092, Eiland versus Illinois Central-Yazoo & Mississippi Valley Railroad Company, 18 June 1924.

89. NARA, RG 13, Docket 4092, Barton to Parker, 16 February 1925, 2.

but a part. Association President J. H. Eiland declared frankly “that in all other yards in Memphis using white and colored switchmen, this discriminatory practice does not exist. Everyone is given just what his seniority calls for, regardless of color.”<sup>90</sup> Memphis yards were not an isolated island of equality, Eiland suggested, as “there are some points upon the Yazoo & Mississippi Valley Railroad where this discrimination does not exist, namely, Greenwood, Parkside and Cleveland, Mississippi, and Baton Rouge, Louisiana. In these yards colored switchmen are allowed to do work behind i.e. the rear end.”<sup>91</sup>

The USRLB’s agreement with ACRE on these issues encouraged African American trainmen to regard the Board as a continuation of the fairly progressive legacy of federal control.<sup>92</sup> Indeed, that same year the Board defended African American railroad workers’ right to independent representation on Board hearings: “No discrimination shall be practiced by management as between members and non-members of organizations, nor shall members of organizations discriminate against non-members or use other than lawful persuasion to secure their membership.”<sup>93</sup>

But the days of the USRLB, which white trainmen regarded as largely a defender of companies on issues involving wages and working conditions, were numbered. In the wake of the 1922 shopmen’s strike, caused directly by a USRLB decision to cut wages in the railroad shops, AFL shop craft unions and the big four brotherhoods agitated for an end to the Board and its replacement with legislated adjustment boards that would settle disputes through voluntary arbitration. The case for scrapping the Board, set out in the Howel-Barkley Bill first announced in February 1924, seemed unanswerable because the Board had become effectively impotent in the wake of the 1922 strike. The big four railroad brotherhoods, for instance, had subsequently led successful wage drives on behalf of firemen and engineers in the West that had simply by-passed the Board.<sup>94</sup>

Despite the promise of the AFL-favoured legislation to improve the bargaining position of labour on a national level, African American trainmen led by ACRE and the Chicago-based Railway Men’s Industrial Benevolent Association opposed abolition of the USRLB. As ACRE’s Kentucky-based representative, Thomas Redd, noted, the proposed law was intended to gain representation on

90. NARA, RG 13, Docket 4092, Barton to Parker, 16 February 1925, 24.

91. NARA, RG 13, Docket 4092, Barton to Parker, 16 February 1925, 24.

92. Herbert R. Northrup, “The Appropriate Bargaining Unit Question Under the Railway Labor Act,” *The Quarterly Journal of Economics*, 2 (February 1946), 250–251.

93. L.W. Fairchild, J.H. Eiland and Arthur Hill, “Protest Against the Adoption of Howel-Barkley Bill, 68th Congress, 1<sup>st</sup> Session, 28 February 1924 in the Senate of the United States,” Papers of the NAACP, Reel 4.

94. Elwin Wilbur Sigmund, “Federal Laws Concerning Railroad Labor Disputes: A Legislative and Legal History, 1877–1934,” PhD thesis, University of Illinois, 1961, 175.

adjustment boards for standard railroad labour organizations to the exclusion of the public and representatives of independent organizations such as ACRE.<sup>95</sup>

ACRE, the Association of Train Porters, Brakemen and Switchmen, and the Protective Order of Railroad Trainmen submitted a joint petition to a Senate subcommittee on interstate commerce opposing the elimination of the Board in order to protect the right “to maintain undisturbed membership in their organizations composed of colored train service employees,” who “should not be prohibited from functioning as recognized organisations in the future representation of their members.”<sup>96</sup>

The African American trainmen’s quest to defend the weak USRLB made sense. Whatever token representation they had gained on the Board resulted from their independent political efforts, including successful lobbying by the Railway Men’s Industrial Benevolent Association. They had been supported by Republican Congressman Martin Madden, who proposed an amendment to the Transportation Act of 1920 to give African American organizations equal representation on the Board. African American railroad labour organizations have been criticized for their dependence on the moribund Board rather than grassroots mobilization, but the concerted effort they put into their petitions before the Board shows their determination and tactical creativity rather than their weakness.

African American attempts to save the USRLB did not stop the Howel-Barkley Bill from becoming law in the form of the Railroad Labor Act of 1926. However, their protest did result in limits on provisions in the new Act that might stifle their right to bargain collectively. The final bill omitted a proposed provision to uphold the “majority of a craft or class of workers” as sole bargaining agent for all workers holding particular positions of labour on the railroads.<sup>97</sup>

### **Sideboard versus Yazoo & Mississippi Valley Railroad: Closure to a Turbulent Decade**

THOUGH SOUTHERN EMPLOYERS and white trainmen joined in limiting African American trainmen’s prospects, there were numerous yards belonging to the Yazoo & Mississippi Valley Railroad where African American switchmen clung to their seniority, thanks to the resilience of their organization. This was symbolized in the case of trainman Charles E. Sideboard for recognition and pay as a brakeman against Yazoo & Mississippi Valley Railroad in the Mississippi Supreme Court in early 1930.

95. Thomas D. Redd to White, 8 September 1924, Papers of the NAACP, Reel 4.

96. Fairchild, Eiland, and Hill, “Protest Against the Adoption of Howel-Barkley Bill,” 28 February 1924, Papers of the NAACP, Reel 4.

97. Northrup, “The Appropriate Bargaining Unit,” 251.

The immediate background to this case was a management decision of March 1925 to pay African American trainmen at a reduced monthly rate that ignored earlier calculations of the accumulation of miles and overtime hours. The broader issue was the trainmen's claim for compensation on the basis of work they performed as flagmen or passenger brakemen.<sup>98</sup> Lawyers for the Yazoo & Mississippi Valley Railroad attempted to demolish Sideboard's claim, claiming ambiguities involved in determining whether Sideboard had served the railroad as a brakeman rather than as a porter on a line that ran between Vicksburg and New Orleans. With an eye to persuading a jury of white citizens of Warren County, Mississippi, the company lawyers opened their assault on Sideboard's case with an argument as to how passenger trains supposedly operated. Citing the State of Mississippi full crew law, they stated that "the head of the train is under the protection of the engineer, a white man; the rear of the train is under the protection of the flagman, a white man, and the whole train is under the protection of a conductor, a white man."<sup>99</sup> They presented this racial order of management and responsibility on passenger trains as almost a natural law of railroad motion. "The protection," they insisted, "of the head of train, the rear of the train and the whole train are matters requiring judgment, tact, the ability to meet emergencies and ability to command and control. The reasons for American railroads confiding these duties solely to white men are obvious and needs (sic) not be discussed."<sup>100</sup>

Jurors, if they had experience of railroad travel, may have been wary of the defence attorneys' all too neat construction of the racial division of labour on passenger trains, and their distinction between the order of things on passenger and freight trains. "On a freight train," lawyers for the defence claimed, "the crew consists of an engineer, who is always a white man, a fireman, who may be white or colored, a conductor, who is always a white man, a brakeman, who is located on the head of the train and who may be white or colored, and a flagman, who is located in the caboose of the train and who protects the rear of the train and who is always a white man."<sup>101</sup> The unstated assumption was that African American trainmen were employed on passenger trains solely as porters, even though the Mississippi full crew law required that the crew of both passenger and freight trains include a brakeman and a porter.<sup>102</sup>

98. Mississippi Department of Archives and History (hereafter MDAH), Mississippi State Supreme Court Files, Series 6, Sideboard versus Y&MVR, Declaration of Plaintiff (Charles Sideboard) in the Circuit Court of Warren County, Mississippi, September 1929, 2-9.

99. MDAH, MSSCF, Series 6, Sideboard versus Y&MVR, Brief of Appellant, The Yazoo & Mississippi Valley Railroad Company, in response to questions submitted by the court in the Supreme Court of Mississippi, 9 July 1930, 5.

100. MDAH, MSSCF, Series 6, Sideboard versus Y&MVR, Brief of Appellant, 9 July 1930, 5.

101. MDAH, MSSCF, Series 6, Sideboard versus Y&MVR, Brief of Appellant, 9 July 1930, 5.

102. MDAH, MSSCF, Series 6, Sideboard versus Y&MVR, Brief of Appellant, 9 July 1930, 5.

The vehemence with which company lawyers suggested the absolute control that the white crew exercised over the movement of passenger trains was a direct rebuttal of Sideboard's assertion that he had often given the signal (or more controversially, the instruction) for a journey to get going. It was an assertion that attributed to the African American trainman the powers of command and knowledge of the delicate operations involved in preparing a train for the journey.<sup>103</sup> Against such testimony, the defence impressed upon the jury that Sideboard was an "uppity Negro," who "had such a high opinion of his own qualifications that he told the Division Superintendent that the train would never have gotten over the road but for his efforts and activities, as the train crew, including the conductor, would stand off and talk and not pay attention to their duties."<sup>104</sup>

The contention was that Sideboard had disparaged Southern norms with his claim that he had exercised judgment superior to his white overseers in giving a signal without prior authority that could involve "serious bodily injury or death to those getting on and off trains, and to those loading and unloading mail and baggage."<sup>105</sup> Sideboard's testimony was no "hidden transcript" in the sense of discourse among subordinate groups "that takes place, offstage, beyond direct observation by power holders."<sup>106</sup> Sideboard expressed himself openly, using the relative safety of a public court appearance to undermine Southern hegemonic norms with respect to work relations between white and black.

The defence attempted to turn a case over wages into a broader dispute over the prerogatives of white employers over black subordinates. In order to establish for the jury that white trainmen always exercised vigilance and authority, defence lawyer Dent taunted former conductor C. Davis, called as a witness on Sideboard's behalf, with an exaggerated account of Sideboard's claim that his white seniors had often been neglectful. This quickly aroused Davis' racial sensibility, leading him to dispel Sideboard's claim to have taken initiative while white men were in dereliction of duty.<sup>107</sup>

The defence called on the jury to establish as an immutable law that it was in the competency solely of the "master" to determine whether the servant was qualified for a particular job. It was a "universal practice of mankind," the defence declared, that the "master and not the servant determines whether the servant has the necessary qualifications to entitle the servant to additional

103. MDAH, MSSCF, Series 6, Sideboard versus Y&MVR, Charles Sideboard under cross examination, January 1930, 43.

104. MDAH, MSSCF, Series 6, Sideboard versus Y&MVR, Brief of Appellant, 9 July 1930, 13.

105. MDAH, MSSCF, Series 6, Sideboard versus Y&MVR, Brief of Appellant, 9 July 1930, 13.

106. James C. Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven 1990), 4.

107. MDAH, MSSCF, Series 6, Sideboard versus Y&MVR, G. Davis, former passenger conductor, under cross examination, January 1930, 252.

pay.”<sup>108</sup> Defence arguments meant to stimulate the racial sentiments of a Southern jury had no effect. The jury ruled in favour of Sideboard to the tune of \$4,478 plus interest, less than the \$7,500 that Sideboard originally claimed, but a victory nevertheless, which may partly be attributed to ACRE’s three years of careful preparation and organization for the case.

A significant aspect of the success of Sideboard’s case was that it was based on a reading of agreements between the company and railroad trainmen in which African American brakemen had been parties to the agreements. A revision of the 1920 agreement, the Schedule of Wages and Rules for Trainmen, that took effect from 28 April 1924, incorporated the provision of Supplement 12 proscribing seniority rules that discriminated on the basis of race.<sup>109</sup> The defence claimed that the revised Schedule of Wages and Rules was concerned solely with the crew on passenger trains in which African Americans served exclusively as porters (and never as brakemen) and therefore acquired “no seniority rights, as seniority rights, so far as promotion to the position of conductor is concerned, are reserved for white trainmen alone.”<sup>110</sup> On freight trains however, the defence raised the evidently contradictory argument that African American brakemen could be in a position of seniority over white brakemen, which in the event of retrenchments in the freight service would have meant that white brakemen would be first in line for dismissal.<sup>111</sup>

Sideboard’s counsel, Brunini and Hirsch, did not try to make capital of the fact that no representatives of African American trainmen had been signatories to the revised agreement between the company and the BRT. They adopted the careful approach of demonstrating that the agreement, by incorporating (without modification) Supplement 12 both in 1920 and 1924, had in practice continued to include African American trainmen as *de facto* parties to the agreement.<sup>112</sup> They argued that the Yazoo & Mississippi Valley Railroad had in practice accepted African American trainmen as parties to the agreement by paying them for duties they performed as “brakemen or flagmen” on passenger trains. The railroad continued to pay African American trainmen at the higher rate of flagmen until March 1925 when, without notice, the company reduced African American trainmen’s pay to the porters’ rate.

108. MDAH, MSSCF, Series 6, Sideboard versus Y&MVR, Brief of the Appellant, 9 July 1930, 10–11.

109. MDAH, MSSCF, Series 6, Sideboard versus Y&MVR, “The Yazoo & Mississippi Valley Railroad Company, Schedule of Wages & Rules for Trainmen, Section Three Article I: Seniority, 28 April 1924,” 19.

110. MDAH, MSSCF, Series 6, Sideboard versus Y&MVR, Brief of the Appellant, copy delivered to John Brunini, 21 March 1931, 21–22.

111. MDAH, MSSCF, Series 6, Sideboard versus Y&MVR, Brief of the Appellant, 21 March 1931, 21–22.

112. MDAH, MSSCF, Series 6, Sideboard versus Y&MVR, Brunini & Hirsch, Response of Appellee, 31 March 1931, 6–9.

The Yazoo & Mississippi Valley Railroad challenged Sideboard on the grounds that a porter remained a porter as long as he performed the duties of a passenger brakeman “only as the occasion for performing such work arose.”<sup>113</sup> Indeed the notice which the company filed with the Circuit Court in Warren County in October 1929 set out explicitly to show that Sideboard had always been employed as a train porter and had been required to perform a train porter’s duties exclusively.<sup>114</sup>

However, Sideboard, who had been with the company since 1910, was no pushover. He was an experienced trade unionist who had fought off an earlier attempt to deny African American trainmen the pay increases introduced under federal authority. In their summation, Sideboard’s attorneys noted that “Sideboard and others had ... in the latter part of 1919 taken up with Mr. Egan, the General Superintendent at the time, a threatened reduction in pay and this resulted in the Railroad leaving the rate of pay as it was without reduction.”<sup>115</sup> The company maintained this retreat for another six years, evidence that organized African American trainmen had successfully held off management’s push against the fairly high wages these workers were receiving for a number of years after the end of World War I.

Charles Sideboard claimed that the company had, until the mid-1920s, put train “porters” on an equal wage footing with flagmen and brakemen. He had been paid at the brakeman’s rate of 3.13 cents a mile until he was told in March 1924 that he and other porters would immediately take a cut to \$85 a month with five dollars a month added on 1 April 1925. Although he received and cashed 47 cheques, which the company deceitfully stamped “In Full for Services Rendered” with a view to evading litigation, Sideboard and a grievance committee of African American brakemen wrote several letters to various senior officers of the Railroad calling for restoration of their former wages.<sup>116</sup>

Sideboard’s committee went beyond persistent letters. They insisted on being given the opportunity to address their grievance in meetings with senior Illinois Central officials. After receiving no response to several letters addressed to Illinois Central Senior Vice President, A.E. Clift, requesting an audience, Sideboard and other committee members went to the Illinois Central head office in Chicago and imposed a meeting on Clift. Sideboard recounted this exchange with Clift in court.

113. MDAH, MSSCF, Series 6, Sideboard versus Y&MVR, Brief of T.G Ewing, W.W Ramsey, Thames and Thames and Brunini and Hirsch for Appellee, 15 October 1930, 69–70.

114. MDAH, MSSCF, Series 6, Sideboard versus Y&MVR, Railroad Hirsch, Dent and Landau, Notice to Plaintiff or his Attorney of Record, 26 October 1929, 16.

115. MDAH, MSSCF, Series 6, Sideboard versus Y&MVR, Brief of T.G Ewing, W. W. Ramsey, Thames and Thames and Brunini and Hirsch for Appellee, 15 October 1930, 80.

116. MDAH, MSSCF, Series 6, Sideboard versus Y&MVR, Ewing, Ramsey, Thames and Thames, Brunini and Hirsch for Appellee, 15 October 1930, 7.



So he told us to go ahead ... and said, 'We will let you know about this; that superintendent there must not be doing his duty', and I said, 'I don't know if they are or not; they are forcing us to do brakemen's work and receive porter pay', and he said, 'I will write you some kind of a letter,' and I said, 'We don't want some kind of a letter, that is all we are getting, some kind of alibi letter all the time; we want some certified letter about what we are to do; if we are to do porter's work we are satisfied, but if we have to couple and uncouple cars, put out signals, etc. we want contract wages for railroad trainmen,' and he said, 'That is for white people; you all are not under this contract.' I said, 'As long as we hold brakemen's keys we want brakemen's pay; you can bear that in mind. We are not going to drop this case; we will carry it as far as we can.'<sup>117</sup>

The seriousness with which Sideboard managed the case is evident in the documents he produced for exhibition before the jury. Thus, even though company attorney, Dent, pushed him to concede that he was at the bottom of a hierarchy under the conductor's control, or that he had always dressed in the symbolic cap and uniform of a porter, Sideboard retorted with clear evidence of his official designation as brakeman.<sup>118</sup> The Sideboard case saliently represents the determination of African American trainmen to resist pressure to relinquish positions on the railroads that white trainmen wished to monopolize, and which employers were no longer willing to entrust to African Americans. Some African American trainmen, such as Thomas Redd, appealed defensively for wage adjustments below those accorded white trainmen in order to protect their positions on the railroads. Cases such as Sideboard's suggest that many African American trainmen refused to trade the demand for equal pay to maintain protection of their seniority rights against the aggressive encroachment on these rights from white trainmen.<sup>119</sup>

## Conclusion

CHARLES SIDEBOARD'S SUCCESS in the Mississippi Supreme Court in 1930 may seem a pyrrhic victory in the light of the mass firings that African American trainmen faced in the years following as the Great Depression descended across the South. But it was one of a long string of successes that organizations such as the Association of Colored Railway Employees, the Train Porters' Union, and the Railway Men's Industrial Benevolent Association could point to from 1917 to 1930. Of course, the efforts of white workers to force employers to remove African American workers from skilled, better paying positions, on the one hand, and the efforts of employers to pay lower wages to African Americans who performed skilled work were not without fruit. But thanks to their continued solidarity and the tenacity of their unions in launching

117. MDAH, MSSCF, Series 6, Sideboard versus Y&MVR, Charles Sideboard under cross examination, 127.

118. MDAH, MSSCF, Series 6, Sideboard versus Y&MVR, Transcript, Proceedings and Judgment in the Circuit Court, Warren County, Mississippi, January 1930, 196.

119. Arnesen, *Brotherhoods of Color*, 133.

administrative and court actions, many African American trainmen continued as late as 1929 and 1930 to work as brakemen and flagmen and to receive decent, if not always equivalent, compensation to whites for that work. The Depression sidelined their achievements and weakened African American rail unions.

But the postwar decade had demonstrated that African American railway workers, among other African American workers, had a keen sense of their social rights and the determination to find ways to fight both employers and white unions that wanted African Americans to serve only as a reserve army of labour. The rise of African American labour militancy during and after World War II should be seen as a continuation of an interrupted legacy of labour and civil rights struggles rather than a spontaneous eruption among previously inert workers.

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