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Kansas Labor Unions: Past, Present and Future

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The trades unions of the working people exist under economical conditions and cannot be stamped out. Water does not run uphill and though human ingenuity may force it up, it will still run downhill . . . And so it is with the wage workers' organizations—they exist, and no power on earth can push them out of existence.

Samuel Gompers, First President of the American Federation of Labor, speaking to the Kansas Federation of Labor in Topeka, Kansas, 1891[1]

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Introduction

Samuel Gompers came to Kansas in 1891 to help ensure that organized labor would endure in Kansas. It has done so. Its endurance, however, is no doubt more related to the success of organized labor in the rest of the United States than to the power of Gomper's rhetoric. From the formal establishment of the Leavenworth local of the National Typographical Union in 1857[2] to the pattern of strikes and representation election outcomes which exists today, Kansas' organized labor movement has largely grown and shrunk in concert, if slightly out of tune with this nation's organized labor movement.

This article briefly reviews the history of Kansas organized labor and considers in detail its present state. The study's aim is to use this review to help explain why membership in Kansas labor organizations represents a smaller proportion of the Kansas work force than organized labor constitutes of the U.S. workforce even though variations in the two proportions are closely related. Also considered is the issue of why indexes for Kansas trade union activity such as strike activity not only do not follow national trends but also are at a lower level.

I. Historical Development

The earliest Kansas trade union activity was more a manifestation of midwestern populist politics than of today's business unionism. Workingmen's leagues thrived throughout the U.S. from 1820 until the 1870s. The Workingmen's League of Topeka, which was formed in the 1860s, was representative of this movement. It included blue collar workers, farmers, and merchants and publicly took positions opposed to the development of a national bank and the power of industrial monopolies. It strongly favored easier money (the Greenback Movement) and wanted tighter restrictions placed upon immigration, child labor, and the use of convict labor in competition with free labor. In 1870, the Topeka Workingmen's League became an affiliate of the National Labor Union, which, despite its name, was largely a populist organization and not a labor union.[3] In 1872, the National Labor Union sponsored a candidate for the presidency of the United States and was largely destroyed as an organization when that candidate abruptly withdrew from the race.

The candle dropped by the National Labor Union was picked up by the Grand and Holy Order of the Knights of Labor who came to Kansas in 1873. By 1886, the Knights was the largest and strongest trade union of its day with over 750,000 members nationwide. The Knights fit hardworking Kansas well, accepting into membership all "productive" workers, a definition which excluded only bankers, lawyers, saloon keepers, physicians, stockbrokers, and Pinkerton detectives.[4] While the Order continued the populist tradition, it also engaged in collective bargaining with individual employers. In Kansas, as in the nation, it became involved in two important railroad strikes, the nationwide rail strike of 1877-78 and the Gould System strike of 1885-86.

The bloody 1877-78 strike which began in Baltimore and Pittsburgh and saw over 35 people killed and ten million dollars of property damage in those two cities spread to Kansas. Tension over the picketing of rail facilities in Emporia ended with the shooting by the state militia of a local minister.[5] The 1885 strike against Jay Gould's Southwest Railway System saw no violence and was the Knight's greatest trade union victory. The Gould system completey capitulated to the Knights' demands. Clearly, one reason for the Knights' success was Kansas Governor Martin's refusal to send out the state militia to suppress the strikers. He responded to the Missouri Pacific's call for the militia by saying that the strikers were ". . . sober, intelligent, orderly men" and encouraged the railroad to "arrange terms for an amicable settlement."[6] Governor Martin's stalwart stand not to intervene with troops represented one of the earliest occasions in which a state governor kept the power of the state out of a major private sector-labor relations dispute.

After this strike, Knights' membership soared in Kansas. In Atchison, membership increased from 400 to 1,000, and in Topeka four Knights Assemblies thrived.[7] Given the importance of railroading to early Kansas, this show of union strength might have laid the groundwork for Kansas unionism to become the nation's strongest.

The Knights' gains of 1885, however, were drastically reversed in the following year. Jay Gould provoked the Knights into another strike, and this time he was prepared and able to operate parts of the system with nonunion labor. In response, the Knights resorted to property damage to stop the road. In Parsons, 100 masked men broke into the machine shops and did considerable damage. On this occasion, Governor Martin was compelled to send in the state troops.[8]

Further jeopardizing the Knights' position, T. V. Powderly, the Grand Master Workman of the Knights, ordered the workers back to work prematurely. Thus, the strike was lost, and Gould reduced pay and working conditions to their pre-1885 levels. The Knights as an organization began to die, and with it went much of this state's early union movement.

The Knights were replaced by Samuel Gompers' American Federation of Labor, an organization which grew out of the Knights in 1886. The American Federation of Labor shortly became popularly known as "the cof-

The Knights fit hardworking Kansas well, accepting into membership all "productive" workers, a definition which excluded only bankers, lawyers, saloon keepers, physicians, stockbrokers, and Pinkerton detectives.

fin society," largely because it was deadly dull when compared with the Knights and other contemporary labor organizations. Gompers' belief in unionism "pure and simple" lead the American Federation of Labor to forsake populist political goals and ambitions and squarely concentrate on improving the wages and working conditions of craft workers. Its method for seeking improvement was collective bargaining with individual employers and the economic boycott. Its political involvement was limited to "supporting our friends and punishing our enemies" at the ballot box. The Federation endorsed few candidates and spent little time lobbying legislative bodies.

The Kansas Federation of Labor, an American Federation of Labor affiliate, was founded in 1899 as an umbrella organization including the carpenters, railworkers, typographical workers, cigarmakers and eleven other unions. As a state federation, its focus was on encouraging organization and political lobbying. Its major political goal was the eight-hour day.[9]

The Kansas Federation of Labor and its affiliates became the major expression of unionism in Kansas from 1900 through 1935. Labor's numbers grew and fell with the business cycle. The only organizational challenge to the American Federation of Labor and its unions came from the Industrial Workers of the World (IWW). Founded in 1905 in Chicago under the mottos "An injury to one is an injury to all" and "Abolition of the wage system," the IWW was an avowedly radical union which presented American workers with a revolutionary alternative to the AFL's conservative business unionism. Except for a brief initial membership surge, however, few American workers accepted the IWW alternative, and even fewer Kansas workers accepted it.

The IWW's membership in Kansas was largely confined to workers following the wheat harvest but who were not permitted to lead the pastoral life which that work implies. "Citizens" of Wichita in 1912, apparently acting as a mob, broke up an IWW led socialist meeting. The state and railroad police used force in Colby in 1916 to break up an IWW strike of 1,100 field workers who were demanding four dollars a day to work.[10] The hostility toward the IWW in the state reached the point that Kansas Governor Capper in 1915 advocated that IWW members "be employed without pay on rockpiles" as a means of keeping the IWW out of the state.[11] The reluctance of nonitinerate workers to join the IWW and governmental opposition to the organization was aggravated by the IWW's outspoken opposition to World War I. The federal government made wholesale arrest of its leaders, and Kansas, along with other states, passed criminal syndicalism laws which were directed against the IWW. Although the syndicalism laws were eventually ruled unconstitutional and the federal arrest lead to relatively few convictions, the IWW and the radical alternative it presented was largely quiescent by 1921.

Kansas attracted wide national attention to its labor relations policies with the passage of the Kansas Industrial Relations Act in 1920.[12] This act established the Industrial Relations Court which was empowered to hear all disputes "affected with public interest." This court could dictate wages, hours, and working conditions. All strikes, picketing, and boycotting were outlawed.

This radical piece of legislation was prompted by the 1919 nationwide strike of coal miners for a six-hour day and better pay. During that 1919 winter, Kansas Governor Allen took over the operation of all coal mines in the state and used college students and other volunteers to continue mine operations. The next spring, the Governor asked the legislature to pass the Industrial Relations Act.[13] It did so promptly.

In 1923, the U.S. Supreme Court ruled the power of the Industrial Relations Court to set contractual terms to be unconstitutional. In 1924, the Kansas legislature repealed the remaining provisions of the act. Still, the act had served to put Kansas labor organizations on notice that their standing before the legislature was tenuous and subject to quick reversal.

The 1920s and 1930s were hard times for unions everywhere. Membership declined almost universally. This decline was slowed by the passage in 1932 of the Norris-LaGuardia Act, which prohibited federal judges from intervening in most labor disputes, and the passage in 1933 of the National Industrial Recovery Act (NIRA). The NIRA contained provisions protecting the rights of workers to join unions and to participate in concerted activity. Although the NIRA was ruled to be unconstitutional, its labor provisions were salvaged by being written into the 1935 National Labor Relations Act. Labor now had legal protection, and the acts' enforcement mechanisms meant that labor's rights were to be respected.

U.S. trade union membership began to soar when John L. Lewis of the United Mine Workers aggressively began to organize industrial workers. After being expelled from the craft worker-oriented AFL, Lewis and his colleagues formed the Congress of Industrial Organizations in 1938. The CIO rapidly organized steel, automobiles, rubber, and other mass production industries.

Even though the Kansas State Industrial Council was formed in 1940 as the state CIO affiliate, the CIO made a much smaller impact on Kansas than on the nation. While it organized packinghouse, mining, chemical, metal, and other workers here, Kansas did not have the large, mass production plants that were the CIO's chief organizational targets elsewhere.[14]

During World War II, both AFL and CIO unions pledged not to strike for the war's duration. Many Kansas union leaders were placed on community boards concerned with the war effort. After the war, the explosion of strike activity that occurred elsewhere was muffled in Kansas.[15]

The decade of the 1950s saw slow, steady growth in Kansas unionism. The 1955 national merger of the AFL and the CIO induced the separate Kansas federations to merge in 1956. Kansas labor was united again with the United Mine Workers, the largest nonaffiliated union in the state. The state's mine workers were joined by the Teamsters (1957) and the UAW (1968) as nonaffiliated unions. The former was expelled from the AFL-CIO, the latter chose to resign. The UAW rejoined the AFL-CIO at the national level in 1982.

In 1958, Kansas became the 18th state to become a "right-to-work" state. Currently, 20 states have such laws.

From the late 1950s, the proportion of workers belonging to unions has declined both in Kansas and the nation. This decline has occurred partially because the manufacturing sector where unionism has historically been strongest has declined relatively as an employer of the labor force.

II. Recent Developments

UNION MEMBERSHIP

As noted, since the passage of the National Labor Relations Act, the *number* of labor union members has been climbing steadily upward, but, from the mid-1950s on, the *rate* of labor union growth has been slower than that of the labor force. Consequently, national labor union membership as a percentage of the labor force has been steadily declining. Kansas unions are not an exception to this pattern. On the other hand, labor associations—employee groups organized for the purpose of

collective bargaining, generally comprised of public sector groups such as the National Education Association—are a relatively new phenomenon and are showing signs of growing pains with no definite membership patterns emerging. Kansas, again, is not an exception. Figure 1 clearly illustrates these trends.[16]

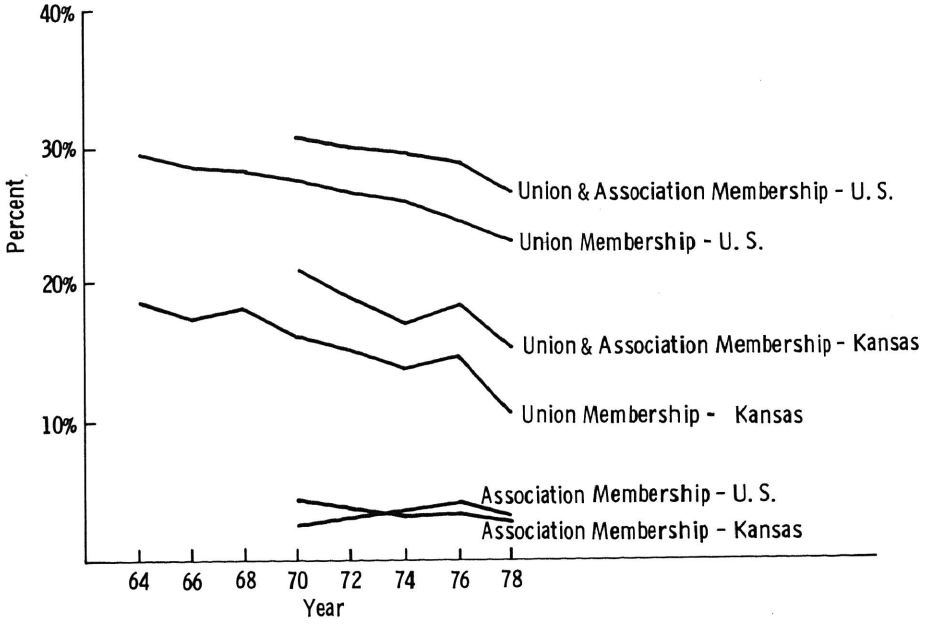
This figure provides two important insights into labor union membership in the state. First, labor union membership constitutes a much lower percentage of the Kansas labor force than the nation's. While Kansas had 12.8 percent of its nonagricultural workforce organized in 1978, the U.S. had 23.6 percent—a difference of over 10 percentage points. However, Kansas membership trends are not unique for states with right-to-work laws: the proportion of the nonagricultural labor force organized in Kansas is roughly equal to the proportion organized in other right-to-work states.

Second, changes in the proportion of the Kansas labor force organized run parallel to the nation's. From 1964 to 1968, this proportion dropped 6.0 percentage points for Kansas and 5.9 for the U.S., essentially equal reductions. The two prominent movements upward from the trend line in 1968 and 1976 are most likely slight aberrations in the data which can be explained by the previously footnoted problems with the data source and by the relatively small base on which the Kansas percentage is calculated. This small base can lead to pronounced, temporary movements in the data which disappear when the base is as large as that of the U.S. labor force.

Figure 2, which depicts total union membership in Kansas and the U.S., shows that, although union membership is on the increase in both, the number of labor union members in the U.S. has grown at the relatively slow rate and even more slowly in Kansas. For, after discounting the previously discussed caveats for 1968 and 1976, the trend line for Kansas is almost flat. In the fifteen-year period from 1964-1978, the growth of Kansas union membership was 7.3 percent, contrasted with the growth of U.S. union membership of 19.0 percent. This disparity between the different growth rates and union membership and between the proportion organized in Kansas and the U.S. is accounted for by Kansas experiencing a lower labor force growth rate.

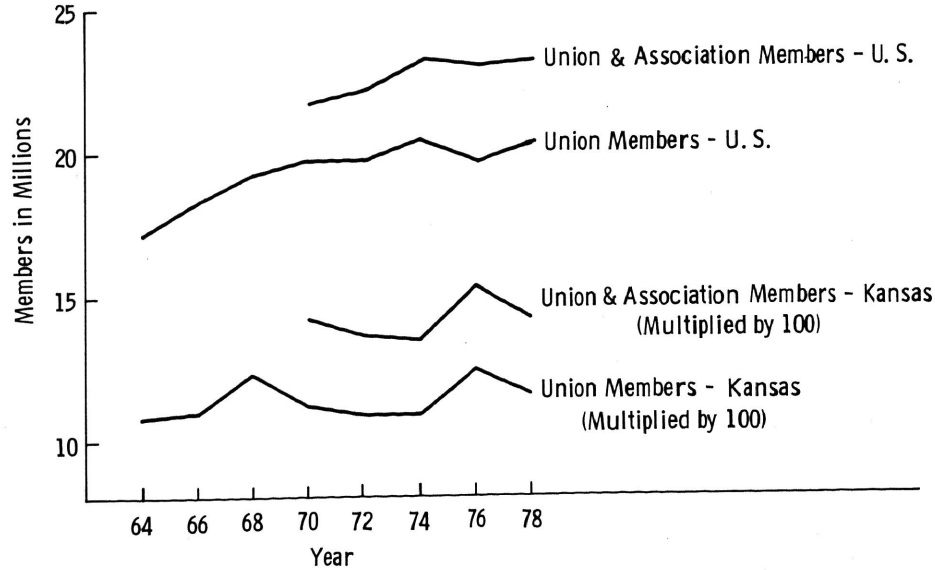
The apparent relationship between association membership in Kansas and the U.S. is quite different from that of labor union membership. Generally, as seen in Figure 1, association membership as a percentage of the labor force in Kansas is equivalent to that of the entire U.S. Although in the early 1970s Kansas had a higher proportion of its labor force in associations than did the nation, by 1978 the U.S. proportion was greater than Kansas', at 3.3 percent and 3.0 percent,

Figure 1
Union and Association Membership as a Percent of the Non-Agricultural Labor Force: Kansas and the U.S.



Source: Bureau of Labor Statistics, *Director of National Unions and Employee Associations*, 1965-1979.

Figure 2
Union and Association Membership in Kansas and the U.S.



Source: Bureau of Labor Statistics, *Directory of National Unions and Employee Associations*, 1965-1979.

respectively. Figure 1, however, also shows that no other clear relationship exists between the membership patterns of associations in Kansas and the U.S., most likely due to the fact that associations are a fairly recent development. Whereas labor unions have had federal protective legislation dating back to the 1930s, associations are usually governed by individual state laws which were not widely adopted until the 1960s and 1970s. For example, much of Kansas' association growth was spurred by the passage of the Kansas Public Employees Relation Act in the early 1970s. Because of the comparative newness of associations and the diversity of state legislation throughout the United States, their patterns of development are not firmly entrenched. It is difficult, therefore, to ascertain any definitive

trends or patterns for either Kansas or the U.S. and even more difficult to ferret out a relationship between the two.

REPRESENTATION ELECTIONS

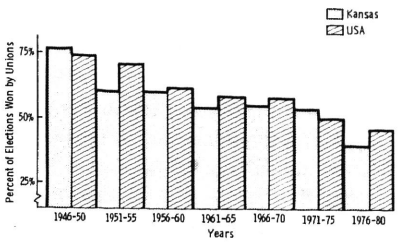
Because the National Labor Relations Act provides for elections as the primary means of determining in the private sectors whether a union will serve as the employees' representative, the number of successful representation elections also serves as an indicator of union strength.[17] Figure 3 shows that, since the mid-1950s, unions have become less successful in their organizing campaigns both in Kansas and the U.S. than during the preceding decades. Further, Kansas unions have an even lower success rate than the nation's. Although there were two time periods when Kansas unions won a higher percentage of representation elections than the entire nation's, they were both followed by lean years when Kansas unions were significantly less effective in organizing. Like the nation's unions, Kansas unions are capturing a decreasing percentage of elections over time, thereby contributing to the failure of labor union membership to keep pace with the labor force's growth.

WORK STOPPAGES

A synopsis of work stoppage data for Kansas contained in Table 1 indicates that few strikes, involving few workers and affecting little work time, have tended to occur in Kansas. Although more strikes involving more Kansas workers and a higher number of days idle have been occurring in the past twenty years than in the 1930s and 1940s, when the proportion of days idle is computed by dividing total strike days by the available nonagricultural working time, time lost to strike activity, on average, is declining in the state.

Upon contrasting Kansas work stoppage data with that of the nation (Figure 4), two key points become evident. First, in-state work stoppage activity bears little recognizable relationship to the national pattern. Second, Kansas loses a much smaller percentage of work time to work stoppages than does the U.S. In only three years of the twenty-six presented in Figure 4 did Kansas exceed the national rate; during many of the other twenty-three, the state rate was far below the nation's. By comparison, then, Kansas is a state characterized by labor peace.

Figure 3
Percent of NLRB Elections Won by Unions[1]



[1] Includes both certification and decertification elections after 1947.

Source: National Labor Relations Board, *Annual Report*, 1946-1980.

III. Possible Causes for the Pattern of Union Activity in Kansas

Several factors might account for the relatively small proportion of Kansas' labor force organized in unions and the state's relatively few strikes. These factors are: key historical events, right-to-work legislation, the industrial structure of the state, and the size of Kansas firms. The discussion which follows analyzes the credibility of each explanation.

Two key historical events—the Jay Gould strike of 1886 and the mine workers' strike of 1919—were important in establishing an environment in Kansas which was not conducive to union growth. The former strike resulted in the union movement's strength suddenly abating, while the latter resulted in strict state control of union activity. However, the relative importance of these two events in influencing the later development of unions in the state is difficult to discern.

A closely related question concerns whether the passage of right-to-work legislation has inhibited union growth, an issue which has been subjected to much debate. This question, however, is circular: does a low degree of unionization contribute to the passage of right-to-work legislation, or does the passage of right-to-work legislation lead to a low degree of unionization. The direction of causality has not been conclusively determined.[18] Thus, it is not clear whether the passage of right-to-work legislation in Kansas is the cause or result of the relatively low degree of unionization.

The nonagricultural portion of the industrial structure of Kansas is quite similar to the industrial structure of the nation (Table 2), and, thus, one might expect the degree of Kansas unionization to be similar to the nation's. That the percentages are different is due, in part, to the differences that do exist between the industrial structures of the state and national economies in the wholesale and retail trade, government, and manufacturing sectors. In particular, Kansas' under-representation in the large and heavily unionized manufacturing sector suggests that Kansas overall would be less unionized than the nation. However, this consideration does not fully explain the extent to which the level of Kansas unionization falls short of the nation's.

In contrast to labor union membership, Kansas membership in associations would be expected to be higher than the national average because Kansas has above average employment in the government sector.[19] As previously indicated, however, the proportion of the labor force's membership in Kansas associations is essentially equivalent to the nation's.

In addition to representing a smaller proportion of workers organized than nationally, Kansas unions also appear to be less strike prone than the state's industrial structure would suggest. To test this point, a weighted average was constructed for two representative years, 1969 and 1978, in which the U.S. days idle due to work stoppages in a particular sector was multiplied by the percent of the Kansas labor force in that sector. The resulting products for each sector were summed, as shown in the formula:

$$\sum_{i=1}^{n} D_i Lf_i = S$$

where D_i = percent of days idle for the U.S.,
Lf = percent of the Kansas labor force in sector i,
n = the total number of sectors, and
S = the projected percent of non-agricultural work time lost due to work stoppages.

Table 1
Work Stoppages in Kansas

Year	Number	Workers Involved (in thousands)	Days Idle During Year (in thousands)	% of Estimated Non-Agricultural Working Time[1]
1950	41	16.7	191.0	–
1951	22	8.6	58.4	–
1952	46	15.0	184.0	0.16
1953	31	15.4	323.0	.27
1954	26	5.7	205.0	.17
1955	20	4.7	39.0	.03
1956	27	3.9	25.3	.02
1957	31	9.6	248.0	.21
1958	33	12.0	106.0	.10
1959	26	6.4	64.7	.05
1960	25	8.1	439.0	.39
1961	39	7.7	65.4	.06
1962	14	1.5	47.0	.04
1963	25	5.0	44.9	.04
1964	20	5.9	128.0	.11
1965	30	18.9	131.0	.11
1966	40	9.4	91.6	.07
1967	28	20.4	113.0	.09
1968	36	6.1	78.6	.06
1969	33	12.7	288.8	.21
1970	49	30.8	574.7	.43
1971	32	30.9	238.5	.18
1972	28	6.5	57.4	.03
1973	26	2.8	30.7	.02
1974	48	5.7	107.3	.05
1975	29	3.4	114.7	.06
1976	31	15.2	504.6	.24
1977	28	7.8	175.8	.08
1978	21	14.5	119.5	.05
1979	23	11.0	106.6	.04
1980	8	3.0	97.8	.04

[1] Data for these years are unavailable.

Source: Bureau of Labor Statistics, *Analysis or Work Stoppages*, 1977-1980.

Table 2
Employees on Non-Agricultural Payrolls by Industry, 1978

Industry	% of Total Non-Agricultural Workforce[1] Kansas	U.S.	Degree Unionized
Mining	1.4	1.0	greater than 75%
Construction	4.8	4.8	greater than 75%
Manufacturing	20.2	23.6	50%-74%
Transportation and Public Utilities	6.6	5.5	greater than 75% 25%-49%
Wholesale & Retail Trade	23.9	22.1	less than 25%
Finance, Insurance, Real Estate	4.9	5.5	less than 25%
Services	17.5	18.8	less than 25%
Government	20.6	18.7	25%-49%

[1] These categories do not total to 100% because of omitted sectors.

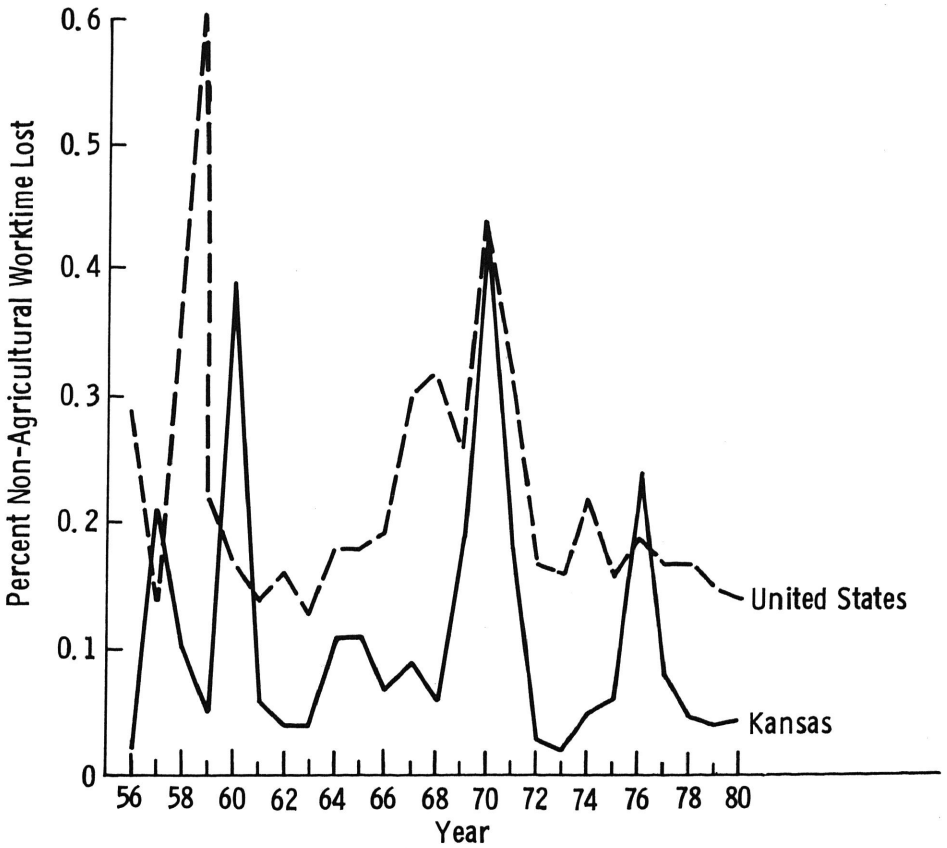
Sources: Bureau of Labor Statistics, *Employment and Earnings*, Vol 25(7), July, 1978, and Bureau of Labor Statistics, *Directory of National Unions and Employee Associations*, 1979, Bulletin 2079, September, 1980.

If Kansas strike activity were similar to the nation's, the projected proportion of man-days lost should equal the actual proportion of man days lost. In fact, for 1969 and 1978, S was equal to 0.32 percent and 0.12 percent, respectively. The actual time lost for these years was 0.21 percent in 1969 and 0.03 percent in 1978, thereby supporting the premise that Kansas unions have not been as prone to strike as the state's industrial structure would predict.

The typical Kansas firm tends to be smaller than the national average size. This fact, in turn, is another reason for the relatively low level of union activity and successful organization in the state because, historically, union organizing has focused upon larger firms.

Interesting, however, is the fact that unions recently have been concentrating on organizing smaller firms because they have succesfully "creamed off" the larger firms.[20] As such, Kansas would appear to be a likely focus for union activity, but, given the great number of small businesses, unions would have to enjoy remarkable success to have any discernable impact upon the state's proportion of union membership.

Figure 4
Percent of Non-Agricultural Time Lost to Work Stoppages



Source: Bureau of Labor Statistics, *Analysis of Workstoppages*, 1956-1980.

IV. Summary and Conclusions

Kansas labor union activity is well below that of the nation as measured on a number of indexes. Today's small but healthy trade union movement in the state has been affected by its historical development and the unique nature of Kansas business. In particular, the evolution of an inimical environment in the late 19th and early 20th centuries for union activity and the absence of many assembly line plants appear to have inhibited union efforts in the state. The preponderance of small businesses seem to have had the same effect. However, neither the same nor the opposite can be said about Kansas' right-to-work legislation: that policy's effect is still a matter of great debate.

To the extent that the past repeats itself, the expectation is that the pattern of future Kansas trade union activity will follow the nation's pattern but at a lower level.

Footnotes

[1] "In Labor's Cause," *Topeka Daily Capital*, February 25, 1981, p. 1.

[2] S.P. Vincent, "A History of Labor in Kansas," in *AFL-CIO, Kansas Resume* (Kansas State Federation of Labor: Topeka, 1961), p. 10.

[3] Marc Karson, "Labor History of Kansas," Pamphlet, 1955, p. 1.

[4] Jerome Wolf, *Ferment in Labor* (Glencoe Press: Beverly Hills, 1967), pp. 12-22.

[5] Vincent, p. 11.

[6] Karson p. 2.

[7] *Ibid*, p. 3.

[8] *Ibid*, p. 3.

[9] Vincent, p. 45.

[10] *Ibid*, p. 95.

[11] *Ibid*, p. 95.

[12] "Revised Statutes," Kansas, 1923, pp. 21-301, 304.

[13] Karson, p. 11.

[14] Vincent, p. 118.

[15] Sanford Cohen, *Labor in the United States* (Charles E. Merrill: Columbus, 1975), p. 180.

[16] Data for state labor union membership was not reported consistently prior to 1964. The data presented are reported by the Bureau of Labor Statistics in the *Directory of Unions and Employee Associations*. They obtained the data via questionnaires mailed to the Unions and Employee Associations. Consequently, it does not represent an unbiased source of data.

[17] Government employees do not fall in the jurisdiction of the NLRA. Consequently, the data presented in this section apply predominantly to labor unions. Some overlap may occur, however.

[18] J.O. Tollefson and J.A. Pichler, "A Comment on Right to Work Laws: A Suggested Economic Rationale," *The Journal of Law and Economics*, Volume XVII (1), April, 1974, pp. 193-196.

[19] N.B. Johnson, "State and Local Government Employment in Kansas," *Kansas Business Review*, Vol 6 (2), November-December 1982, pp. 12-13.

[20] J.A. Fossum, *Labor Relations* (Business Publications Inc: Dallas), 1979, p. 158.