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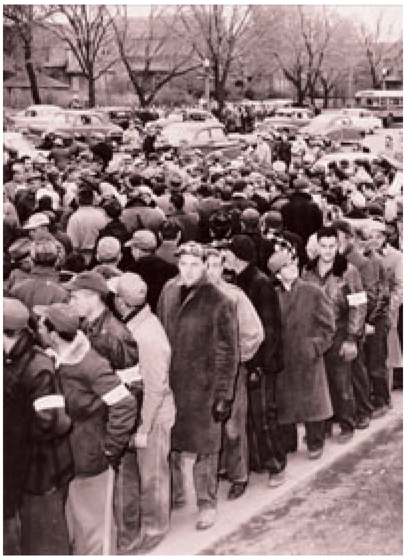
The Kohler Strike of 1954



Fifty miles north of Milwaukee lies the idyllic village of Kohler, Wisconsin. The largest employer in Kohler is the Kohler Company, a worldwide leader in plumbing products. The village itself was created as a planned community in 1912, as the company moved its operations from inside the city of Sheboygan, situated on Lake Michigan, to rural land west of that city, in order to secure a better environment for future expansion.

John Michael Kohler, an Austrian immigrant, founded the business in 1873. Being an immigrant himself, Kohler was very sensitive to the exploitation of immigrant labor, which was prevalent at that time. He made it a point to treat his employees fairly, and his sons built on that attitude. They developed attractive and affordable housing for their workers, paid above-average wages, and provided medical care. As a result, the Kohler Company came to be known as a good place to work, and attracted national attention as a model of what enlightened employers could do for their workers.

The Kohler Company prospered until the Great Depression of the 1930s, when profits plummeted. Despite desperate efforts by the company to keep people employed, many workers blamed management for their shrinking income. The American Federation of Labor (AFL) targeted the company in June of 1934, demanding that the AFL replace the company union, the Kohler Workers Association (KWA), which had been created the previous year. Company president Walter J. Kohler, Sr., son of the founder, strongly opposed mandating that all employees join the union, whereupon the local AFL union suddenly called a strike on July 17.

Ten days later, special deputies hired by the local community clashed with picketers who were obstructing transportation of coal into the plant, and a huge crowd began to assemble. On the evening of July 27, in response to savage rioting and extensive vandalism of company property, the special deputies retaliated with tear gas and gunfire. By the next morning, two men were dead, and more than 40 were wounded and injured. On July 29, after appeals to Governor Schmedeman by Walter J. Kohler and the local sheriff, 250 members of the National Guard were brought to the scene, and peace was finally restored. Kohler blamed the violence on outside agitators, an idea that seemed to be borne out by the fact that only 17 of the wounded and injured were Kohler employees or former employees.

In September the National Labor Relations Board (NLRB) ruled against the Kohler Company and demanded that a supervised election be held to determine who would represent the workers: the KWA union or the AFL. The company union won easily, but the Kohler victory would ultimately not be permanent. Walter J. Kohler had formed his company union in compliance with the National Industrial Recovery Act of 1933, as he understood it. But in 1935 the U.S. Supreme Court declared the act unconstitutional, and Congress then passed the National Labor Relations Act (also known as the Wagner Act), giving workers the privilege to organize and bargain collectively. A majority of workers could now determine who would represent them, without company interference. This “union shop” (where all workers are eventually required to join the chosen union as a condition of employment) was the primary goal of the AFL. Nevertheless, the company union and the principle of the “open shop” (where workers are not required to join a union) remained in effect for the time being, as the AFL backed off when wartime orders began pouring into the company.

After the death of Walter J. Kohler, Sr. in 1940, his half-brother, Herbert V. Kohler, Sr., gained control of the company. Like Walter, Herbert was a staunch opponent of the union shop, and the lesson he took away from the 1934 strike was that opposing outside unions would bring labor peace. For the ensuing two decades after the strike, that appeared to be true.

Auto Workers and Sinks

On April 17, 1952, the leaders of the company union voted to affiliate with the United Automobile Workers of America (UAW). Ten days later, the proposal was put to the KWA membership and the affiliation was approved. Since not all Kohler employees were members of the KWA, the NLRB conducted a supervised election during June 11-12, and Local 833 of the UAW was selected as the exclusive bargaining agent by 53 percent of the workers participating in the election.

Soon thereafter, Local 833 pushed for negotiation of a new contract, which was finalized in February of 1953 and hailed by the union’s leaders as “a real victory.” In October of 1953, the union requested data on the incentive earnings of company employees, claiming that substantial inequities existed. Kohler management disagreed and felt that the union was simply on a fishing expedition looking for potential sources of contention but, nevertheless, the company believed that it should go along with the union’s request, in order to demonstrate its good faith.

With the termination of the initial UAW contract coming on March 1, 1954, the company urged an early exchange of contract proposals in December of 1953, so that negotiations could be conducted without the stress of a rapidly approaching deadline. Contract proposals were exchanged on January 25, 1954 and negotiations began on February 2. What became known as the “seven major issues” (arbitration, union security, seniority, pensions, insurance, general wages, and a paid lunch period for employees in the enamel shop) divided the parties throughout the dispute. The concessions made by Kohler management did not satisfy the union negotiators. The NLRB trial examiner was later to comment, “[The Kohler Company] maintained its position on the various issues by supporting arguments which were legitimate, and, in the main, reasonable, though they failed in persuasion.”

With negotiations deadlocked, the parties met with government negotiators during March 3-8, but the result of the meetings was another stalemate. The union negotiators then declared that a strike vote would be taken on March 14. Of the 3,344 Kohler employees eligible to participate, only 1,253 actually voted: 1,105 in favor of striking and 148 opposed. (It should be noted that a frequent reaction of employees who do not want to strike, but do not want to be on the wrong side of the union leaders, is to be absent when a strike vote is taken.) An announcement went out that a strike would be called on April 5.

At 5:00 a.m. on April 5, 1954, two thousand picketers marched to the main entrances of the plant and blocked anyone from going to work. As one eyewitness put it, “Employees attempting to enter the plant were slugged, kneed in the groin, kicked, pushed, and threatened.” The assaults were carried out mainly by a group of union militants who had come from out of town to “help” with the strike. For 54 days, despite a restraining order issued by the Wisconsin Employment Relations Board (WERB), the picketers succeeded in virtually shutting down the plant. But it became increasingly clear that large numbers of Kohler employees were willing to report for work, and that there would have been no need for outside “helpers,” if the majority of all workers had really wanted to strike.

Although it is a basic right of every American to work during a strike, union officials took the position that workers who do not join in strikes are like traitors, and should be treated accordingly. As one of them put it, “No one has a right to scab, despite the law.” The Sheriff of Sheboygan County repeatedly refused to exercise his authority and do his duty to aid the employees who wanted to enter the plant, and the Mayor of Sheboygan failed to protect their homes from the campaign of terror that was to follow. (Both the Sheriff and the Mayor later admitted that they had received financial support from the union in their election campaigns.)

On May 28 the WERB’s patience came to an end. It took its restraining order against illegal violence to court for enforcement. As soon as mass picketing was prevented by the ensuing injunction, hundreds of employees began returning to their jobs.

Plans Beyond Picketing

The union responded with a campaign of harassment, vandalism, and violence against non-strikers. A man’s telephone might ring at intervals all night and, if he dared to answer, he would hear a torrent of threats and obscenities. A window might be broken and paint hurled into his house, ruining the furniture and carpets. In the morning he might discover that the paint on his car had been dissolved by acid, or that sugar had been poured into the gas tank to damage the engine. More than four hundred people had the courage to come forward and file affidavits. There were undoubtedly many more who were too intimidated to do so.

“Union taverns” were set up around Sheboygan, which became the haunts of the “men from Detroit” who had been sent by the UAW central headquarters to “help” Local 833, and woe to the non-striker who might unknowingly enter such places. One such unfortunate was 50-year-old Willard van Ouerkerk. He was assaulted by 27-year-old William Vinson, who was 10 inches taller and more than a hundred pounds heavier than his victim. Van Ouerkerk was so badly beaten that he managed to escape only after having three ribs broken. The enforcers from Michigan were no respecters of age: 65-year-old William Bersch was beaten so savagely that he had to spend 18 days in the hospital.

One of the favorite tactics used by the union was called “visiting at home.” A man would return from work to find the area around his house occupied by hundreds of strikers, strike sympathizers, and the ever-present “men from Detroit.” Through a gauntlet of jeers, threats, and obscenities, he would have to make his way into his home. Calling the police was virtually a waste of time because many officers were in sympathy with the strikers, and those who weren’t were afraid of provoking further violence.

Despite the union’s behavior, the company did not completely break off relations. Whenever the union suggested that it was willing to back off on its campaign of intimidation and violence, the company was quick to resume negotiations. But the union invariably continued its terror campaign. Throughout the summer of 1954, Kohler management had made it clear that it would not bargain with “a gun at its head," so on August 18, in response to an escalation of "home visits," it declared that it would not meet any further with the union, until the UAW's vicious tactics ceased. On August 30 the home demonstrations were deemed by Judge Arold F. Murphy to be a violation of the standing injunction, and the union was forced to retreat.

By September of 1954, it was becoming increasingly evident that the UAW had made a serious mistake in striking against the Kohler Company. Without the application of mass picketing and widespread mayhem, the union could not shut down the plant. Slowly but surely, Kohler management's efforts to secure legal protection of its rights, and the rights of its employees, were bearing fruit. Though not yet up to prestrike levels, both employment and production were recovering quickly. There seemed to be a growing consensus that Kohler was winning the strike.

In a desperate attempt to "wreck the company," the UAW launched a nationwide boycott, which began in September of 1954 and continued for six years. The union contacted Kohler customers and tried to induce them to stop using Kohler products. This included federal, state, and local governments. UAW agents warned that construction sites might encounter trouble if Kohler products were used. In the end, the boycott had no serious effect on the Kohler Company, but it did cause significant harm to some of the company's small distributors.

On August 26, 1960, more than six years after the UAW had first charged the Kohler Company with unfair labor practices, and after two years of hearings before its trial examiner, the NLRB handed down its decision, ruling that the company had refused to bargain in good faith after the strike broke out. Herbert V. Kohler, Sr. was ordered to reinstate 1,700 workers. It took lawsuits by both sides over the course of the next two years before Kohler management and the union were able to work out a contract. The issue of compensation for strikers remained unresolved. In December of 1965, Kohler agreed to pay $3 million in back wages to 1,400 former employees and $1.5 million in pension fund contributions. The union agreed to make no further charges stemming from the strike. The longest major strike in American history had finally come to an end, but its viciousness would scar thousands of lives for more than three decades.