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Article Summary: At the height of violence in the Omaha streetcar strike of 1935, Nebraska's new governor, Robert Leroy "Roy" Cochran, called out the National Guard and declared martial law to force the street car company to arbitrate.

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Photographs / Images: April 1935 photo of Omaha streetcar with heavy wire over the windows to protect riders from possible violence; Governor Robert L Cochran; March-June 1935 scrapbook of unidentified newspaper clippings, Roy Towl papers, MS 3534, State Archives, NSHS; Omaha Police Chief Richard Samardick and Adjutant General H J Paul; Remnants of burned out streetcars near Railroad Avenue; Arrival of National Guardsmen in mid-June of 1935; Guy R Spencer cartoon "Speaking of 'Seniority Rights', *Omaha World Herald*, June 20, 1935; Meeting in the fall of 1935 to plan a toll-free bridge spanning the Missouri: Omaha Mayor Roy Towl, Iowa Governor Clyde L Herring, Nebraska Governor Robert L Cochran, and Council Bluffs Mayor Hugh P Finerty (others not identified)



By April 1935 Omaha streetcars had been equipped with heavy wire over the windows to protect riders from possible violence. Courtesy of John Savage.

THE GOVERNOR AND THE GUARD IN THE OMAHA TRAM STRIKE OF 1935

By Mary Cochran Grimes

At the height of violence in the Omaha streetcar strike of 1935 Nebraska's new governor, Robert Leroy ("Roy") Cochran, called out the National Guard and declared martial law. This brought immediate peace, national attention, and praise from the press and even from labor, which usually dreaded the march of the troops.¹ Not since the late nineteenth century had Nebraska governors resorted to military force to maintain order. Then, according to Ronald

Gephart, the primary role of state militias or the National Guard was shifting from fighting Indians to breaking strikes. This shift conformed to the thinking of many businessmen who argued that the main purpose of government was to protect and promote the interests of property.² Government officials routinely used state or federal troops as "the prescription applied to industrial disputes" with the usual effect of crushing a strike.³

Several things were unusual about the Omaha tram strike of 1935. The *Omaha World-Herald* said it was the first time the city had had a "military dictator."⁴ Though Cochran employed the traditional response of calling out

troops, his subsequent handling of the 1935 strike represented a more balanced approach to resolving a labor-management conflict. He used his brief assumption of power in a city accustomed to anti-unionism to force the tram company to arbitrate. He was adamant that the National Guard was in Omaha only to maintain order and not to take sides.

The New Deal brought a changing political climate. For the first time a president had endorsed legislation, the National Industrial Recovery Act of 1933, that made it legal for employees to organize and bargain collectively through representatives of their own choosing. While conservative Nebraska still had an anti-picketing law, it

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also had a governor who supported New Deal measures.⁵

The Omaha-Council Bluffs Street Railway Company, which operated a streetcar and bus system throughout and between the two cities, had a history of stormy labor relations. Conflict dated from the crushing of a union in 1909 by company president Gurdon W. Wattles with support from the Business Men's Association, whose chief purpose was to oppose unions. During the 1909 strike, Wattles announced that the company would "operate its cars, if necessary, under protection of government itself."⁶ Another attempted strike in late 1918 or early 1919 led to the intervention of the War Labor Board on the side of the tram company.⁷ The Business Men's Association later claimed success in keeping Omaha "the best open shop city of its size in the United States."⁸

One tram company president, "Smiling Jack" Shanahan (1927-32), excelled in the art of smoothing relationships with employees.⁹ In 1931 there was the threat of a strike, but Shanahan skillfully gained the replacement of two-man cars with those requiring only one operator by offering workers a five-cent-per-hour raise along with assurance that there would be no layoffs. However, Shanahan's successors would be perceived as less friendly to labor.¹⁰

After Shanahan left Omaha in 1933, a ten percent wage cut was absorbed by the carmen. Six months later, when the National Industrial Recovery Act opened the doors to collective bargaining, a union organizer from Detroit came to Omaha to help organize the Amalgamated Association of Street, Electric, and Motor Coach Employees Local 1002, affiliated with the American Federation of Labor.¹¹ Early in 1934 the union, claiming 442 of 535 eligible workers, gave the tram company a list of demands concerning wages, hours, and working conditions. To combat the union, the company secretly sponsored its own organization, the Employees' Protective Association



Governor Robert L. Cochran. (NSHS-C663-7)

(in effect, a company union). It was later revealed that the company paid an operative, William Sheets, to stay at the Paxton Hotel for two months under an assumed name while he organized the company union. He was warned to take every precaution "to give the appearance of independent action."¹²

Claiming that it could not afford wage increases, the company refused to recognize Local 1002. Company finances had been hurt by a decline in passengers and revenue since 1921, when there had been over 58,000 riders compared to 23,000 in 1934. Fare increases in 1925 and 1930 caused resentment against the tram company and reduced ridership. However, the company was still making healthy profits on its Douglas Street toll bridge, popularly regarded as a gold mine.¹³ In 1934 the company claimed a profit of \$131,411 on its streetcar operations, while a city comptroller's audit showed \$194,148. The discrepancy was due to the auditor disallowing some company

deductions. Finding the company in "fair financial condition," the comptroller thought prospects for improvement were good if "business tactics leading to betterment of public service," i.e. lower fares, were adopted.¹⁴ Probably more relevant to its traditionally fierce opposition to union activity was the fear, shared by other Omaha business leaders, that an outside union would "remove the company from the hands of its owners" and give organized labor a foot in the door for future gains.¹⁵

In April 1934 a brief strike ended when both sides agreed to federal arbitration. The National Labor Board sent mediator Richard L. Blume from its Kansas City office. Though Blume's report granted a five cent retroactive pay increase (which still did not restore the ten percent cut of 1933), it said nothing about union recognition. Workers in July rejected Blume's report by a vote of 359 to 1, claiming continued discrimination against union members. The union called another strike and Blume returned. This time workers were appeased with promises to establish a grievance board, further arbitration, and the "possibility of an election on collective bargaining." But the tram company had no intention of recognizing the union; it merely wanted to buy time to prepare for the next strike and to solidify support from Omaha businessmen and politicians.¹⁶

Under the counsel of J. A. C. Kennedy, the company's tactics were planned carefully. The company even hired mediator Blume as co-counsel after a shakeup in the Kansas City NLB office. Opposing the union's demand for an election to determine representation for collective bargaining, the company contended that it had already negotiated with the union and that no election was required.¹⁷ The National Labor Board agreed in the spring of 1935. Two more national mediators came to Omaha but the tram company refused further arbitration. On April 20, 268 streetcar and bus drivers went on strike.¹⁸

In anticipation of a strike, the tram company had hired 100 armed private guards from the Midwest Adjustment Company, run by B. F. Danbaum, a former Omaha police official. At the height of the strike 390 private guards were employed, many sworn in as special policemen.¹⁹ Lines blurred between the Omaha police department and the detective agency. The company authorized Danbaum to spend whatever he needed to "protect property and personnel." He did not have to account for funds spent to furnish ammunition, tear gas, and extra firearms to the Omaha police department.²⁰ To help him carry out his task, Danbaum received over \$170,000 from the tram company. Little wonder that one city councilman accused Danbaum of running the city's police department.²¹

Determined to keep the streetcars running, the company hired 250 strikebreakers and fired all the striking union members. When the first two cars were sent out on April 24 with thick wire covering the windows, heavily armed guards on board, and escorted by police cars, few passengers appeared, either from fear of violence or out of sympathy with the strikers. Public sentiment appeared to favor the union, especially in South Omaha, according to newspaper accounts. The tram company with its fare increases and toll bridge was not popular.

Of course, violence erupted. Streetcars were mobbed and burned; a strikebreaker was beaten. A dynamite bomb exploded on the sidewalk near the home of company counsel Kennedy, shattering windows but injuring no one. The union disclaimed responsibility and filed a petition in federal court charging that the company had planted fake bombs. Nothing came of the petition, but it was later revealed that Danbaum had hired a stool pigeon to try and induce strikers to commit acts of violence.²² The union also asked that the police and detective agency not interfere with peaceful picketing or meetings of strikers, but John Savage,

a photographer-reporter with the *Omaha Bee-News*, recalled witnessing police dispersing a mob with tear gas near 18th and Dodge streets.²³

The violence was precipitated, union leaders claimed, by the city ordinance forbidding jitneys — privately owned automobiles used for public transportation — despite the fact that the city council had received petitions bearing over 22,000 signatures in favor of jitneys. To encourage people not to use streetcars, members of the Omaha Free Ride Association tendered their services and their automobiles to the public. But police arrested and fined hundreds of jitney drivers for not being licensed. In a hearing to determine if the jitney ordinance was enforceable if no fares were collected, the judge dismissed charges against 430 jitney drivers. Union leaders asked the governor to suspend the jitney ordinance, claiming that the ordinance "forced the public to patronize the streetcars against their wishes . . . up to this time very few lawless acts were committed." The governor refused on the grounds that the jitney ordinance was a local issue.²⁴

The *Unionist*, a labor journal, charged that the police commissioner and chief of police had become "wet nurses" for strikebreakers.²⁵ Many strikers were arrested, but most were released or acquitted. Later, union leaders sent to the governor the names of men the tram company hired (including one on parole) who were caught and found guilty of carrying arms and molesting strikers who were simply on the street. Union men complained that the "hired guns" were fined and turned loose.²⁶ The *World-Herald* blamed the violence on "toughs," who "hurt the cause of the striking car men who had apparently conducted themselves in an exemplary manner." It also blamed the police and city commissioners "for ineptness and playing politics."²⁷ While the mayor of Council Bluffs maintained peace by ordering streetcars off the streets until the strike could be settled, Omaha Mayor Roy Towl

allowed the company to run the cars at its own risk.²⁸

A heat wave added to Omaha's discomfort as bloody riots erupted in South Omaha June 13. A missile was thrown through a streetcar window and an operator was injured. Police could not disperse a crowd estimated at 1,000, which gathered in the hot summer night. Many threw objects at streetcars, streetlights, store windows, and police officers. Of the sixteen who were jailed, none proved to be a striker. The city council voted a \$50,000 emergency fund for police, and Mayor Towl asked for state assistance. When Lieutenant Governor Walter Jurgensen phoned Cochran, who was at a governors' conference in Biloxi, Mississippi, the governor, who believed in local autonomy, suggested that Omaha seek help from the county sheriff.²⁹

But violence and fear escalated the following night as a man was killed and more than 100 were injured. A second man died from injuries three days later. Cochran, who had been posted by a telephone for hours, heard this news plus wild rumors about threats to burn the Brandeis store, to kill tram company stockholders, and to wipe out the Omaha police. The mayor, the county sheriff, the chief of police, and leading business and newspaper men (but not managers of the tram company) pleaded with the governor to call out troops. Cochran finally told Jurgensen to issue the order and to explain that the crisis was caused not by actions of organized labor, but by "irresponsible agitators and mobs" endangering public welfare. Cochran stated that although Omaha was placed under martial law because "civil authorities had failed to maintain the peace," he noted that "the military will under no circumstances operate as strikebreakers."³⁰

Then the governor set out on a risky and sleepless twenty-four-hour journey to Omaha. The trip, made in rain and fog, involved three airplanes and three emergency landings. Meanwhile on the night of June 15 the first con-

tingent of 650 guardsmen was greeted in South Omaha by a cheering crowd "in a carnival mood." The tough-talking commandant, Adjutant General H. J. Paul, warned that "sickening" and "knockout" gases would be furnished guardsmen and anyone even cursing the National Guard would be arrested. The next day more than 700 additional guardsmen marched into Omaha, accompanied by two medical units, a hospital unit, and an ambulance unit.³¹

Upon arriving in Omaha, Cochran, exhausted, unshaven, and still wearing his crumpled white linen suit, first consulted with the managing editor of the *World-Herald*, Walter Christenson.³² Then the governor set up command headquarters at the Paxton Hotel, where for four days and nights he "conferred with, cajoled, and threatened leaders on both sides."³³ His first duty and goal was to maintain peace. Second, he wanted to get the two sides together for an immediate and fair settlement. Cochran issued an ultimatum: Both sides must appoint a representative to an arbitration board which would meet the next day (June 17) at 10:00 a.m. The governor would appoint a neutral third party. A deadline of June 20 was established for a settlement of the most pressing issues of reemployment of strikers, wages, and seniority so that normal operation of streetcars could resume on the morning of June 21.³⁴ The remainder of the union's sixty-eight demands would be negotiated later. The company was ordered to get rid of private guards immediately, but it could continue to run streetcars on the present limited basis. The National Guard would provide protection if necessary. All outside labor organizers were asked to depart so that negotiations would be "conducted by Nebraska citizens." R. B. Armstrong, international vice-president of the Tram Workers Union, checked out of his hotel.³⁵

Cochran warned strikers that he would run streetcars with troops if they did not agree to arbitration. All taverns

FOR LAW AND ORDER

The \$50,000 voted for the Police Department Friday by members of the City Council who believe that law and order **M U S T** prevail, was made necessary:

First—Because the paid organizer of a belligerent Union talked 268 of nearly 700 employes of the Street Railway Company into quitting their jobs, and,

Second—Because a few demagogues and agitators have urged by inflammatory statements that law enforcement officers be defied and that courts be ignored.

The \$50,000 appropriation was **NOT** a vote against orderly unionism—was **NOT** a vote in favor of the Street Railway Company.

It Was a Vote for Law and Order.

To the extent that the \$50,000 may aid in the protection of the street railway property, the Street Railway Company herewith publicly expresses its appreciation and gratitude.

Incidentally, the Street Railway Company will make a tax payment of \$84,000 to the Omaha city treasurer on July 1. This tax payment is just one example of the value of this company to Omaha.

Belligerent unionism,—spurred on by the cunning of a well-paid organizer,—is always costly and destructive if tolerated. In the end it generally results in the members of the Union losing their jobs, as has happened in Omaha and as did happen a few months before in Los Angeles. There, the organizer who is now in Omaha, called a strike in December and left the California city two months later with more than 400 members of his Union on the public charity rolls.

This kind of unionism, however, is not typical of all organized labor

The \$50,000 is just one more expense forced upon the taxpayers of Omaha by the unwarranted, unjustifiable and unreasonable street car strike.

Omaha & Council Bluffs Street Railway Co.

March-June 1935 scrapbook of unidentified newspaper clippings, Roy Towl papers, MS 3534, State Archives, Nebraska State Historical Society.



Omaha Police Chief Richard Samardick (right) had petitioned the state for assistance, but Adjutant General H. J. Paul (left) and the National Guard did not arrive until violence had ended. Courtesy of John Savage.

were required to close by 6:00 p.m. Speed was essential. The governor knew that he would have to call a special session of the legislature — itself an expensive operation — to appropriate funds for the troops unless arbitration could be accomplished quickly.³⁶

At the appointed hour on June 17, union president H. N. Nelsen went to the governor's suite to notify him that the union had named Ernest Bowerman, Omaha Central Labor Union secretary, as its representative. Cochran's appointee was John J. Ledwith, Lincoln attorney, as the neutral member. But the tram company complained that it hadn't had time to convene the board of directors to name a negotiator. It had also prematurely advertised resumption of full streetcar service that day. Indignant, the governor phoned General Paul to order all streetcars back to the barn; he permitted jitneys to run.

Five company leaders, all of whom Cochran knew personally, visited him to say they would not arbitrate the vital issues of reemployment of strikers, restoration of their seniority, or the closed shop. The governor denounced this as "partial arbitration" and an attempt to make him arbitrator of the strike, a position he would not assume.³⁷

Under pressure from the governor, the tram company named Sam W. Reynolds, Omaha coal dealer, as its representative; Ledwith became chairman of the arbitration board. At the request of the company Cochran allowed some streetcars to run again during arbitration and banned jitneys. Peace prevailed; no one threw bricks at any of the 1,376 guardsmen. All violations of martial law were handled by military courts which, according to Omaha and Lincoln newspapers,

seemed to function fairly and efficiently.³⁸

Hours before the deadline on June 20 the arbitration board produced a brief, stopgap settlement: All 268 men who went on strike April 20 would return to work on June 21 at the same wages as before the strike, effective for one year. Wages would be negotiated later. Only at the governor's and the other board members' insistence had the company agreed to consider rehiring all 268 strikers; it did not want to rehire sixty-eight men whom it accused of being guilty of "depredations."³⁹ Union members voted almost unanimous approval of the temporary settlement the same night. By accepting Reynolds's suggestion that seniority be negotiated by a separate board, the general arbitration board sidestepped the toughest issue. For over forty-five years the rights of trainmen had been based on length of service, which governed the choice of runs, hours of work, and regularity of employment.⁴⁰

The seniority board would consist of Ledwith and Bowerman from the general arbitration board plus a representative of the working employees, who would replace Reynolds. At stake was whether strikers lost their seniority on the day they walked out (April 20) as the company insisted, or whether they retained it regardless of the strike (the union's position).

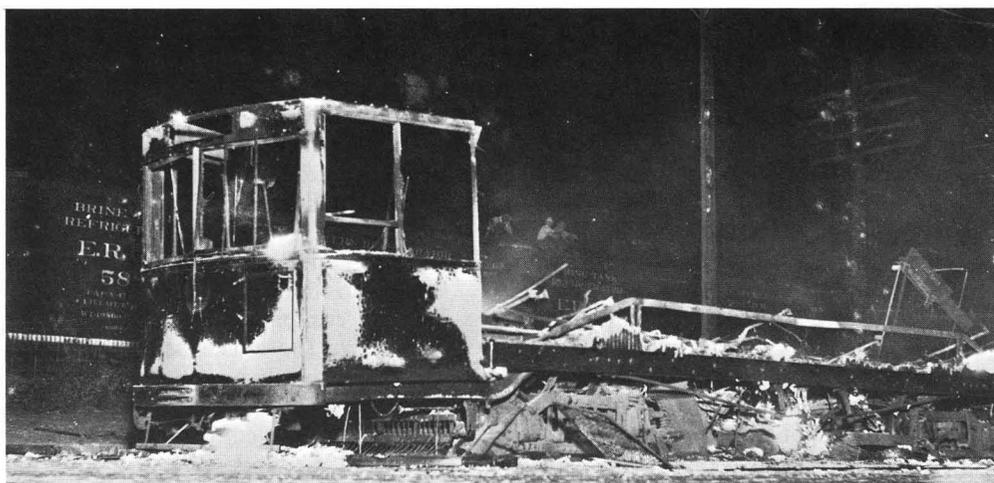
Although the two arbitration boards were still negotiating, newspapers hailed Cochran as "Nebraska's strike-settling governor," who challenged public officials to protect the rights of individuals, both strikers and businessmen, as well as property rights.⁴¹ Praise for his impartial intervention flowed in from all over the country. From an AFL union in Missouri: "So far as we know this is the first time in the history of labor disputes that the protesting workers have been given a square deal when an impasse had been reached." From Florida: It was "so unusual to call out the militia to force a corporation to arbitrate when three western governors just recently used their militias to

Omaha Tram Strike of 1935

force strikers into submission.” A man wrote from Ohio that this was only the second time “a governor with backbone” did not “bow the knee to a corporation.”⁴² No doubt the writer was referring to Minnesota Governor Floyd B. Olson, who in 1934 called out the National Guard during a truckers’ strike in Minneapolis which was settled in the union’s favor.⁴³

Unfortunately all was not settled in the Omaha tram strike. Even as troops were leaving Omaha on June 21, the working employees — strikebreakers — were planning to thwart the negotiations. They resented the governor’s demand that they relinquish their seniority, claiming that they had endured “insult, abuse, physical danger, and actual injury.”⁴⁴ They chose attorney Hird Stryker to represent them on the seniority board, then instructed their Employees’ Protective Association strike committee “not to participate in the arbitration unless forced by the governor to do so.” Stryker advised the men that if the board tried to function without their member, they should “take steps to enjoin the carrying out of any adverse finding.”⁴⁵ As Stryker withdrew from the board, the governor insisted that all working employees and the company were still bound to accept the decision of the remaining two members of the seniority board.⁴⁶

On June 27 the seniority board ruled in favor of the union: All 268 striking company employees should regain full seniority rights held before the April 20 strike. The next day Stryker, on behalf of 575 Employees’ Protective Association members, filed suit in federal court requesting an injunction against the company, the governor, the original arbitration board, and Adjutant General Paul to prevent the implementation of the seniority award. The suit charged that the company “bowed to the threats and demands” of Governor Cochran “under the club of martial law.”⁴⁷ By naming the company as a defendant, the E.P.A. could appear to be acting independently when in reality



Remnants of burned out streetcars near Railroad Avenue during the strike’s major violence. Courtesy of John Savage... (below) Upon their arrival in Omaha in mid-June 1935 the National Guardsmen were greeted by friendly crowds. Courtesy of John Savage.



its goals and the company's coincided.

When the company on June 29 wrote to strikers requesting them to return to work under the provisions of the June 20 arbitration award, it gave the appearance of complying with the ordered settlement. Strikers protested that they were willing to return to work only under the provisions of both awards since the earlier ruling had not dealt with the primary question of seniority.⁴⁸ The governor, who felt that the company had misled him, charged that the company had "broken faith." "We haven't had the cooperation of the company or the present workers [E.P.A.] that I think necessary for successful arbitration."⁴⁹ But he urged strikers to await the decision of the court — estimated optimistically to take six months. Union representative Bowerman recognized the familiar management strategy of dragging out a dispute in an effort to avoid an arbitration settlement and to discourage the union. The company hoped that the Wagner Act, which became law on July 5, would, like the NIRA, be declared unconstitutional.⁵⁰ Bowerman at first advised the strikers "to do nothing that would let down the governor." Then he resigned from the arbitration board, decrying the company's underhanded methods and broken promises.⁵¹

The Wagner Act replaced and strengthened the NIRA by virtually outlawing company unions such as the Employees' Protective Association and by revitalizing collective bargaining by creating a new National Labor Relations Board with power to determine appropriate bargaining units through board-supervised elections.⁵² On July 6, the day after the Wagner Act took effect, strikers rejected the tram company's latest plan, known as the "Holland Proposal," under which they would be rehired for six months without seniority, leaving the seniority question to the federal court.⁵³ The company said that strikers could apply for reemployment only as new applicants. Six strikers did return to work in 1935.⁵⁴ Over the next twenty months,

twenty-eight strikers who applied were not hired even as "new workers" because of their record with local 1002; six others died.⁵⁵

On July 6 the general arbitration board issued its more detailed award of thirty-two decrees. The union would get minor concessions to improve working conditions such as five-minute wash periods and "comfort stations." But the company prevailed on major issues like the closed shop and wage increases, simply because the company limited the issues it was willing to arbitrate. Later, company negotiator Reynolds recalled, "We won them all except for a union demand for a toilet at the end of the line."⁵⁶

But the arbitration award was meaningless. Afraid of losing all seniority rights, the union voted to continue the strike and remained remarkably cohesive. Its freedom of action was, in effect, paralyzed by the lawsuit. The company contended that it could not address the seniority question until the injunction suit was settled. However, the suit languished in federal court until February 27, 1937, when it was dismissed due to lack of prosecution by the plaintiffs, members of the Employees' Protective Association.⁵⁷ While the strikers suffered from continued unemployment and urged the governor to do something, Cochran quietly continued to search for a solution to the strike. Along with Governor Clyde Herring of Iowa and Mayor Hugh P. Finerty of Council Bluffs, Cochran sought to make the streetcar company's bridge toll-free or to secure federal funds to construct a new bridge. Labor in Nebraska and Iowa favored such action, along with some Omaha retailers who wanted more Iowa business.⁵⁸

Not until the summer of 1938 did the National Labor Relations Board hold six weeks of hearings in Omaha to determine whether the tram company had violated the Wagner Act and whether the strikers should be rehired. In the board's intermediate report, trial examiner R.N. Denham found the com-

pany guilty on several counts of unfair labor practices and ordered it to rehire 240 former workers within ten days and give them token restitution of up to \$200 each. The board's report charged the company had made only the "minimum of compliance" with arbitration proceedings "without actually defying the governor." By ignoring the June 27 seniority award the company had acted arbitrarily. The company had adequate counsel and "it knew or should have known that it could not elect to choose one of these void awards as the excuse for penalizing its striking employees," while at the same time ignoring the coexisting and collateral award which would remove all penalty from the strikers.⁵⁹

Evidence to support Cochran's charge that the company had misled him also appeared in the intermediate report. According to the report, company representative Reynolds had given the arbitration board certain assurances about the company position on seniority. The board relied on these assurances in issuing its June 20 award, but Reynolds failed to deliver. Reynolds later recalled only that the company "let the men [the company union] decide among themselves about seniority."⁶⁰

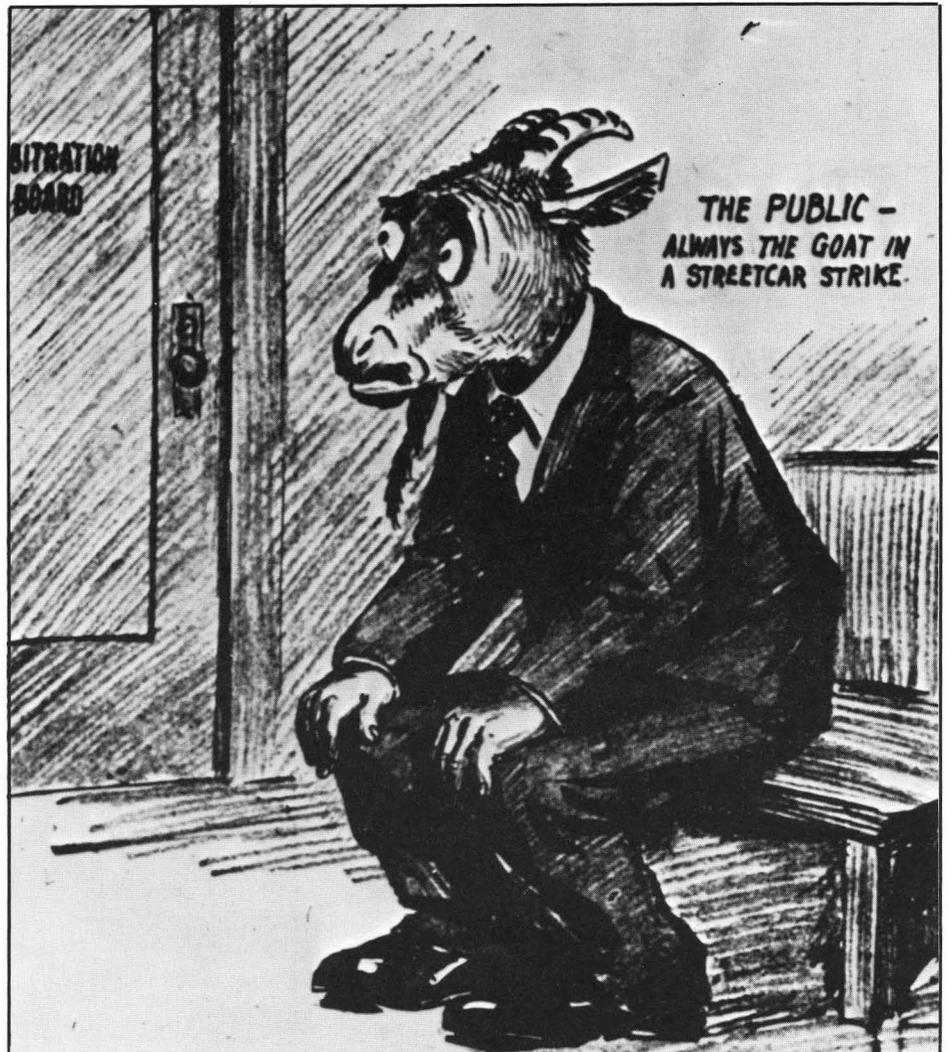
The final NLRB decision from Washington a year later emasculated the findings in the Denham report. It said that the company did not have to rehire the discharged workers and found it guilty on only one count: discouraging organization of employees.⁶¹ Even though Denham had announced at the original hearings that events occurring prior to the implementation of the Wagner Act were not at issue, much of his report seemed to be based on the company's relationship with the union prior to the act's effective date. However, the final board report did not find the company guilty of violations for actions it had taken before July 5, 1935, since the Wagner Act could not be applied retroactively. The report stated that the strike was not caused by unfair labor practices and was not pro-

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longed by unfair labor practices prior to the passage of the Wagner Act. Since the company had already replaced all strikers before the act took effect, it was not obligated to reinstate them as a group and discharge employees hired before July 5, 1935.⁶²

The Omaha tram strike of 1935 was not an isolated incident. Across the nation during the decade of the 1930s unions were challenging the long-standing supremacy of management. Like other midwestern labor disputes of the period, the Omaha tram strike demonstrated how persistent were the entrenched patterns of management-labor relations. The passage of federal legislation giving workers the right to organize could not by itself overcome determined resistance to unions by companies backed by the corporate (and often the political) infrastructure of the community. In the face of an ultimatum from the governor of Nebraska, the tram company (via the company sponsored union) brought suit in federal court, thereby gaining another opportunity to delay arbitration of union demands. Inevitably the strike was costly to all parties. The state paid nearly \$35,000 for the National Guard's Omaha service, while the strike had cost the company more than a million dollars by June 1935. The strike was supremely costly on a personal level for those union members who lost their jobs.⁶³

The tram strike is particularly interesting because the Wagner Act took effect while the strike was still going on. The act made illegal many of the company's actions, but the company could not be cited for them retroactively. Even so, the National Labor Relations Board hearings "uncovered a great variety of unsavory labor practices" and helped influence public opinion and the process of change. Though the union and the governor may have been outmaneuvered in the strike itself, the company did not prevail in the long run. The tram company sold its lucrative toll bridge in 1938 to liquidate indebtedness. The company was



Cartoonist Guy R. Spencer expressed the views of many Omahans in this drawing captioned: "Speaking of 'Seniority Rights' — Don't Forget There Is a Paramount 'Seniority Right' Over All." — Omaha World-Herald, June 20, 1935.

finally unionized by the CIO in 1941.

The tram strike helped demonstrate that giving workers equal treatment in settling labor disputes need not be a political liability. In the 1934 Minneapolis truckers' strike, Governor Floyd B. Olson had become directly involved as a mediator; eventually he declared martial law and brought in the National Guard, not to break the strike but to serve as a sort of umpire between the two sides. Olson's actions were condemned by Minneapolis newspapers

and initially by the strikers; eventually he received labor's acclaim for his handling of the matter and with their support won reelection in 1934. Some have credited Olson's performance during the truckers' strike with helping stimulate the passage of the Wagner Act.⁶⁴

Cochran also escaped political fallout from his use of troops in the tram strike. However, unlike the dynamic and controversial Olson, leader of Minnesota's Farmer-Labor Party, Democrat Cochran was per-



Omaha Mayor Roy Towl (seated at left), Iowa Governor Clyde L. Herring (pointing to map), Nebraska Governor Robert L. Cochran (seated at center), and Council Bluffs Mayor Hugh P. Finerty (seated at right) met in the fall of 1935 to plan a toll-free bridge spanning the Missouri. (NSHS-C663-170)

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ceived as a mild "New Dealer," who by background and temperament was sympathetic to workers and farmers. His comments such as "unions are helpful in fighting the sins of capitalism and limiting its hoggishness,"⁶⁵ echoed populist rhetoric, but they did not arouse suspicion of radical tendencies, and apparently he continued to have the support of Nebraska's business community.⁶⁶ His long service as head of the state roads department from 1923 to 1934 under both Republican and Democratic governors had earned him a reputation among Nebraskans as a steady, frugal administrator.⁶⁷

Despite Cochran's failure to bring about an equitable settlement of the tram strike, his actions did nothing to damage his image as a fair-minded, neutral arbitrator, which undoubtedly helped him win labor support for reelection in 1936 and again in 1938. In the latter year he was one of the few Democrats to survive a major political retreat from the New Deal in Nebraska.⁶⁸ Meanwhile, Iowa's Democratic governor, Nelson Kraschel, who had mobilized troops to break a strike at the Maytag appliance factory in Newton, was rebuked by labor and soundly beaten by his Republican opponent in the 1938 election.⁶⁹ Finally in 1940 Cochran was defeated by Hugh A. Butler in the race for U.S. Senator as Nebraska turned its back on the New Deal with finality.⁷⁰

Although Cochran called out the National Guard three times before eight months of his first term had elapsed, he would not do so again during the balance of his three terms as governor.⁷¹ His administration marks a change in the National Guard's role during periods of labor unrest. Prior to 1935, the guard had been called out primarily to break strikes. Cochran, perhaps following the lead of Governor Olson of Minnesota, used the guard to prevent violence in an effort to promote a negotiated settlement of the tram strike. Thinking a settlement was imminent, he sent the troops home only to find his efforts frustrated by com-

pany intransigence and a lawsuit against the arbitration board's decision. Unfortunately passage of the Wagner Act came too late to help the union in 1935. Though the tram strike was another setback for Omaha labor, the role of the governor and the guard bolstered labor's cause and marked a turning point which offered hope for the future.

NOTES

¹Newspapers around the country carried the story of the Omaha strike. *Newsweek*, June 29, 1935, ran a page on the strike with photographs of a burning streetcar and of the governor, equipped with goggles and a parachute, getting out of an airplane. Letters praising Cochran's action are found in RG 1, SG 31, Robert Leroy Cochran Papers, Nebraska State Historical Society, Series One, Folders 102, 107 (hereafter cited as Cochran Papers).

²For background on earlier Nebraska strikes and the changing role of the state militia, see Ronald M. Gephart, "Politicians, Soldiers, and Strikes: The Reorganization of the Nebraska Militia and the Omaha Strike of 1882," *Nebraska History* 46 (June 1965), 91-120.

³George H. Mayer, *Floyd B. Olson* (Minneapolis: University of Minnesota Press, 1951), 193.

⁴*Omaha World-Herald* (morning), June 17, 1935 (hereafter OMWH).

⁵No doubt the Omaha and Council Bluffs Street Railway Company had a hand in the passage of the 1922 anti-picketing law. The company's general manager was present when the governor signed the bill. See William C. Pratt, "The Omaha Business Men's Association and the Open Shop, 1903-39," unpublished paper read at the 1984 conference of the Organization of American Historians, 16.

⁶Protection turned out to be hiring 500 men "of doubtful character." Dennis Thavenet, "A History of Omaha Public Transportation" (Master's Thesis, University of Omaha, 1960), 71.

⁷Pratt, "Omaha Business Men's Association," 10, 14.

⁸George Leighton, "Omaha, Nebraska: The Glory is Departed," Part II, *Harpers Magazine*, 177 (August 1938), 326. Organizations of businessmen or industrialists were a common response to incipient union activity. In Minneapolis, the "Citizens' Alliance" fought to keep Minneapolis an open shop town. For more on its role, see Lois Quam and Peter J. Rachleff, "Keeping Minneapolis an Open-Shop Town: The Citizens' Alliance in the 1930s," *Minnesota History* 50/3 (Fall 1986), 105-17.

⁹Thavenet, "Omaha Public Transportation," 77, 81.

¹⁰Elmo Bryant Phillips, "History of Street Railways in Nebraska" (Ph.D. dissertation, University of Nebraska, 1944), 498-501.

¹¹*Ibid.*, 501.

¹²*Before the National Labor Relations Board, 17th Region, In the Matter of Omaha and Council Bluffs Street Railway Company, a Corporation, and Amalgamated Association of Street, Electric*

Railway, and Motor Coach Employees of America, Division 1002, Affiliated with the A.F. of L., Case No. XVII-C-301, Intermediate Report, November 6, 1938, 11 (hereafter NLRB Intermediate Report).

¹³Leighton, "Omaha, Nebraska," Part II, 315. OMWH, June 19, 1935.

¹⁴Omaha City Comptroller's Audit, June 11, 1935. Cochran Papers, Series One, Folder 102.

¹⁵Matt Smolsky, "Streetcar Strikes of the 1930s," *Omaha*, February 1982.

¹⁶Lawrence H. Larsen and Barbara J. Cottrell, *The Gate City, A History of Omaha* (Pruett Publishing, 1982), 201-2.

¹⁷George Leighton, *Five Cities: The Story of Their Youth and Old Age* (New York: Harper, 1939), 232.

¹⁸Larsen and Cottrell, *The Gate City*, 202; NLRB Intermediate Report, 77-78. There is confusion over the number of paid union members. Union president Nelson testified before the NLRB that the records had been lost or destroyed during changes of officers and no record of dues payment was available. Comparison of 342 signed application cards with company payroll records showed that sixty-five people had paid no dues in the past six months, six could not recall when they last paid, and one was not employed in the appropriate unit. Deducting these from the 342 claimed memberships leaves 267 members in good standing although 268 participated in the strike. The NLRB noted that "the union has at no time represented a majority of the employees within the appropriate unit."

¹⁹Smolsky, "Streetcar Strikes," 22.

²⁰NLRB Intermediate Report, 20.

²¹Leighton, "Omaha, Nebraska," *Harper's* 177 (July 1938), 114.

²²OMWH, July 13, 1938.

²³OMWH, May 24, 1935; telephone interview with John Savage, January 9, 1987. Police dispersed picketers but made no arrests, according to newspaper accounts.

²⁴OMWH, June 14, 1935; Omaha Central Labor Union to Cochran, June 16, 1935; William H. Brewer, President, Omaha Free Ride Association to Cochran, June 17, 1935. Cochran Papers, Series One, Folder 102.

²⁵*The Unionist*, June 14, 1935.

²⁶H. J. Phillips to Charles Steward, July 27, 1935, Cochran Papers, Series One, Folder 102.

²⁷OMWH, June 19, 1935.

²⁸Towl "contented himself with pasting newspaper clippings about the strike in his scrapbook," according to Larsen and Cottrell, *The Gate City*, 230.

²⁹OMWH, June 14, 15, 1935. Only two weeks earlier Cochran had mobilized 248 guardsmen after the disastrous Republican River flood.

³⁰OMWH, June 16, 1935; Cochran Papers, Series One, Folder 102.

³¹OMWH, June 16, 1935. Troops were billeted in the city auditorium, the armory, South Side City Hall, and Spring Lake Park.

³²According to Cochran's *Memoirs*, written August 20, 1962, the *World-Herald* photographer who met the governor's plane told him "Chris" wanted to see him. "Chris suggested a program designed to terminate the strike and get the street cars running." Cochran did not elaborate; presumably the program was similar to the plan he followed. What is revealing about the consultation is Cochran's relationship with newspapermen. He trusted them; they in turn,

liked and supported him. The *World-Herald* continued to support Cochran after it had turned away from President Roosevelt and the New Deal. See OMWH, November 2, 1938; *Memoirs of Robert L. Cochran*, unpublished manuscript, Cochran Papers, Series Sixteen, Folder 31.

³³*Newsweek*, June 29, 1935.

³⁴OMWH, June 17, 1935. Radio Speech, June 1935, Cochran Papers, Series Six, Folder One.

³⁵OMWH, June 17, 18, 1935; Cochran *Memoirs*.

³⁶OMWH, June 16, 1935. It cost about \$5,000 a day to maintain the guard on duty.

³⁷OMWH, June 18, 1935. Members of the directors committee who called on the governor were O. H. Barmettler, P. F. Petersen, Leo Bozell, J. A. C. Kennedy, and W. H. Schellberg. Company president Fred P. Hamilton was absent.

³⁸*Lincoln Journal*, quoted in OMWH, June 20, 1935; an OMWH editorial, June 20, 1935, noted: "Omaha was held under a military rule as gentle, as courteous, as it was firm and efficient."

³⁹NLRB Intermediate Report, 41; OMWH, June 18, 1935; according to Larsen and Cottrell, the settlement was "virtually dictated by the governor's representative on the arbitration panel." Larsen and Cottrell, *The Gate City*, 203.

⁴⁰NLRB Intermediate Report, 7, 26. Thavenet, "Omaha Public Transportation," 72.

⁴¹See OMWH, June 24, 1935. A wire from A. F. Buechler, editor of the *Grand Island Independent*, echoes many others: "Public sentiment strongly upholding you." Cochran Papers, Series One, Folder 102.

⁴²Cochran Papers, Series One, Folders 102, 107.

⁴³See Mayer, *Floyd B. Olson*, 184-222; Quam and Rachleff, "Citizens' Alliance"; and Thomas E. Blantz, C.S.C., "Father Haas and the Minneapolis Truckers' Strike of 1934," *Minnesota History* 42/1 (Spring 1970), 5-15.

⁴⁴OMWH, June 23, 1935.

⁴⁵NLRB Intermediate Report, 26-27.

⁴⁶OMWH, June 30, 1935.

⁴⁷The case was *T.J. Rubeck, et. al. as members of the Employees Protective Association of the Omaha and Council Bluffs Street Railway Company vs. The Omaha and Council Bluffs Street Railway Company, a corporation, Roy L. Cochran, Governor of the State of Nebraska, H. J. Paul, Adjutant General of the State of Nebraska, John J. Ledwith, Ernest Bowerman, and Sam W. Reynolds*, Equity No. 1374, filed June 28, 1935, in

U.S. District Court in Omaha. The lawsuit also attacked the first arbitration award even though Reynolds had signed it. OMWH, June 29, 1935.

⁴⁸NLRB Intermediate Report, 54-55.

⁴⁹*The Unionist*, July 12, 1935.

⁵⁰NIRA was declared unconstitutional by the U.S. Supreme Court in *Schechter Poultry Corp. vs. United States*, May 1935.

⁵¹*Omaha Bee-News*, July 2, 7, 1935; Ernest Bowerman to Cochran, Cochran Papers, Series One, Folder 102.

⁵²William E. Leuchtenburg, *Franklin D. Roosevelt and the New Deal, 1932-1940* (New York: Harper and Row, 1963), 151.

⁵³The plan was named for Yale Holland, a member of Kennedy, Holland, DeLacy, and Svoboda, general counsel to the tram company. NLRB Intermediate Report, 29-30.

⁵⁴OMWH, June 21, 1935. Upon termination of the strike the names of 154 strikers were removed from the relief rolls.

⁵⁵NLRB Intermediate Report, 60, 61.

⁵⁶Cochran Papers, Series One, Folder 102; telephone interview with Sam Reynolds, January 9, 1987.

⁵⁷*The Unionist*, November 18, 1938.

⁵⁸Donald E. Renner to Cochran, August 30, 1935, Cochran Papers, Series One, Folder 57; Thavenet, "Omaha Public Transportation," 81. The Iowa commissioner of conciliation and Council Bluffs Mayor Finerty thought that the only immediate solution to the strike was the reduction of the toll on the Douglas Street bridge or the building of a free bridge since the tram company was not inclined to negotiate on strike issues as long as it was making significant profits from bridge tolls.

The efforts of Cochran and others to secure federal funding for construction of a free bridge between Omaha and Council Bluffs continually ran into snags locally or in Congress. In June 1938, Ak-Sar-Ben purchased the toll bridge from the tram company for \$2,350,000 with the intention to use tolls to pay off the indebtedness and deed the bridge to the city. State officers, including Cochran, considered the price too high, and they were displeased that their efforts to secure funds to build a free bridge had been frustrated. The bridge finally became toll-free in 1947. See Cochran Papers, Series One, Folders 89, 102, 199, 308, and 428; and Arvid E. Nelson, *The Ak-Sar-Ben Story: A Seventy-Year History of the Knights of Ak-Sar-Ben* (Lincoln: Johnsen Publishing Co.,

1967), 178-95, for documentation of the bridge question.

⁵⁹NLRB Intermediate Report, 83-86.

⁶⁰NLRB Intermediate Report, 40-42; telephone interview with Sam Reynolds, January 9, 1987.

⁶¹*Decisions and Orders of the NLRB*, Vol. XVIII, December 1, 1939.

⁶²*The Unionist*, December 8, 1939.

⁶³Omaha City Comptrollers Audit, June 11, 1935, Cochran Papers, Series One, Folder 102.

⁶⁴Mayer, *Floyd B. Olson*, 221-22. According to Mayer, Olson got President Roosevelt to order the Reconstruction Finance Corporation to withdraw loans to banks that were financing employer resistance.

⁶⁵Labor Day Speech in North Platte, 1936, Cochran Papers, Series Six, Folder Five.

⁶⁶Otho DeVilbiss, to author, March 12, 1987. DeVilbiss, Cochran's executive secretary, added, "But there were times when he (Cochran) had to keep them (businessmen) in line." Robert Lasch, in a column in the July 10, 1938 *Omaha World-Herald*, described Cochran as "a man who has been sympathetic to the general objectives of liberal government without taking his feet off the ground."

⁶⁷Cochran was a "fair-minded, conservative, and fearless public official, abundantly endowed with sound judgment," according to the *Omaha World-Herald*, June 18, 1935. See also OMWH editorial November 10, 1938, for the paper's analysis of Cochran's re-election to a third term as governor.

⁶⁸OMWH, August 8, November 2, 10, 1938.

⁶⁹OMWH, August 9, 1938; Alan Jones, "The New Deal Comes to Iowa," in Lawrence Gelfand and Robert J. Neymeyer, eds., *The New Deal Viewed from Fifty Years* (Iowa State Historical Department, The Herbert Hoover Library and the University of Iowa: The Center for the Study of the Recent United States, 1983), 33-35.

⁷⁰For a summary of the Democratic party in Nebraska, 1936-40 see James F. Pedersen and Kenneth D. Wald, *Shall the People Rule?: A History of the Democratic Party in Nebraska Politics, 1854-1972* (Lincoln: Jacob North, Inc., 1972), 285-324.

⁷¹Robert L. Cochran, *Memoirs*, September 7, 1962. Besides sending 248 guardsmen to McCook after the Republican River flood of 1935, Cochran ordered one company to the North Platte valley near Mitchell during an irrigation dispute in August 1935.