

**“The Other Side of Industrial Pluralism: William Leiserson, Harry Millis,
Paul Herzog and the Quest for an Employment Democracy, 1939-1947”**

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Not For Circulation

Twentieth century American labor history was closely intertwined with industrial pluralism, a theory that underwrote much of the labor relations regime that was in place in the US from the New Deal to the 1970s. At the heart of industrial pluralism lay two important principles: the first one was that there was no inevitable class conflict between labor and capital –employers and employees, as the industrial pluralists liked to call them, had common interests that could be met if both sides agreed to meet at a bargaining table. In a perspective dating back to the work of John R. Commons in the Progressive era, Industrial Pluralists thus argued that there was not one overarching labor question, but sundry disputes between employers and employees that could be solved by disinterested, virtuous experts in labor relations¹.

In the last two decades, historians have given industrial pluralists a fairly negative assessment. A common charge against them has been that they always remained wedded to the principles of capitalism and that they favored the promotion of industrial peace over the protection of workers' rights. Industrial pluralists, it has been argued, dominated two important national agencies in the 1940s –namely, the NLRB and the NWLB—from which they devised and imposed a system of labor relations whose institutional constraints eventually drew the sap out of the labor movement. This being a standard account by now, I needn't go into further detail. One element, however, bears emphasis. Historians have seen them as quite powerful figures, that is, as historical actors endowed with a large amount of *agency* –the scholarship on these experts in labor relations relies on the idea that they had the institutional means to imprint their vision and ideas on the fabric of American labor relations².

In many ways, the historical record of William Leiserson, Harry Millis, and Paul Herzog, three Industrial Pluralists who dealt with foremen's unionism in the 1940s while they sat on the NLRB, runs against the grain of this account. Arguably the most contentious issue in labor relations at the time, foremen's unionism first developed in the automobile and the mining industries, under the aegis of the Foreman's Association of America and the United Mine Workers, and swiftly spread to rubber, steel, aeronautics and numerous other industries, bringing management to a state of alarm³. To be sure, the number of card-

¹ On the history of industrial pluralism see Ronald Schatz, "From Commons to Dunlop: rethinking the field and theory of industrial relations", in Howell Harris and Nelson Lichtenstein, eds., *Industrial Democracy in America: The Ambiguous Promise*, New York: Cambridge, 1993, and Clarence Wunderlin, *Visions of a New Industrial Order: Social Science and Labor Theory in America's Progressive Era*, New York: Cambridge UP, 1992.

² See for example Christopher Tomlins, *The State and the Unions*, New York : Cambridge UP, 1985, Kathryn Van Wezel Stone, "The Post War Paradigm in American Labor Law", 90 *Yale Law Journal* 1509 (1981). For a historiographical perspective on this work, see Ronald, Schatz, "Into the Twilight Zone", *International Labor and Working Class History*, n° 36, fall 1989, pp. 51-60.

³ See Oral History Interview with Paul Herzog (1), Kheel Center p. 21. There is no comprehensive history of foremen's unions. See however Nelson Lichtenstein, "The Man in the Middle: A Social History of Foremen at Ford", Lichtenstein, ed., *On the Line: Essays in the History of Autowork*, Urbana, University of Illinois Press, 1989. and Charles Larrowe, "A Meteor on the Industrial Relations Horizon", *Labor History*, n°2, 1961, pp. 251-

carrying members remained small –no more than 120,000. Still, because of the centrality of the companies wrestling with foremen’s unionism --Republic Steel, Ford--, the impact of the foremen’s strikes on mobilization, and the fierce opposition of businessmen to this organization drive, foremen’s unionism soon became a major political issue, generating large presse coverage and congressional debates.

At the heart of this debate was the question whether foremen were “employees” according to the Wagner Act, a question that Leiserson, Millis and Herzog answered affirmatively. Congress, however, eventually decided to reject their analysis and formally exclude foremen and supervisors from the statutory definition fo the term “employee” with the Taft-Hartley Act in 1947. The question of foremen’s unionism thus seems to warrant a fresh examination of industrial pluralism to shed light on two interrelated questions: why did Leiserson, Millis and Herzog lend their support to a sociological and technical expansion of the realm of collective bargaining and why did they fail to impose it? Unlike previous commentators, I argue the foremen’s issue shows that in spite of its conservative overtones, industrial pluralism in the 1940s was progressive enough to operate a timely shift from the notion of industrial democracy to what I call an “employment democracy”–one in which unionism would expand beyond the blue collar world. The failure of that possibility in turn reveals the labor experts’ institutional weakness and the dependence of legal concepts on social support.

The Institutional Context

William Leiserson and Harry Millis were respectively appointed to the NLRB in 1939 and 1940, at a time when the agency was going through a severe institutional crisis. In the years that had passed since the adoption of the Wagner Act, the agency had contributed to a significant growth of the labor movement, but it had also incurred criticism and nourished enmities that cost it dearly. Part of this criticism was owed to poor political judgement. The agency had paid insufficient attention to the specific needs of the AFL and created the impression that it favored the CIO in jurisdictional disputes. The NLRB had also failed to earn the support of the media, especially the newspaper press, by supporting organization drives among journalists and editors. Criticism, however, also stemmed from the almost paradoxical mission of the NLRB: created in the progressive mold of administrative agencies, it was designed to act in the public interest by promoting the right to organize. As it did so, however, it came under increasing pressure from businessmen who argued that the agency only promoted the interests of labor at the expense of those of companies and the

287 and my dissertation, “Les avatars de l’employee: histoire sociale et politique d’un concept juridique”, Université Lumière Lyon 2, Décembre 2004, pp.

country at large. At the same time, the rising number of strikes seemed to betoken the idea that the NLRB fostered strife, not social peace. Congressional investigations and a possible refusal of Congress to vote the appropriations of the NLRB had led FDR to seek appoint experienced, but moderate labor experts who would restore the agency to the legitimacy it needed to carry out its mission⁴.

It was against this context that the first cases involving foremen's unionism reached the NLRB in 1939. The cases involved a new union, the United Foremen and Supervisors which was affiliated to the CIO and had a local at Chrysler, local 918. From the start foremen's unions presented the agency with political and technical problems that led it to try to avoid the issue and refuse to grant the UFS a hearing. To be sure, in the craft industries foremen had long been members of labor unions and the NLRB had generally protected their right to continue to do so. In the mass production industries, however, foremanship was entirely different, being the product of taylorist and fordist production systems. Foremen in this context had lost much of their independence, and management mostly relied on them to achieve production goals, which in the aftermath of the New Deal, made them even more important. The National Association of Foremen, the only association representing the interests of foremen at the time, enjoyed the support of the NAM and conveyed the idea that foremanship and unionism were incompatible.

Clearly, neither the framers of the Wagner Act nor the labor experts of the NLRB had expected foremen to join the labor movement. Indeed, both the notions of industrial democracy and that of industrial jurisprudence had first been designed to put an end to the abuses of foremen, which would be replaced by a body of rules negotiated with the workers. The specific role of foremen in mass production industries was reflected in the Wagner Act and its definition of the groups that made up the industrial world. Section 2(2) said :

“The term employee shall include any employee, and shall not be limited to the employees of a particular employer⁵”

While section 2(3) defined employer as follows :

“The term ‘employer’ includes any person acting in the interest of an employer, directly or indirectly”.

⁴ On the creation of the NLRB, see my dissertation « Les avatars de l'employee : itinéraire social et politique d'un concept juridique » Université Lyon 2, décembre 2004, pp 171-226, along with James Irons, *The New Deal Lawyers*, Princeton: Princeton UP, 1982. , On the NLRB's woes at the end of the 1930s, see James Gross, *The Reshaping of the National Labor Relations Board*, Albany: SUNY, 1974, and Harry Millis. *From the Wagner Act to Taft-Hartley...*On links with the CIO see Oral History with Lee Pressman, Columbia University Oral History Program, p. 216 and Oral History with Paul Herzog, Kheel Center, Cornell UP (2) p. 8. On the failure of the NLRB to curry the support of the press, see Oral History with Paul Herzog (1), pp. 58-60.

Very early on, the board had consistently ruled that foremen in craft industries were “employees” according to the definition of the term inscribed in the NLRA. By contrast, according to the NLRB, foremen employed in mass production industries were not “employees”, but rather “employers” in that through their actions they represented the executives of the company. By putting foremen in this category, the Board was actually fulfilling one of the objectives of the law –the protection of the workers’ ability to choose to unionize or not unionize free from employer domination. Thus company executives were prevented from fighting a vicarious struggle against unions through their foremen. Indeed, in 1939, the Board had strongly opposed Congressional bills exempting foremen from the Common law concept of *respondeat superior* and allowing them to join unions by defining them as “employees” whose actions did not engage the responsibility of their employer⁶.

Hence when the first foremen cases reached the board, the members of the NLRB had no clear idea of how they could proceed with those demands⁷. Notably, the board was ill-equipped to operate a rethinking of the social categories inherited from scientific management. Indeed, the board had adopted from the beginning what Christopher Tomlins has called a “legal discourse”, which pervaded its practices and organization and sharply limited its capacity to approach labor issues in other terms than purely legal ones⁸. Moreover, Congress had strongly encouraged this trend by depriving the NLRB of much of its research capacities. By 1940, the NLRB no longer enjoyed the informative resources of the its Division of Economic Research. Thus, it did not really have the means to analyze the evolution of the technical and social status of foremen in mass industries. Because of institutional constraints, the issue was limited to a legal question: could foremen in mass production industries be both “employers” and “employees”?

Compounding this institutional weakness was the controversial nature of foremen’s unionism. In 1939, negotiations between the UAW and Chrysler for a contract broke down over the foremen issue, and could only resume once the CIO had decided that it could not afford to support organizational drives among foremen. In the meantime, however, Chrysler and other companies had taken up the cudgels to oppose what they saw as an infringement of their “right to manage”⁹. Thus, to the members of the NLRB, it seemed unwise to spend what

⁶ The bills were introduced in the 76th Congress : S.1000, (Walsh), H.R. 4749, (Barden), H.R. 5231 (Hartley). See the memorandum « supervisory employees », drafted by the legal division, Section I, doc n°6, box n°4, Committee Management Files, RG 25, National Archives. In its report to Congress the board said : « These proposals are in direct conflict with the basic principles of the Act (they) would result in nullification of the right of employees to freedom in self-organization and would lead to an increase in industrial warfare », see section IV of the memorandum.

⁷ William Leiserson « What’s Evolving from Wartime Relations », p. 20.

⁸ Christopher Tomlins, *The State and the Unions...*, pp. 148-196.

⁹ James Beyerley, Packard Appellate Case Files, box n° 4819, pp. 472-473, RG 267, National Archives. Ira B. Cross, « When Foremen Joined the CIO », pp. 280-281. See also « Chrysler Says CIO Signs Auto Foremen », *New York Times*, 22/11/1939 ; « Chrysler Foremen Cause a New Crisis » *New York Times*, 23/11/1939,

political legitimacy the board had left on such a controversial issue. Instead, they decided, in the words of William Leiserson, to wait and see if foremen's unionism was more than "a mere flash in the pan"¹⁰. With no more than a thousand members the United Foremen Supervisors certainly wasn't worth an uphill political battle.

Towards a civil right to organize

The foremen's movement might be deprived of the protection of the State, but it did not lay dormant for long. By 1941, it had reemerged through the creation of two new unions: the MOUA and the Foremen's Association of America in the automobile industry¹¹. By 1942, strikes had erupted in the mining industry, idling thousands of miners. Meanwhile, the growth of the FAA was impressive –it had 350 members on the day it was created, 1,200 two months later, and 4020 at the end of 1941. By the end of 1942, it have would over 10 000 members¹². Thus by 1942, with economic mobilization in full swing, there was no denying that foremen's unionism was developing and that a clarification of the foremen's status was in order.

The NLRB first redefined the status of foremen in the *Union Collieries* case in June 1942¹³. In its decision, the board ruled that all assistant foremen, checkweighmen and night bosses were "employees", and constituted a separate bargaining unit with which the mine company executives had to bargain in good faith. Only general foremen were still classified as "employers". The reports filed by the field examiner and the regional director, who suggested this new definition, shed light on the rationale of the board's decision. None of the assistant foremen could hire or fire miners, and they did not take part in collective bargaining with the miners. Indeed, the reports also revealed that the mine pit generated a spirit of camaraderie among miners and foremen that separated this group from the general manager who never went down the mines. Moreover, the company, although it refused to formally bargain with the union,

« Chrysler Foremen Cause a New Crisis » *New York Times*, 23/11/1939 ; « Chrysler Asks CIO End Bid to Foremen », *New York Times*, 24/11/1939.

¹⁰ « We decided that we would wait and see if foremen really wanted to organize, or whether the movement was a mere flash in the pan ». William Leiserson, « What's Evolving from Wartime Relations », p. 20.

¹¹ The FAA was created at the River Rouge plant in December 1941.

¹² « Our original idea was to form a group in just our division of the company for the protection of our rights. All of us were working foremen who had no idea that our movement would spread through the Ford plants. Foremen whom we did not know personally, and had never heard of, would hear of it in other departments and divisions of Ford and voluntarily request membership...then even more astonishing to us, we began getting inquiries from foremen in other large Detroit Corporations. After inquiries, came demands for charters; something we did not have at the time. Moreover, we had more than 5,000 members before a single person was paid of his time and effort in handling the many details of membership activity ». Robert H. Keys, « Union Membership and Collective bargaining by Foremen », *Mechanical Engineering*, vol. 66, Avril 1944, p. 251. See also Carl Brown Oral History, Wayne State Library, p.10. FAA, pamphlet drafted for the 4th annual convention, Kheel Center, p.19.

¹³ *Union Collieries*, 41 NLRB 174, 1942.

had already met with union representatives and agreed to improve their status – hence there was some bargaining *before* the NLRB intervened. Finally the union threatened a strike that would idle 30,000 miners¹⁴. Clearly, the *Union Collieries* case was a good testing ground for a redefinition of the status of foremen. Four months later, in a case involving the foremen of the Godchaux Sugar Company, the NLRB went one step further. It reasserted the idea that all foremen who did not have the power to hire and fire were “employees”, and could form and independent bargaining unit even though this time the foremen were members of the same union as the rank and file workers, namely, the United Sugar Workers –CIO¹⁵.

Thus, by the end of 1942, Millis and Leiserson had sanctioned a new definition of the term “employee” that was pregnant with a transformation of labor relations in the workplace. Their decision thus requires some elaboration. While the decisions themselves provide little in the way of explanations, the two men often referred to the problems in speeches and letters throughout the 1940s. Three principles accounted for these industrial pluralists’ decisions.

First, the board had established very early on –and both Millis and Leiserson had supported the jurisprudence in that area— the principle that “there is no necessary conflict between self-organization for collective bargaining and the faithful performance of duty”. Thus had the board lent its support to the CIO’s forays in the white-collar ranks of engineers, time-study men, and many others in the 1930s¹⁶.

Second, their support of foremen’s unionism was underwritten by the idea that the right to organize was a *fundamental* right that could not be denied, one that existed before the New deal and that the Wagner Act simply reasserted. According to them, collective bargaining was crucial in that it bestowed on employees an industrial citizenship that was necessary both to provide them with economic security and to foster their faith in political democracy. Hence to Millis and Leiserson the question whether foremen really had the right to organize was moot. “(Foremen) “cannot, in a free country, be prevented from organizing”, he explained¹⁷. Thus, denying this right was denying them the equal protection of the law: “And just why are supervisory employees not entitled to equal treatment with employers and workers? Why should they be

¹⁴ Report by Homer C. Clay, the field Examiner, december 5, 1941, p. 4 ; Regional Director Report, november 3 1941, pp. 1-3, *Matter of Union Collieries*, case VI.R. 400, boxes n° 5449-5452, RG 25, National Archives

¹⁵ *Godcahux Sugars*, 44 NLRB 172.

¹⁶ See NLRB, *Seventh Annual Report*, p. 63. The NLRB upheld the organization drive of design engineers in *Chrysler Corporation*, 1 NLRB 164 and the rights of shift engineers in *General Motors*, 36 NLRB 439. On the CIO’s forays in the ranks of white collar employees, see Benjamin Stolberg, *The Story of the CIO*, New York: Viking Press, 1938, pp. 245-267.

¹⁷ Leiserson to Clark Clifford, undated file « Taft-Hartley », box n°40, Leiserson papers, Wisconsin Historical Society.

pushed around?”, he asked in a letter to Robert Wagner about congressional bills stripping foremen of the protection of the Act¹⁸.

Third, they believed that labor relations must always be *sui generis*, that is, that their task was not to define labor relations, but to promote industrial peace: “Whether foremen or any other group will organize, or should organize, will not be determined by any theory that you or anyone else works out. It will be determined solely by the way the men in those groups feel”, Leiserson later explained to a group of businessmen¹⁹. To Millis and Leiserson, there was no doubt that foremen organized because their social and economic status had been eroded by taylorism and the practice of collective bargaining. Steeped in a whiggish vision of history, they believed that foremen’s unionism was only one stage in the development of the collective bargaining process –which they saw as the essence of democracy—in American society²⁰.

Hence they were unswayed by businessmen’s argument that the “right to manage was at stake”. Indeed, they believed that if the objective of the Wagner Act was to substitute collective bargaining to industrial strife, then it would be illogical to promote industrial democracy and refrain to extend its benefits to foremen. As Millis argued, “Whatever may happen, any attempt to frustrate the legitimate desire for self-organization and collective bargaining by such groups can only be harmful to the cause of good industrial relations and efficient production”. Thus the idea that collective bargaining actually sustained the production process, which had been a staple of the new unionism advocated by Sidney Hillman, did not prevent industrial pluralists from contemplating the defection of the lower rungs of management.

To be sure, Millis and Leiserson were no socialists, and their political thought was undoubtedly moderate in that they sought to reform capitalism, not abolish it. Nor did they conceive of labor relations through the lens of class. Yet we must not overlook that they took the right to organize very seriously and were unwilling to ascribe sociological or organizational limits to it. In many ways, they envisioned not just an industrial democracy, but an *employment democracy* in which everyone working for wages would be granted a civil right to organize. By doing so, they sanctioned an evolution of the collective bargaining process also occurring in other countries, which French historians have termed *société salariale*²¹. By contrast, the third member of the Board Gerard Reilly, stood in dissidence precisely because he didn’t see why, based on the reasoning of Millis and Leiserson, all the managers and executives could not organize.

¹⁸ William Leiserson to Robert Wagner, July 9, 1945, box n° 1, « labor », Wagner Papers, Georgetown University. See also *Maryland Drydock*, p. 746.

¹⁹ William Leiserson, “What’s evolving...”, p. 23.

²⁰ This was an important component of industrial pluralist thinking through the 1970s. See Jean-Christian Vinel, *Les avatars de l’employé...*, pp. 408-430.

²¹ See Robert Castel, *Les métamorphoses de la question sociale*, Paris: Folio 1995, pp. 519-620.

The limits of expertise and the power of social pressure

Millis and Leiserson, however, were unable to garner the institutional and political support necessary to sustain their new definition of the term “employee” and their vision of labor relations. By 1943, businessmen —GM’s CEO C.E. Wilson foremost among them— were up in arms and called on Congress to legislatively overturn the decisions of the NLRB. Businessmen understood that foremen’s unionism, although still a nascent movement, constituted a threat to the control of the work process that scientific management had enabled them to take away from workers. Shop stewards had laready eroded much of the authority of foremen, and during the war, many managers complained that they no longer controled the production process. To them, foremen’s unionization was to be avoided by all means²².

In the bills submitted to Congress, businessmen sought to take advantage of their participation in the war effort to reaffirm the idea that it was both their duty and function to achieve and maintain maximum production —a task that could be acheived only if they enjoyed total control over discipline and production. For technical reasons, they argued, foremen, like all professional and executive employees, should not be allowed to join or form unions²³. C.E. Wilson even went as far as endorsing the Vichy government’s indictment of the French Popular Front, saying that the breakdown of discipline in the wake of the 1936 strikes had caused France’s fall in 1939.

The NLRB failed to fence off this assault, mostly because it was deprived of the means to do so. Indeed, for lack of studies, neither Leiserson nor Millis could really challenge businessmen’s assertions that foremen’s unions made for lesser production and lesser safety on the factory floor. Nor could they escape sharp criticism for holding that in mass production industries, foremen could be at the same time representatives of “employers” and “employees” with rights of their own. How could this dual status be worked out on the factory floor? Because they had held that foremen might join rank and file unions, the decisions of the NLRB seemed fuzzy, and the fact that foremen were to form collective bargaining units of their own were not enough to assuage the fears to which businessmen had given rise. In other words, the NLRB was vulnerable because while it had recognized that foremen had distinct interests from workers, it had not been capable of countering businessmen’s and the NAF’s argument that supervision was a management activity²⁴.

²² Indeed, GM ‘s C.E Wilson argued that if foremen were intent to organize, companies would have to reorganize the entire work process and do without them. See “The Foreman abdicates”, *Fortune*, 32, september 1945, pp. 1-5

²³ *Hearings before the Committee on Military Affairs*, House of Representatives, 78th Congress, 1943, p. 2.

²⁴ See for example Harry Coen, “The Foreman as Part of Management”, *Mecahnical Engineering*, April 1944, pp. 249-250.

Finally, the agency's decisions were weakened by court-like procedures, notadissenting opinion. Such practice dated back to the early days of the NLRB when the many lawyers staffing the board had adopted legal procedures which seemed to best represent the impartiality and neutrality of the administrative process. Yet in such a contentious issue as foremen's unionism, this practice was at cross-purposes with the idea that the agency worked for the public good in a disinterested fashion. Gerard Reilly's dissenting opinions further diminished the board's public standing as they legitimized businessmen's criticism.

Congress did not have to act. In March 1943, William Leiserson left the Board to go back to the National Mediation Board, where he could escape the institutional constraints of the NLRB and revert to the work he liked –mediation. To replace him, FDR named a businessman with no labor background, John Houston –an appointment which revealed FDR's preoccupation with congressional pressure and his wish to give the board a more conservative hue. On May 11, 1943, eight days after the arrival of John Houston at the board, the Maryland decision overturned the *Union Collieries* and *Godchaux* decisions. Foremen were now outside the province of the Wagner Act.

While Industrial Pluralists at the NLRB were unable to preserve this enlarged definition of the realm of collective bargaining, foremen forced a reckoning with their movement and their rights through social pressure. The strikes launched by foremen in war-related industries 1943-1944 –which often enjoyed the support, and sometimes the participation, of rank and file workers, and such an impact that by 1945, the Board had decided to revert to its previous position²⁵. Relying on the conclusions of a report issued by the National War Labor Board on the status of foremen in America, the Board announced in the Packard case that foremen actually made up a separate entity from labor and management, namely, supervision, and that only by classifying them as “employees” could their interests –and those of the country at large-- be safeguarded²⁶.

This important step towards a possible shift from industrial democracy to an “employment's democracy” was confirmed when Truman, in a widely publicized appointment, named another Industrial Pluralist to preside over the Board –Paul Herzog. No choice could have been more meaningful, for as a member of the New York State Labor Board, Herzog had supported foremen's collective bargaining claims. In several subsequent decisions, Herzog reaffirmed the pluralist ideal of peaceful and consensual labor relations, but he also stuck to the idea that foremen should not be denied the right to organize. Collective bargaining was the *solution*, not the *cause*, to the problems existing between management and foremen²⁷. As the conservative *Detroit Free Press* noted,

²⁵ David Levison, « Wartime Unionization of Foremen », pp. 121-224.

²⁶ *Packard Motor Company*, 60 NLRB 1, 1945.

²⁷ *Packard Motor Company* (2) 64 NLRB 204, p. 1216 : “Fear, perhaps more than self-interest, is a ready cause of industrial strife. In the long run, collective bargaining will tend to reduce both the cause and effect. Bargaining can only succeed, however, if responsible unions representing supervisory employees, once their legal rights are

however, such a ruling could obtain only temporarily, that is, until the end of the war²⁸. Indeed, it was clear that the NLRB would not have the power to secure this holding in the long run by itself.

The path not taken

Thus in the months that followed the end of the War, the possibility of a redefinition of collective bargaining existed. This possibility was reflected in the growing interest of foremen in unionism (polls suggested that up to 70% of foremen believed they should be allowed to join a union), in the CIO's decision to chart foremen's unions and in the treatment given to the foremen's unionism in the press –indeed, the image of foremen had been altered to the extent that numerous magazines such as *Personnel Journal* now considered a question that would have seemed eerie a decade earlier: “Is a foreman a worker?”²⁹. While there was no direct answer, it seemed obvious to contemporary observers that foreman unionism was no temporary aberration³⁰.

Opposing this view of labor relations were businessmen and even some liberals, who argued that the right to organize was not a fundamental right, but rather, as Justice Douglas put it, a “therapeutic device” designed to solve some of the social problems generated by taylorism. In this view, securing the cultural and technical integrity of management, and thus management's control of the workplace was of paramount importance. Collective bargaining should be a process involving two social entities –labor and management, and should be limited in its scope³¹.

This however, was an inherently political debate in which labor experts could only play a minor role. William Leiserson, Paul Herzog and Secretary of Labor Lewis Schwellenbach did argue in favor of foremen's unions in Congress, but to no avail. Indeed, two dynamics largely reinforced the businessmen's position after 1945. First, public opinion largely turned against labor unions –a movement that was already at work during the War and was largely accelerated by the 1946 strike wave. The Congressional elections held in 1946, in which Republicans regained control of Congress, paved the way for labor reform. Second, this growing insistence on industrial peace was compounded by the demands of foreign policy. As early as 1945, Truman insisted on the need to develop commercial exchanges with Europe to avoid a new depression, which meant garnering the support of isolationists in Congress and preparing for the Marshall Plan. Much to the dismay of union leaders, many liberals consequently

established, recognize the validity of some of management's special fears, and seek to dispel them by the terms of the ultimate bargain”.

²⁸ “Peace at Any Price”, *Detroit Free Press*, March 28, 1945.

²⁹ “Is a foreman a Worker?”, *Personnel Journal*, March 1946, pp. 345-347.

³⁰ « Foremen Warm Up to Union », *Business Week*, May 4, 1957, p. 57. See also “The Foreman Goes Union”, *The New Republic*, October 29, 1945, pp. 563-565.

³¹ See *NLRB v. Packard*, 330 U.S. 485, p. 494.

shed their commitment to the Wagner Act. On June 23, 1947, Congress amended the Wagner Act and specifically defined foremen as “managers”³².

Congressional politics alone, however, do not account for the eventual defeat of the foremen’s movement. Rather, the fate of this organization drive, and the future of the labor relations regime, was determined on the factory floor. Indeed, the Taft-Hartley Act was passed a few days after the FAA had launched a strike at the Ford factories in Detroit. Soon, it became apparent that the strike could not be won without the support of the UAW, which was itself involved in the negotiation for a new contract. In spite of the repeated demands of the FAA, however, the UAW refused to ask its workers to respect the foremen’s picket line. In many ways, the restrictive definition of the term “employee” that has underwritten the US labor relations regime in the postwar era was the product not of a union renunciation, not of industrial pluralists’ conservative views³³.

Conclusion :

By way of conclusion, I’d just like to offer a few remarks. I certainly do not mean to suggest that at the end of the war the social gap between foremen and workers had been narrowed to the extent that there were no longer any significant social or cultural obstacles to the integration of foremen and supervisors to the labor movement. In France, for example, where the labor unions extended a lawful hand to foremen in the late 1930s, they only met with limited success³⁴. Indeed, I believe that the problem of foreman’s unionism should not be framed only in terms of “labor’s sociological frontier”, because whether labor’s sociological frontier could have been expanded during WW2 is a matter of conjecture³⁵. Rather, I’ve sought to argue that the foremen’s movement was important in that it led to a possible redefinition of collective bargaining as involving a civil right to organize, an extension of the principles of industrial democracy beyond the blue collar world, which would have provided the right to organize with a legitimacy it did not have after Taft-Hartley. Industrial Pluralists such as Leiserson, Millis, and Herzog played an important role in opening this window of opportunity. Their failure to bring about the

³² This evolution was clearly at work in the fall of 1945, when the Labor-Management Conference was convened. See *President’s National Labor Management Conference, Official Report*, 1946, Labor Department Library. On the evolution of the post-war political climate, see also Gilbert Gall, *Pursuing Justice: Lee Pressman, the New Deal, and the CIO*, Albany : SUNY, 1999, pp. 192-262.

³³ See Jean-Christian Vinel, *Les avatars...*, pp. 371-375.

³⁴ See Luc Boltanski, *Les Cadres*, Paris : Minuit, 1982, and Simone Weil, *La condition ouvrière*, Paris:Gallimard, 1951.

³⁵ I therefore disagree with the perspective laid out by Nelson Lichtenstein in his recent *State of the Union*, Princeton : Princeton UP, 2002.

“employment’s democracy”, which they envisioned in response to the foremen’s organizing drive in turn alerts us to their relative political impotence.