

# Introduction

The employment of black workers by the railroad industry dates back to the years preceding the Civil War. Originally hired as a source of cheap labor and as a means of keeping the wages of all railroad employees depressed, blacks were nonetheless employed in a variety of occupations, from engineers to unskilled laborers. Despite this traditional employment of blacks by the railroad companies, beginning in the late nineteenth century, a deliberate campaign to eliminate them from the railroad industry was waged by the labor organizations, with assistance from the companies. This campaign was initiated with the formation of the Brotherhood of Locomotive Firemen and Enginemen and the Brotherhood of Railroad Trainmen, two of the major white craft brotherhoods.

As the different railroad occupations became unionized, the unions joined the brotherhoods in their discriminatory practices. With jurisdiction over the majority of railroad employees, including station employees, shop workers, track laborers, and dining car employees, the unions, such as the brotherhoods, excluded blacks from membership or relegated them to segregated locals and auxiliaries controlled by white locals. Within these locals and auxiliaries, blacks were often denied the right of representation at conventions, had no voice in determining working conditions, were forbidden to process the members' grievances, and in some occupations were refused promotion in shops where white helpers were employed. For their part, railroad companies offered little or no resistance to union discriminatory activities as long as such activities did not interfere with the economics of the railroad. When these activities did interfere, the companies responded with threats of increasing the number of black employees, particularly as strike breakers.

In 1910 the craft brotherhoods succeeded in breaking this stalemate with the railroad companies. Through strikes and threats of strikes they won labor agreements that resulted in drastic reductions in the kinds of jobs that blacks could hold and the numbers of skilled black workers. These agreements, coupled with the job opportunities opened up by World War I, caused a significant exodus of blacks from the industry. It was not until the federal government assumed control of the railroads for national security reasons and instituted equal pay for equal work rules that the exodus was halted. While motivated more by a concern for the developing labor shortages in one of the nation's vital industries during wartime, the government order, nevertheless, had a positive impact on the position of black railroad workers. After the war, however, labor organizations renewed their efforts to eliminate blacks from the industry.

Working with the U.S. Railroad Administration, the brotherhoods succeeded in establishing work rules that resulted in both the displacement and exclusion of many black workers. This situation was compounded by a series of agreements negotiated by the Brotherhood of Locomotive Firemen and Enginemen and several railroad companies in 1937 and 1941. The 1941 agreement, also known as the Southeastern Carriers Conference Agreement, or the 50-50 percentage agreement, was the most notorious. It in essence allowed the Brotherhood of Locomotive Firemen and Enginemen and the railroads to displace black locomotive firemen whenever a new train run was established, which could be done with uncontrolled frequency, as well as arbitrarily keep the numbers of black firemen down to 50 percent of all firing positions. In spite of its obvious discriminatory intent, the agreement was signed by representatives of the National Mediation Board, the federal agency with conciliation authority in the industry. This agreement was described by Herbert R. Northrup, author of several books on racial poli-

cies in the railroad industry, as the epitome of racial discrimination. Perhaps more than any other action taken by the unions and the railroads, this agreement served to galvanize black employees into taking legal steps to safeguard their future in the industry.

Over the years, black railroad workers had made several efforts to protect their jobs against the unions' attempts to force them out of the industry. Although reluctant at first to form labor organizations, they instead sought to ameliorate their situation by appealing to railroad executives and stockholders. The latter, however, did not respond in any way that significantly changed the position of black workers, who eventually recognized that forming their own unions would be the most effective means of protecting their jobs. By the early twentieth century, they began organizing themselves into all-black unions.

One of the first of these unions was the Association of Colored Railway Trainmen and Locomotive Firemen, formed in 1912. Between 1917 and 1939 other unions also were established, among them the International Association of Railway Employees, the Colored Trainmen of America, and the Southern Association of Colored Railway Trainmen and Locomotive Firemen. However, numerous problems confronted these unions. Perhaps the most pervasive was the lack of necessary political and economic power to force the railroad companies to negotiate with them in good faith. Consequently, the all-black unions were unable to win significant wage increases or to protect their members' jobs effectively.

The creation of the Fair Employment Practices Committee (FEPC) in 1941 was looked upon by blacks in the industry and others concerned with the racial policies of the railroads and the labor organizations as an opportunity to strike down the discriminatory labor agreements and employment policies. The hearings, which were not held until 1943 due to industry opposition, charged twenty-two railroads and four unions with discrimination. The railroads, while admitting the charges, defended their employment policies on the grounds that many of the questionable labor agreements had been negotiated with the assistance and approval of the government agencies, and that the practices were in keeping with the customs and practices of the areas in which the railroads operated. The unions, on the other hand, did not bother to attend the hearings, although seven sent written replies to the FEPC.

Following the hearings, twenty railroads and seven unions were ordered to cease their discriminatory practices. Additionally, those unions and railroads that were signatories to the 1941 Southeastern Carriers Conference Agreement were ordered to set aside the agreement. In response, the participants to the agreement refused to comply, denying the legal jurisdiction of the FEPC. The matter was then referred to President Franklin D. Roosevelt, who appointed a committee to mediate the dispute. That committee failed to achieve results, thus negating the legal and psychological impact of the FEPC hearings. Unwilling to act because of the exigencies of war and the powerful economic and political forces supporting the railroad companies, President Roosevelt did not order the industry to comply with FEPC orders. Similarly, the 1941 U.S. House Special Subcommittee on Education and Labor hearings on fair employment practices legislation had few concrete results. The hearings, chaired by Adam Clayton Powell, investigated the industry's Jim Crow practices. As with the earlier FEPC hearings, the unions refused to admit any wrongdoing in their policies toward black railroad workers.

During this same period, blacks also sought recourse from the industry's and unions' discriminatory employment practices through the courts. They were aided in their legal struggles by attorneys Charles H. Houston and Joseph C. Waddy of the Washington, DC, firm of Houston, Houston, Hastie and Waddy and by Archibald Bromsen of New York. These lawyers played a prominent role, not only in terms of legally challenging the railroad companies and unions in several lawsuits but also in organizing black railroad men to protect their jobs. Through their

initiatives the officials of five unions (Colored Trainmen of America, Association of Colored Railway Trainmen and Locomotive Firemen, International Association of Railway Employees, Dining Car Railroad Foodworkers Union, and Southern Association of Colored Railway Trainmen and Firemen) united to form the Negro Railway Labor Executives Committee (NRLEC) in 1948. The objectives of the committee were to collect, formulate, and disseminate information concerning black railroad employees and to determine effective actions to be taken. The NRLEC did not initiate any court actions; however, it supported the lawsuits that were filed by union members; published a newspaper, the *Negro Railway Labor News*; presented testimony in court and at government hearings; and, in general, took an activist role.

Among the numerous legal actions that black railroad employees brought against the unions and railroad companies beginning in 1939, two in particular were noted as having turned the tide in favor of blacks: *Steele v. Louisville and Nashville Railroad Company* and *Tunstall v. Brotherhood of Locomotive Firemen and Enginemen*. Both cases attacked the 1941 Southeastern Carriers Conference Agreement and established the right of fair representation and relief against discriminatory contracts. The decisions were ignored for several years by the Brotherhood and the railroad companies; nonetheless, they had an impact upon future public policy affecting the railroad industry.

While the majority of the lawsuits was directed at southern railroad companies, northern and western railroads were also guilty of discriminatory practices. Public pressure to eliminate discrimination, however, played a more crucial role in these regions and resulted in the passage by state legislatures of fair employment practice legislation and the establishment of state FEPCs.

The New York State Commission against Discrimination (SCAD) was one of the first (1945) and one of the strongest fair employment practices committees established. Headed by Elmer A. Carter, the commission succeeded in ending the restricted membership of the brotherhoods and the unions during the late 1940s. And, in the early 1950s, SCAD was able to get three of the largest eastern railroads (New York Central Railroad System, Pennsylvania Railroad, New York, New Haven and Hartford Railroad) and four labor organizations (Brotherhood of Railroad Trainmen, Brotherhood of Locomotive Firemen and Enginemen, Order of Railway Conductors of America, Brotherhood of Locomotive Engineers) to pledge their cooperation with the commission in its efforts to end discriminatory hiring practices on the railroads. Similar actions were taken by other state commissions.

While the impact of the legal victories won by the black employees, together with the activities of the state FEPCs, resulted in some progress toward changing the racial policies of the companies and the unions, overall the employment picture for blacks in the railroad industry did not significantly improve up through the 1950s, the period documented by this collection. Changes in hiring practices, promotions, and assignments to skilled categories were not effected as late as the 1960s, with the result that the majority of black workers remained in predominately service-oriented and labor occupations.