

Entry #2

1918, Sept.

Labn Dept *War Labor Policies* *387* *213*

RECOMMENDATIONS OF CONFERENCE OF CHAIRMEN OF LABOR BOARDS

September 17, 1918

wage scales
wage ad pattern
working
FIRST: All Boards regulating ~~labor~~ conditions on government work should be governed by the same standards for the same trades in the same localities as to the length of work day, pay for overtime, Saturday half holiday and general holidays. *meetings* *1*

wage ad pattern
working
SECOND: All Boards should attempt to standardize wages and other labor conditions, either nationally or in zones, and should keep informed regarding zones fixed by other boards and conform to them so far as practicable. *2*

THIRD: A clear statement as to national labor policy in reference to readjustments of wages to conform to changes in cost of living should be made by the resident. *5*

equitably fixed
FOURTH: The scales fixed by the various Boards for employees on government work should be ~~standard~~ and ~~not minimum~~ scales, with such reasonable variations as may be determined upon by the Boards concerned. *3*

representatives
FIFTH: A permanent Committee composed of ~~the~~ chairmen of all Boards should be established to meet at regular intervals for the purpose of exchanging information and promoting uniformity and stability in reference to matters under their jurisdiction. *working* *80*

shall
create a
SIXTH: Because of the important differences in conditions we believe there should be a substantial differential in favor of shipyard employees. *4*

committee
SEVENTH: Effective measures should be taken by the War Industries Board and other governmental agencies to prevent sub-contractors and firms engaged in non-war work from disturbing the standards established on government work by the labor adjustment boards. *7-8*

EIGHTH: Provisions in existing agreements not in harmony with the declared national policy should be modified as soon as practicable to conform to such policy. *9*

NINTH: The President should make a public announcement of the national labor policy as outlined above, and the reasons therefor. *9*

As amended at meeting
Sept. 20 - '18

September 18, 1918

Dear Mr. Coonley:

At the President's suggestion, Secretary Wilson called a conference of the representatives of all the labor adjustment Boards with a view to securing a concert of attitude and action in the decisions of these various boards. This meeting resulted in a further conference of the chairmen of the various labor boards with a view to formulating the elements of a national policy within the common field of action of these boards. As the result of this conference, recommendations were made to the Secretary of Labor for submission to the War Labor Policies Board. The recommendations are sought to be a basis of an expression of policy by our Board as the common voice of the industrial activities of the government.

I enclose herewith a copy of the recommendations and invite your special consideration because it is essential to take action thereon at the meeting of the Board on Friday next.

Faithfully,

Chairman.

Howard Coonley, Esq.

September 21, 1918.

Mr. Felix Frankfurter,
War Labor Policies Board,
Washington, D.C.

My dear Mr. Frankfurter:

The enclosed statement and letter to the Employment Service are self-explanatory. They should, of course, be read in connection with General Order B-8. Unfortunately I have only one copy but I am sure that one is available in your office.

I have had a talk with Miss Abbott about the whole question of the mobilization of leisure class women. She will very helpfully prepare a statement of her suggestions and on the basis of the talk which we have already had, I believe that she and I together, will be able to submit to you a practical working plan.

Sincerely yours,

Enc.2
MVK/AL

Mary Van Kleeck,
Director, Woman in Industry Service.

September 30, 1918.

SUGGESTED DRAFT OF STATEMENT TO BE USED AS A BASIS
FOR SUPPLEMENTARY ORDER FOLLOWING GENERAL ORDER B-8.

SUBJECT--Community Labor Boards and the Use of Women in Industry.

The procedure to be followed by the U. S. Employment Service in placing women in positions not hitherto customarily filled by them, shall be as follows:

JURISDICTION OF COMMUNITY LABOR BOARDS.

1. The Community Labor Board shall serve as advisors to the woman examiner in the local office in placing women in these positions.

STATE LABOR LAWS AND FEDERAL STANDARDS.

2. In determining the suitability of the work for women and the conditions under which it is proper for them to be employed, the decisions of the woman examiner and of the community labor board shall be in the nature of a local application of standards adopted by state departments of labor or federal agencies, especially the Woman in Industry Service of the U. S. Department of Labor, whose recommendations are recognized as the standards forming the basis for the placement work of the U. S. Employment Service.

DUTY OF WOMEN'S DIVISION.

3. It shall be the duty of the Women's Division of the U. S. Employment Service represented in most states by a superintendent

of the Women's Division and in the local offices by a woman examiner, to insure to women applicants protection in the kinds of places to which they may be referred and to inform employers and workers of industrial standards as set by the state law and by federal agencies, and to this end local employment offices and the community labor boards will be guided by the state superintendent of the Women's Division and the national director for women's employment in all questions arising as to the introduction of women into new occupations.

DUTY OF WOMEN EXAMINERS.

4. The woman examiner shall be a full voting member of the community labor board and shall present to the board all questions requiring their advice in securing and placing women employees.

PROCEDURE.

5. The woman examiner with the advice of the community labor board will at once outline a statement of the leading occupations in their community in which on the basis of their knowledge they believe women might be employed more extensively, or in work not now done by them, and will file these statements with the state superintendent of the Women's Division, who will consolidate the lists, indicating for each occupation named the localities listing it, transmit a copy to the national office, and at the same time as the state department of labor for their comments on the occupations listed.

6. The national office will transmit these lists to the Woman in Industry Service and secure from them a statement of information already available regarding the occupations listed and the plans for investigation of typical groups; and the national office acting with the

Woman in Industry Service will prepare promptly a statement of recommendations as to occupations in which women may be placed without special investigation, and a practical plan for securing promptly the essential information in those industries requiring special inquiry.

INVESTIGATIONS.

7. In order to avoid duplication of investigations the local offices of the Employment Service and the community labor boards should make investigations of industries only by direction of the federal government through their state director. This does not apply to visits to plants to ascertain conditions and make placements, but to investigations of an entire occupation or industry to establish standards.

VOTING POWER OF WOMEN REPRESENTATIVES ON COMMUNITY LABOR BOARDS.

8. The power of the women members to vote on questions concerning the utilization of women in industry is hereby extended to all questions which come before the community labor board.

The accompanying order outlines the scope and function of women's divisions in the Employment Service.

DEPARTMENT OF LABOR
OFFICE OF THE SECRETARY
WAR LABOR POLICIES BOARD
WASHINGTON

Memorandum for Miss Van Kleeck

From Mr. Frankfurter.

I know you have steam up, but I am very anxious that we should have the basis for the announcement of a proposed policy as to women from you as soon as possible -- in fact sooner.

VF

October 10, 1918.

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DEPARTMENT OF LABOR

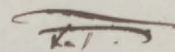
OFFICE OF THE SECRETARY

WASHINGTON

Memorandum for Miss Van Kleeck

From Felix Frankfurter.

You won't mind if I persist in
plaguing you about mobilization of leisure class
women. Do tell me soon the thing is moving.



Sept. 18, 1918.

Ans'd

September 21, 1918.

My dear Mr. Frankfurter;

As I think you will remember, we are calling a conference of women delegates of the international and national trade union organizations to be held in Washington October 4th and 5th for the purpose of taking counsel with the representatives of working women on the present crucial problems of women in industry. We are counting upon your being present at some time during the conference, at whatever hour you may find convenient. We want the trade union women to feel themselves a part of the war labor administration and to meet you as the spokesman for the group of departments represented in the War Labor Policies Board.

The number present will probably be small, not more than twenty or twenty-five, but they will be representative of large numbers of women in important industries.

Sincerely yours,

Mary Van Kleeck, Director,
Woman in Industry Service.

Mr. Felix Frankfurter,
War Labor Policies Board,
Washington, D. C.

MVK-IMP

September 17, 1918.

Memorandum

To: Mr. Frankfurter

From: Miss Van Kleeck

I have your memorandum of September 2nd in regard to obtaining statistics on women entering industries. I have been in touch with Mr. Lanson on this subject and hope that we may work out a desirable plan.

Mary Van Kleeck,
Director, Woman in Industry Service.

DEPARTMENT OF LABOR
OFFICE OF THE SECRETARY
WAR LABOR POLICIES BOARD
WASHINGTON

September 2, 1918

Memorandum to Miss Van Kleeck.

From Mr. Frankfurter.

I know you agree with me that we want to be sure to have the exact statistical check on women entering industries, the various industries in which they are entering, etc, etc.

I assume you know that the Industrial Relations Statistics are in immediate charge here under Mr. Lamson. I hope you will get in touch with him and work out the processes by which the statistical checks that you and I want on the situation are assured.

DEPARTMENT OF LABOR
OFFICE OF THE SECRETARY
WAR LABOR POLICIES BOARD
WASHINGTON

September 18, 1918

My dear Miss Van Kleeck:

I have an apology to offer you. I had hoped to see you at lunch so that I might explain in person, but you evidently were busy.

At the urgent request of Mr. Bell I had the Report of the Committee on Price Control, as revised by Dr. Moulton, Dr. Hamilton and Miss Abbott mimeographed and ready to send out upon your approval. Since you had signed the resolution and the objections you had made to the memorandum had seemingly been met, I felt that we were safe in getting the report ready so that it might be sent out Tuesday. Mr. Bell said that it must be delayed no longer.

When you were unable to keep your appointment yesterday afternoon I came back to the office and ordered the report sent out. The reason I said nothing when you telephoned was that I thought I could catch the messenger before he left, but was unable to do so. Consequently my humble apology.

You will notice that I did not affix the names of the Committee members to the report so if you feel strongly on the subject there is no reason why you should not present your views at the Board meeting, or have the Report referred back to the Committee.

Yours very cordially,

Clara E. Moulton

CEM:MHT

Miss Mary Van Kleeck
Southern Bldg.
15th and H; Sts.
Washington, D. C.

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September 24, 1918.

MEMORANDUM

FOR : Mr. Frankfurter, Chairman, War Labor Policies Board.
FROM: Miss Van Kleeck, Director, Woman in Industry Service.

I am enclosing for your information a copy of
our estimate of expenses for the year beginning July 1, 1919,
also a copy of the program for next year.

Mary Van Kleeck,

September 14, 1918.

Memorandum

To: Mr. Frankfurter

From: Miss Van Kleeck

I have already told you the substance of the attached telegram. I hope to have a chance soon for conference with Miss Goldmark.

Enc.

Mary Van Kleeck,
Director, Woman in Industry Service

September 14, 1918.

Memorandum

For: Mr. Frankfurter ✓

From: Miss Van Kleeck

I am glad to have your note about Mrs. Best.

As I am to be in New York on Monday I am sending her a telegram in order that I may have a chance to talk with her.

DEPARTMENT OF LABOR
OFFICE OF THE SECRETARY
WAR LABOR POLICIES BOARD
WASHINGTON

Memorandum

For: Miss VanKleeck

From: Felix Frankfurter.

The availability of Mrs. Ralph Best for the work of your Service has been brought to my attention by one in whose judgment as to professional competence in industrial matters I have high confidence. I myself know Mrs. Best and can speak strongly for her general qualities. Her specialized competence during the last few years has grown in a very thorough-going way. She is the person you will remember who compiled the material as to reconstruction work as it affects women in industry for the Women's New York ^{Committee of the} State Council of Defense, about which I spoke to you some time ago.

Mrs. Best is available after the middle of this month and inasmuch as she is sought for by others I wonder if you think it worth while to have her come down here and talk with you. If so, you might communicate with her directly. Her address is Bronxville, N.Y.

Sept. 9, 1918.

F.F.

September 13, 1918.

Memorandum

For: Mr. Frankfurter
From: Miss Van Kleeck.

The attached letter which I have sent to the Information and Education Service may explain itself. Quite by accident I learned that they were planning to carry the campaign to Niagara Falls. This letter is sent for your information, as I do not believe that any other action is necessary.

WAR LABOR POLICIES BOARD

September 12th, 1918.

MEMO

To: Miss Mary Van Kleeck,

From: George L. Bell

I am attaching a list of the committees of the War Labor
Policies Board.

August 20, 1918.

My dear Mr. Bell:

Attached is a copy of the revised resolution on prison labor which I was asked to draw up. As I arranged with you over the telephone, Mr. Whitin will take it to Mr. Frayne for final revision and approval. Mr. Whitin will also confer with the Labor Division of the War Industries Board, as I am called out of town to be gone until Friday.

Yours sincerely,

MARY VAN KLEECK,
Director, Woman in Industry Service.

WAR LABOR POLICIES BOARD

August 16th, 1918.

MEMORANDUM

To Miss Van Kleeck, Director, the Division of Women in Industry,
From Mr. Bell

This is to remind you that the Board detailed you to draw up a resolution in broad, generic terms regarding the employment of prison labor for Government work. It was Mr. Frankfurter's suggestion that you go over the matter with Mr. Frayne and then submit the resolution to him.

Your committee on "Enforcement of State Laws" was also detailed to draw up the form of printed lists of designated state officials which is to be attached to all Government contracts.

GLB

GLB:GIP

WOMEN IN INDUSTRY SERVICE.

July 24, 1918.

My dear Mr. Bell:

Confirming our telephone conversation this morning I wish to bring to your attention the very great need for continuous information as to the number of women employed in industry. We have no information except that of the census of 1910, and we have not even any basis for estimating the increased number of women employed since the last census, or the industries into which the proportions of men and women are changing most rapidly. It is quite obvious that basic statistics of this kind are essential in planning an adequate program to deal with the problems of women in industry.

The Women's Branch of the Ordnance Department took this matter up several months ago with the Commissioner of Labor Statistics and I think we were fully in accord with the agreement that there should be a centralized collection of necessary data, and it will seem very unfortunate if the collection of this information about women wage earners must be postponed very much longer.

As it will probably be necessary to have reports collected at regular intervals, preferably each month, the information asked for should be a minimum, and should be of the kind which does not require judgment in supplying it.

The facts which we should like to have are as follows:

- A. Number of Employees on April 1, 1917.
Males; Females; divided into office force and shop force.
- B. Number of Employees on April 1, 1918.
Males; Females; divided into office force and shop force.
- C. The same data gathered at monthly intervals beginning on May 1, 1918.
- D. In order to complete the statistics for 1917 up to April 1, 1918, it is suggested that each monthly report for one year should call for the corresponding figures for the same month of the preceding year.

If such information were available it would give a basis for estimating the number of women employed in industry, and would indicate the industries in which most ~~change~~ changes in the number of women employed were occurring, and would therefore show where investigations were needed.

Although it is of course desirable that all of the necessary material should be collected ~~conscientiously~~, it will be *simultaneously* unfortunate if the resulting inquiries combining material asked for by several different services should be so complicated as to defeat their own purpose. I am therefore inclined to urge that a very simple schedule of the kind which I have indicated, showing numbers employed and nothing else, be tried out with the possibility of supplementary schedules from time to time to secure more detailed information.

The New York State Department of Labor in collecting material showing fluctuations in employment, has had a very simple form which I am told has caused no inconvenience to employers and has therefore been satisfactory, filled out by a large proportion of the mailing list. A copy is attached, as it is suggestive for the work which we propose.

Sincerely yours,

Director, Women in Industry Service.

Mr. George L. Bell,
Executive Secretary,
War Labor Policies Board.

DEPARTMENT OF LABOR
OFFICE OF THE SECRETARY
WAR LABOR POLICIES BOARD
WASHINGTON

September 9, 1918

Miss Mary Van Kleeck,
Director of Women in Industry Service,
Ouray Bldg.,
Washington, D. C.

My dear Miss Van Kleeck:

We are planning to place under the direction of your service the morning session of Tuesday, October first, of the conference of state officials charged with the enforcement of state labor laws. The program for the morning is as follows:

Women in Industry

Discussion lead by Miss Mary Van Kleeck, Director of Women in Industry Service, Department of Labor.

1. Development of Women's Divisions in state departments.
2. Night work for women.
3. Introduction of women into hazardous occupations.
4. Outstanding problems.

These topics condense your longer list. We have found it necessary to shorten the list of topics submitted by all of the departments on account of the limitation of time. As you will note, we have omitted the first topic you suggested. We felt that this was the least important of your topics, as it would naturally be discussed in connection with the others. We are leaving any further arrangements about the discussion of your topics entirely with you. If you wish to consult further with us, will you kindly let us know?

You will be interested to hear that from our correspondence with the states, we feel that we can now count on having about thirty states represented.

Cordially yours,

Felix Frankfurter

Chairman

GH

Corrected Form

This copy to substitute for
one sent you Thursday,
September 12th. Kindly destroy
previous copy.

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September 9, 1918

Memorandum for Secretary Wilson

From Felix Frankfurter.

Subject: Need for the establishment of the National Metal Trades Board.

I. Existing Evils

The War Labor Policies Board came into existence partly because of the serious interference with production caused by confusion and dissatisfaction resulting from lack of centralized formulation and enforcement of war labor policies. Organized labor, industrial management and government officials voiced complaints because of chaotic conditions with respect to wages, hours and conditions of work. Laissez faire with respect to the aspect of production covered by industrial relations proved as obstructive to the prosecution of the war as laissez faire with respect to the unregulated supply of raw materials. Nor did multiplicity of agencies or regulation in parts of a field which has to be dealt with in its entirety give the needed relief.

At the heart of the difficulty were disparities as to wages, hours and working conditions as between plants and communities where no such differences were justified. For one set of workmen, working under substantially similar circumstances, to receive higher pay or enjoy shorter working hours than those prevailing in neighboring plants or neighboring cities is a condition inevitably leading to that sense of injustice which begets restlessness and is translated into impaired efficiency.

Moreover, plants left to themselves sought to meet their needs for more work by creating new differences as to pay and working conditions wholly disregarding of the general interest. The resulting avoidable labor turnover -- aptly called by Secretary Wilson "the individual strike" -- has been one of the greatest losses to the productive energies of the country. According to the officers of one of the most important crafts in the country, there has been a labor turnover of one-tenth of the membership of that organization every day -- a labor turnover covering the whole organization of more than 200,000 men once in ten days. Many wage changes have been made haphazardly and have tended to draw the vicious circle of increasing the cost of living through increase in the wage scales.

These general considerations are especially applicable to the Metal Trades Industry. We are here dealing with the controlling munitions industries. In this field it is of compelling importance that the most favorable conditions of stability should prevail. The reverse has been and is true. Different wage scales and standards of hours are contesting for mastery in different plants and in different communities where uniformity should prevail. So long as there was no central administrative authority such as is now placed in the War Labor Policies Board, there hardly could be harmony. Therefore disparities as to hours and wages and conditions gave us instability and inefficiency instead of stability and efficiency. The situation was further complicated in that two governmental agencies had been at work in part of the Metal Trades industry. The Macy Board (the Shipbuilding Adjustment Board of the Emergency Fleet Corporation) deals with the situation as far

as it affects the shipyards of the country. But of course in dealing with the metal trades in the shipyards it necessarily has a very vital influence on the industry outside of the shipyards. Conversely, the plants outside the shipyards, if left to their own devices and to the conflict of competitive forces, may and in many instances have undermined the authority of the Macy Board within the shipyards. The difficulties are enhanced by the existence of a similar board in the Railroad Administration and the experience and effect of that Board, within its own special field to a less degree, but in like quality, duplicated the story of the Macy Board.

2. Conference between the War Labor Policies Board and affected interests.

The War Labor Policies Board upon its organization was thus confronted with this situation not of its making. The war made it. The task ahead was stabilization. This meant the formulation of processes of regulation by one controlling authority as to that field of the metal trades now left unregulated, and the coordination of any new processes of regulation with the agencies of regulation already in the field, such as the Macy Board and the Railroad Board. To this end, some few months ago conferences were begun with representatives of the workers and of metal trades employers and of the production departments. These conferences have continued from time to time during the last three months and it is accurate to say they have served as most profitable educative contacts for those who participated in them. Workers, employers, production departments of the government depending upon sound labor conditions, members of the Macy Board and other adjusting

agencies were present and directed their efforts first to a full understanding of the situation and secondly towards finding a solution.

3. Proposal resulting from conferences

At the outset of the conference each of the two industrial forces sought acceptance of one or another phase of its own particular program, sought to write into Governmental action its own attitude as to hours, or classifications or basic rate. But as the problem was more and more studied and its difficulties better understood it became perfectly clear that there was no easy short cut, that we were dealing with a vast network of industry and that the whole complex of industrial relations in the metal trades industry must be dealt with if any portion of it was to be touched. In other words, it became plain that what was needed was a highly competent, continuing administrative process embodying the principle of representation of all the affected interests -- the public, workers and employers -- which should formulate the detailed policies and have the necessary power for enforcement. Stability, particularly in the fluid days of war time means continual watchfulness, continuous process of policy making and equipped machinery of enforcement behind such policies.

It was most gratifying that the extended conferences, which led to joint conferences with workers and employers, resulted in entire agreement as to the necessary method of dealing with the problem -- the proposal for the establishment of a Metal Trades Board to deal with wages, hours and working conditions in the metal trades not now regulated by the Macy Board and the Railroad Board.

The Board will be charged with the duty of preventing differences from arising by exercising a nation-wide power for formulating and enforcing the rules which should govern the metal trades as to wages, hours and working conditions. Of course in war times no policy can be a Procrustean bed. Such a board must have power to modify or change its awards to meet changing conditions, especially in the cost of living, but at all times the governing consideration must be the national interest -- the relation of the parts to the whole.

Both sides urged most strongly the importance of placing upon industry itself the responsibility for the maintenance of proper conditions in the industry. They, therefore, urged that the Board should be made up of an equal number of members nominated by each side, workers and employers, with the requirement of an unanimous vote. The public interest is to be represented by a chairman to be appointed by the President. The chairman, through his commanding authority, would have the great task of guiding the other members to the discharge of their responsibility. Mechanism for a decision is provided in case the members are in any case unable to agree among themselves.

The Board comes into a field which is partially covered by other Board which ought not to be supplanted or absorbed. Therefore, the duty is imposed upon this proposed board to secure a working relationship. In other words, it is charged with the duty of cooperative action.

A copy of the proposed memorandum of agreement for the establishment of the Board is herewith appended.

4. Attitude of employers and employees towards the proposal.

It is needless to say that such a comprehensive plan for stabilizing industry is a departure from the peace-time traditions and attitude of both sides in regard to industrial regulation. A committee of the National Industrial Conference Board and a committee of the Metal Trades Executives of the American Federation of Labor spent, as we have seen, a considerable time to master the problem and to reach their present agreement. The accredited representatives of both sides are now urgently enlisted behind this proposal as the only means of remedying evils that all recognize as being at the very heart of some of our production difficulties. Mr. James O'Connell, President of the Metal Trades Department of the American Federation of Labor thus expresses the agreement of the following organizations, affiliated with the Metal Trades Department,

"Blacksmiths and Helpers, International Brotherhood
Boilermakers and Iron Shipbuilders Int. Brotherhood
Electrical Workers International Brotherhood
International Union of Stationary and Operating Engineers
International Brotherhood of Foundry Employees
Machinists International Association
Metal Polishers International Union
International Molders Union
Pattern Makers League
Plumbers and Steam Fitters, United Association
Sheet Metal Workers International Alliance.

to the proposed plan:

" We have worked constantly and earnestly with this proposition for nearly three months. We have had as you know a number of conferences with your War Labor Policies Board, with sub-committees of your Board and with yourself and others interested in this work. We have had any number of conferences with the executive officers of the metal trades organizations at our headquarters and at our convention at St. Paul during the early part of June. We have given to this work our best thought because we are convinced that the work before the Board when created and in operation is of such a fundamental character, so broad in its scope, so far reaching in its effects as to give greater stability to industry, lessen the causes of disputes, materially

reduce the necessity of men ceasing work and beyond question of doubt reduce to a minimum the turnover in employment.

"I am in hopes that the others with whom you are dealing are meeting this proposition in the same purpose and spirit of fairness that I am pleased to convey to you has been displayed by all with whom I have come in touch."

5. Approval of Secretary Baker.

The whole plan was submitted in detail to Secretary Baker before his departure. The relative considerations and difficulties were placed before him and the plan has his approval.

Recommendations.

I earnestly urge speedy, favorable action upon this proposal and for these reasons:

1. Something towards stabilizing the Metal Trade Industry must be done.

2. There are left only three methods of solution.

- (a) One is the fixing of wages and hours by fiat.

This would not work. Even if it did it would run counter to every principle hitherto professed by the government. Our belief in the justice of democratic industrial processes is put to the test. We must have faith in those processes when the government, for the time being, has the dominant interest of an employer.

(b) The second method which might be urged is that the government should reach an agreement as to wage scales and hours with workers and employers. When our conferences began we had assumed that we could deal with the situation by this process of negotiation. The longer we considered it the plainer it became that the matter is broader than an ordinary wage agreement can cover. The problem is continuous and calls for a continuous administrative process, not for a single contract. The experience of the Macy Board has shown that the essential factors towards stability are an award based upon hearing, interpretation of the award (questions without number come up after an award is made) and the enforcing authority behind the award.

(c) We were therefore driven to the third method -- a continuing, administrative agency, and this is the proposal made. Of course such administrative body might be a board with jurisdiction to cover the entire metal trades of the country -- that is, to absorb the jurisdiction of the Macy Board as well as of the Railroad Board. But in the judgment of our conferences this seemed too ambitious a program to begin with. It was deemed wiser to have another board cover the field now left unregulated, but to enjoin the duty of cooperative action with the Macy Board and the Railroad Board with the eventual objective of a single unified agency.

By this proposal, it may be urged, the government would give authority to fix wages and hours to a board in which representatives of employers and employees have the controlling vote, and the interests of the two sides may lead to an agreement unfair to the public interest. This is a baseless fear. In the first place, although the men to be appointed on this Board would bring a specialized experience, they would represent the national interest and it is to be assumed that they would bring the same sense of responsibility to such national interest as do the officers in the production departments of the government. Secondly, while the financial interest of the employers at present is less than it is in peace times, concern for the days beyond the war is constantly in the minds of employers. They would not be likely to create interests now which would operate unfairly to them in the days to come.

In the opinion of those who have been through this long process of consultation, this proposal is the only method that will work. It is the only one which offers the assurance of substantial industrial stability in place of the present labor turnover and unrest, leading to inadequacy in production. Over and beyond that, however, it will furnish a most useful discipline and experience to habituate representatives of industry and of workers to democratic processes in industry. It would create that essential to just industrial relations -- understanding of the problems of management by the workers and understanding of the feelings and needs of the workers by employers. It would thus establish, as the accepted principle of American industrial life, the joint responsibility of workers and employers, and the opportunity of both to meet their responsibilities together.

DEPARTMENT OF LABOR
OFFICE OF THE SECRETARY
WAR LABOR POLICIES BOARD
WASHINGTON
1607 H Street

September 19, 1918.

For: Miss Van Kleeck
From: Mr. Frankfurter
Subject: *Procedure for* ~~Receipt~~ and dealing with request for certificates to employ women at night.

I have carefully considered the procedure outlined by you to carry into effective administration the plan recommended by the War Labor Policies Board in regard to the permissive employment of women at night. The essence of that plan is supervised administration - (1) As to the manner of production secured by no other method than the employment of women; (2) The assurances of safe-guards under which that unavoidable use of women is to be permitted.

The first requirement - the assurance that production can be had under no other condition than night work by women - must be determined by the Production Department. The second condition - the safe-guards - must be determined by the Secretary of Labor. Of course, the two dovetail and call for wise adjustment, but the method outlined by you loyally observes the plan of the Policies Board and gives security that the administration will be effective. I entirely concur with you.

COPY

NATIONAL WAR LABOR BOARD

Washington

September 9, 1918.

Hon. Felix Frankfurter,
Chairman,
War Labor Policies Board,
1607 H Street
Washington, D. C.

Dear Mr. Frankfurter:

After reading over many times the memorandum in regard to the eight hour day which accompanied the letter of Hon. W. B. Wilson, Secretary of Labor, of date September 6, 1918, I feel that, in justice to yourself as well as the American trade union movement, a clear understanding should be had as to your attitude as chairman of the War Labor Policies Board on the question of the immediate application of the principle of the eight-hour day.

Upon July 10, 1918, Mr. Thomas J. Savage, as Board Member and representative of the International Association of Machinists, received a letter from the office of the Assistant Secretary of the Navy containing the following language, which I quote verbatim:

"Mr Daniels instructed me to inform you that the Navy Department is a strong advocate of the eight hour day and believes it to be not only the proper basis for working hours from the standpoint of the employees, but also that steady, high rate production can be secured better under an eight hour day than in any other way. We have always recognized in all our settlements the basic eight hour day as a fair basis for adjustment."

Upon September 6, 1918, Hon. W. B. Wilson, Secretary of Labor, addressed a letter to the labor members of the National War Labor Board, in which he used the following language, also quoted verbatim:

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"The War Labor Policies Board has recognized that the eight hour day principle is a national policy and has therefore expressed itself in favor of the extension of that principle to work not now covered by law."

I therefore submit to you the following questions:

Question 1. As Chairman of the War Labor Policies Board, do you believe the basic eight hour day to be the proper basis for working hours from the standpoint of the employees?

Answer.

Question 2. As Chairman of the War Labor Policies Board, do you believe that steady, high rate production can be secured better under an eight hour day than in any other way?

Answer.

Question 3. As Chairman of the War Labor Policies Board, do you recognize the eight hour day principle as a national policy?

Answer.

Question 4. As Chairman of the War Labor Policies Board, are you in favor of the extension of that principle to work not now covered by law?

Answer.

Will you be good enough to answer these four questions with a plain "yes" or "no", or a simple statement that you cannot, or do not care to, so answer the same?

I should like very much to have an answer to these questions not later than tomorrow, since a clear expression of your attitude, as Chairman of the War Labor Policies Board, upon the eight hour day is involved in the submission of three cases to Hon. Henry Ford, Hon. Walter Clark and Hon. Charles G. McChord upon Tuesday, Wednesday and Thursday of this week.

Sincerely,

V. A. CLANDER

Representing all labor members of Nat. War Labor Bd.

September 9, 1918.

My dear Mr. Olander:

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I have your letter of inquiry of September 9th, putting to me categorically four questions in regard to my attitude toward the eight hour day. You are, of course, too fair-minded and too wise a person not to admit very readily that no man who conscientiously desires to answer questions relating to an important matter can disclose his mind merely by categorically saying "Yes" or "No" to questions.

If there is any one subject as to which my attitude should be perfectly clear to anyone who is desirous of knowing my attitude, it is, as you know, the question of the eight hour day. I have written in support of the eight hour day and have worked in its behalf for years. I have based my support upon the very solid grounds, to which I still adhere, that the eight hour working day not only is the best industrial standard, judged by the needs of production carried over an appropriately long time and dealing with industry properly managed, but that such a working day is also essential in order to give those opportunities for fruitful leisure, which along can give us an educated and responsible democratic citizenship.

I have hoped for a long time that the sound reasons back of the eight hour principle would prevail and that the eight hour day would be the accepted principle of the country's industrial life. I very strongly entertain that hope now. I regard the eight hour day, in the language of the President's Mediation Commission as "the established policy of the country." Naturally, therefore, I should want its administrative extension with every possible speed consistent with the guiding principles of the National War Labor Board, to wit, "due regard to governmental necessities and the welfare, health and proper comfort of the workers."

In the light of these general considerations I should like to have my specific answers to your specific questions considered, and it is with reference to these general considerations that I make my specific answers.

"Question 1. As Chairman of the War Labor Policies Board, do you believe the basic eight hour day to be the proper working basis for working hours from the standpoint of the employees?"

Answer. Yes.

"Question 2. As Chairman of the War Labor Policies Board, do you believe that steady, high rate production can be secured better under an eight hour day than in any other way?"

For obvious reasons, I am going to rephrase this question before answering, as follows:

Question 2. As Chairman of the War Labor Policies Board, do you believe that steady, high rate production by workers regularly employed can be secured better under an eight hour day than under longer working hours, where such shorter working day is in operation for a sufficient length of time to serve as a proper test?

Answer. Yes.

"Question 3. As Chairman of the War Labor Policies Board do you recognize the eight hour day principle as a national policy?"

Answer. Yes.

"Question 4. As Chairman of the War Labor Policies Board, are you in favor of the extension of that principle to work not now covered by law?"

Answer. I assume that this question implies that any extension would be made under the conditions allowing an appropriate time for necessary adjustments to the new conditions thereby created, and I therefore answer yes.

Cordially yours,

Hon. V. A. Olander

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(COPY)

NATIONAL WAR LABOR BOARD

Washington

September 5, 1918.

Hon. William B. Wilson,
Secretary of Labor,
Washington, D. C.

Dear Sir:

We beg to advise you that in conformity with the proclamation of the President under date of April 8, 1918, umpires have been selected in three separate controversies by the National War Labor Board, as follows:

International Association of Machinists vs. Wheeling Mold
and Foundry Company, Wheeling, West Virginia;

International Moulders' Union vs. Wheeling Mold and
Foundry Company, Wheeling, West Virginia;

International Moulders' Union vs. United Engineering Works,
Youngstown, Ohio.

The umpires and dates of hearing are, respectively:

Henry Ford, Tuesday, September 10th;
Hon. Walter Clark, Wednesday, September 11th;
Hon. C. C. McChord, Thursday, September 12th.

Upon the occasion of a recent hearing before an umpire, the claim was made by the employing interests that your Department, through its War Labor Policies Board, had voted a recommendation reciting that an attempt to put labor on a basic day rate of eight hours would interfere with and hamper the government departments in securing the supplies needed in the prosecution of the war.

Inasmuch as the subject matter of such alleged recitation is in direct conflict with the facts as found in exhaustive investigations prosecuted by the Department of Labor, as well as other governmental agencies, we respectfully request that you take such action as will fully advise the umpires of the truth in regard to this important matter.

Any communication, which in your wisdom you see fit to make, will be transmitted to the umpires through the National War Labor Board.

With assurances of our great esteem, we are

Respectfully and cordially,

Adam Wilkinson	T. A. Rickert
Thomas J. Savage	Wm. H. Johnston
V. A. Olander	Wm. L. Hutcheson
Labor Members, National War Labor Board.	

(copy)

DEPARTMENT OF LABOR

September 6, 1918.

Gentlemen:-

Referring to your letter of September 5, 1918, with respect to the position of the War Labor Policies Board on the subject of the eight hour day, I find that the Board has in no wise taken any action opposed to the eight hour day principle.

The action of the Board has been two-fold. First, it has effectively provided for the enforcement of the eight hour day statutes, and compliance therewith by manufacturers to the contracts to which, according to the rulings of the Attorney-General, the law applies. It has taken this action in order that the Government, in a unified and effective way, might eliminate the constant sources of friction resulting from frequent failures hitherto to comply with the statutes. Secondly, the War Labor Policies Board has recognized that the eight hour day principle is a national policy, and has therefore expressed itself in favor of the extension of that principle to work not now covered by law. It has sought to bring about the extension of this wise policy by the method of conference and agreement, and I find that it has been and is now engaged in inducing various industries of the country to adopt voluntarily the basic eight hour day. It is only fair to say that it has already accomplished substantial results in this direction.

I attach herewith a copy of a memorandum submitted to me by Mr. Felix Frankfurter, Chairman of the Board, and you are at liberty to use this letter, together with his memorandum, as occasion may deem such use appropriate.

Cordially yours,

W. B. Wilson, Secretary.

Hon. Adam Wilkinson Hon. V. A. Olander
Hon. Thomas J. Savage Hon. T. A. Rickert
Hon. Wm. H. Johnston Hon. Wm. L. Hutcheson
Labor Members, National War Labor Board.

Memorandum to the Secretary of Labor

From Mr. Frankfurter.

Subject: Resolutions of the War Labor Policies Board with respect to the Eight-Hour Day.

1. One of the very first matters considered by the War Labor Policies Board was the question of extending the eight hour basic day principle. The whole question was at that time in a most unsatisfactory state by reason of the fact that no governmental agency having power in the premises had as yet made a finding that the extension of the eight hour day would be beneficial. Such a finding was expressly made in the resolution of the War Labor Policies Board on the subject.

2. In connection with the practical application of this finding of the War Labor Policies Board, certain difficulties were encountered chiefly due to earlier action of other governmental agencies. The situation would have been a comparatively simple one if the report of the President's Mediation Commission to the President of the United States, dated January 9, 1918, had been made the government policy during the war. The President's Mediation Commission in this report had found in favor of the eight hour day in every dispute in which this question was an issue, and referred in specific cases to the introduction of the basic eight hour day as being "indispensable as a measure of national need" and as a "needed measure of social policy", and in its concluding recommendations stated specifically that "the eight hour day is an established policy of the country".

3. However, a few months later, the War Labor Conference Board whose members now constitute the National War Labor Board, deemed it unwise to go as far in this direction as had the President's Mediation

Commission. The War Labor Conference Board laid down certain principles and policies to govern industrial relations in war industries. The sole finding of the War Labor Conference Board on the specific question of the eight hour principle was that "the basic eight hour day is recognized as applying in all cases where the existing law requires it." The Conference Board, at the same time, however, recognized that this finding covered only a portion of the activities of war industries, but as to all other war work made no finding either in favor of or against the eight hour principle. It left the question of hours in all such cases for settlement "with due regard to governmental necessities and the welfare, health and proper comfort of the workers".

4. The War Labor Policies Board therefore found that although the President's Mediation Commission had made a blanket finding in favor of the eight hour day principle, this principle had not been adopted by the War Labor Conference Board, but instead that Board had found that as to all work not covered by the eight hour statutes, the question of hours should be settled with due regard to certain named factors.

5. In view of the principle thus adopted by the War Labor Conference Board, the contracting officers of all the production departments urged strongly upon the committee of the War Labor Policies Board, dealing with this subject, the inadvisability of putting the eight hour day into effect without notice to industry and without conferences with industry. It was urged upon the War Labor Policies Board that action thus taken without hearing and conference would be deemed arbitrary by manufacturers, particularly in view of the principles adopted by the War Labor Conference Board on the question of hours of labor and might result in curtailment

of production through the refusal of some manufacturers to seek further government contracts.

6. The War Labor Policies Board, while insisting upon the advisability of extending the eight hour principle to all war work, was compelled to adopt for this purpose one method applicable to war work covered by eight hour statutes and another method applicable to other war work. The War Labor Policies Board thus recognized the distinction made by the Eight Hour Law of 1912 which had been repeatedly pointed out by the Attorney General of the United States, the legal advisor of all government departments, which had been uniformly applied by all the contracting offices of the Government and had been accepted by the War Labor Conference Board in laying down the principles and policies to govern the relations between workers and employers in war industries for the duration of the war.

7. But while recognizing such a distinction, the War Labor Policies Board found that whatever reason there may have been in peace times for such a distinction, there was no justification for such discrimination during the present emergency. The Policies Board in consequence urged that the difference should find expression only in the method of obtaining precisely the same result for both classes of government work.

8. The War Labor Policies Board, therefore, made it clear at the outset of its report that the workers of the country would be stimulated to greater efforts and higher production if the existing unrest due to the distinction made by the eight hour statutes could be removed, and the eight hour principle made universally applicable. The report of the War Labor Policies Board further stated that no reason exists at the present time for the distinction made in the statute passed six years ago. The

report said - "From the point of view of the government no reason exists at the present time for the distinction between the different classes of government work Today the whole problem has become one of manufacturing and hardly any articles are purchased ready made. It is no longer necessary for the protection of the government to except articles that are usually purchased in the open market from the eight hour law."

9. In considering first the government contracts falling within the eight hour statutes, the War Labor Policies Board deemed it wise to go beyond a mere reaffirmation of the eight hour principle. It went further and provided specific methods for dealing with the frequent failure to comply with the eight hour statutes which its committee found existing. The Policies Board required that every government contract to which the eight hour statutes are applicable should contain a specific provision stating that these statutes and the presidential orders on the subject were applicable to the contract in question and making failure to comply therewith a vital breach of the contract.

10. As to government contracts to which the eight hour statutes do not apply, the War Labor Policies Board expressly reported that a uniform application of the eight hour principle -, "would tend to eliminate one of the most serious causes for labor trouble". Having regard, however, to the advice of the Government Production Departments that an arbitrary decree in accordance with this view might lead to a refusal by manufacturers to take further government contracts and would thus - "seriously interfere with and hamper the government departments in securing the supplies needed in the prosecution of this war", the War Labor Policies Board pro-

vided that the whole subject should be taken up with manufacturers engaged in producing government supplies with a view to seeking cooperative extension of the eight hour principle. (4)

11. The War Labor Policies Board did not find that the extension of the eight hour principle would mean a lessened output on the part of workmen. On the contrary, the Policies Board was of the opinion that by the extension of the eight hour principle one of the most serious causes for labor unrest would be removed and that thus the output of workers would be increased. But the Policies Board was compelled by the very serious danger of a withdrawal of war industrial plants from war production (however unpatriotic such move may be deemed) to recognize that the extension of the eight hour principle without notice to manufacturers and without conferences with them and their workers might result in a serious curtailment, at least for a period of time, of war production. The resolution of the Policies Board looking to such conferences eliminates this danger.

12. Prior to the action of the War Labor Policies Board there were no effective means in existence for enforcing the provisions of the Executive Order nor was any effort made to secure uniform extension of the eight hour principle outside of the field covered by the statutes. The War Labor Policies Board, therefore, was the first governmental agency (1) to provide for the effective enforcement by all government production departments of the basic eight hour day where existing law required it, and (2) to create machinery looking to the extension of the eight hour principle to all government contracts by the cooperation of workers and manufacturers.

Felix Frankfurter.

September 6, 1918.