



# Ex Post Facto

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## Arming Goons: Mayor Phelan Arms the Strikebreakers in the 1901 City Front Strike

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On September 29, 1901, after several weeks of impasse, strikebreakers armed by the city of San Francisco shot and killed five strikers of the City Front Federation (CFF). The Employer's Association (EA), whose membership was secret, imported the gunmen to the city waterfront in order to defeat a coordinated, four-month-long strike by dockworkers, sailors, warehousemen, and the new Teamsters' union, all of whom allied under the CFF. San Francisco Mayor James D. Phelan declared the strikebreakers "special deputies," armed them with guns, and gave them the protection of the city police. After weeks of confrontation, they finally opened fire on strikers. In the aftermath, California Governor Henry T. Gage stepped in to mediate the strike by immediately ordering a closed meeting between CFF representatives and the pro-management and Employer's Association-affiliated Draymen's Association (DA), threatening all parties with martial law.

These extraordinary events were the result of the EA's determined attempt to break the growing power of unions in San Francisco, especially that of the striking Teamsters, and to dictate to labor the conditions under which workers would or would not be employed. The EA's tactics of bringing in strikebreakers and replacement workers grew out of a contemporary national trend by management organizations known as the "open shop movement," which sought to prevent expanding labor organizations from gaining more control over the workplace and from strengthening unions around the country. However, the shooting of the strikers provoked local outrage, which directly impacted the balance of political power in San Francisco. The subsequent victory of the San Francisco Union Labor Party (ULP) in the mayoral race demonstrated that the EA had grossly miscalculated the effect of repressing the unionists. Their error, and Phelan's use of the police as strikebreakers, effectively determined that union labor would dominate San Francisco's political scene for the next twenty years.<sup>1</sup>

The 1901 San Francisco City Front strike developed from tensions between the city's growing unions, and their employers who grew ever more threatened by organized labor's demands. This tension also reflected

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<sup>1</sup> Walton Bean, *Boss Ruef's San Francisco: The Story of the Union Labor Party, Big Business, and the Graft Prosecution* (Berkeley: University of California Press, 1952), 1-27; Michael Kazin, *Barons of Labor: The San Francisco Building Trades and Union Power in the Progressive Era*, Illini Books Edition (Urbana and Chicago: University of Illinois Press, 1989), 3-59.

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national attempts by employers to undercut union power through the "open shop movement," a major effort to destroy the unions' ability to secure a "closed shop" (one which only employed union workingmen) by bargaining, by striking, or by any other means. Employers throughout the nation grew more insistent on the issue, usually asserting that the unions should be prevented from having any say in the economic decisions made by capitalist planners, including decisions over hiring and firing. The "open shop," according to employers, would actually guarantee greater freedom for the workers because no one would be turned away merely because they did or did not belong to a union. However, union leaders in San Francisco believed that the EA's support of the Draymen's demands was nothing short of an attempt to destroy the ability of workers to form unions. The CFF, under its president Andrew Furuseth, published an advertisement that ran daily in the San Francisco *Examiner* until the end of the strike on October 3. In it, Furuseth condemned the EA's role and the Draymen's intransigence, accusing them of threatening, via their "open shop" demands, to undo the very right of workers to organize into a union. For labor, there was no response to this attack except to strike.<sup>2</sup>

The City Front strike began in May 1901, when six thousand restaurant workers and metal tradesmen struck their shops. The Employers Association helped stoke the fire by lending financial and advertising help to the affected employers. By the time the International Association of Machinists (IAM) went out on May 20, the EA provoked several thousand more union workers to anger, workers who supported the IAM when it shut down the city's shipyards, machine shops, and foundries.

Allies to labor's cause soon joined the picketing. The newly formed Brotherhood of Teamsters raised \$8000 for the IAM, while the EA-affiliated Draymen's Association sought a way to break the growing power of the team drivers. When the Teamsters protested the Draymen's hiring of non-union workers to haul the baggage of a youth group in July, the EA gave them the simple choice either to surrender the closed shop or to be locked out. The Teamsters responded by walking out *en masse*, and the San Francisco Labor Council (SFLC) directed the affiliated unions of the City Front Federation to join the strike. Sailors, longshoremen, and warehousemen dutifully walked out, immediately paralyzing the entire waterfront. At least thirteen thousand people were now out on strike, and when the EA brought in non-union laborers and strikebreakers, violence between strikers and the "small army of scabs" became a daily fixture on the picket lines.<sup>3</sup>

Facing pressure from the entrenched EA as well as from unapologetic unionists, Mayor Phelan offered to mediate the strike, to no avail. The employers would not change their open shop stance, and the CFF would

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<sup>2</sup> Andrew Furuseth, "Workingmen, Read This!", *San Francisco Examiner*, September 27 to October 4, 1901.

<sup>3</sup> Kazin, *Barons*, 54.

not sacrifice their goal of a completely “union shop” city, creating an impasse. Phelan also suffered from calls to ensure civil order and protect private property—in a city whose major business districts were consumed by daily street battles, this proved to be quite difficult. He settled on what he assumed was the most prudent course, and authorized the swearing in of strikebreakers as “special deputies,” complete with badges, clubs, and guns. Furthermore, he instructed the regular police to accompany strikebreakers to their jobsites and protect them from angry strikers.<sup>4</sup>

Phelan’s action both failed to stop the violence and enraged the strike leaders, who routinely accused the “specials” of brutality and criminal associations, as well as gambling, drunkenness, and disorderly conduct. Official help was not forthcoming, however. When union officials visited Phelan to protest the scabs’ depredations against pickets under color of authority, the mayor is said to have admonished them that “[i]f you don’t want to be clubbed, let them get back to work.”<sup>5</sup>

Phelan’s attitude alienated San Francisco’s labor community, and would prove to be pivotal in determining the city’s political direction for the next two decades. The violence grew by the day until September 29, when a gun battle erupted on Market and Post Streets between strikers and some of the “specials.” Nine men were named in the papers as falling to strikebreaker bullets, including teamster Ward Miller who was said to be “mortally wounded.” But the death toll eventually rose to five, with many “dozens” more presumed to have been wounded and carried from the field by their comrades.<sup>6</sup>

Phelan’s tactics failed to resolve the situation, and cries went up from both sides to call in the National Guard to restore order. Governor Henry T. Gage chose this moment to intervene, and summoned the two main combatants, the Teamsters and the Draymen’s Association, to meet and settle the strike. He is said to have threatened to declare martial law at labor advocate Father Peter Yorke’s behest, which would have completely ended all economic activity in the city and been a disaster for all parties concerned.<sup>7</sup> Gage specifically excluded the Employer’s Association from the talks, which may have aided the parties to reach an accord. The next day the major papers printed an announcement from Gage that the City Front Federation and the Draymen had reached a settlement, that both parties had signed on to the pact, and that the strike was over. The details of this agreement were never made public, but its announcement was greeted by both pro-labor and pro-EA newspapers as a welcome relief to some dozen weeks of conflict.

For labor, the strike appeared to produce mixed results. The SFLC did not obtain its main objective, in that the open shop was still allowed

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<sup>4</sup> San Francisco *Bulletin, Chronicle, Examiner*, June-October, 1901.

<sup>5</sup> Father Peter Yorke, *Examiner*, September 30, 1901.

<sup>6</sup> *San Francisco Call*, September 29, 1901; *Examiner*, September 30, 1901.

<sup>7</sup> Kazin, *Barons*, 56.

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and employers could proceed to hire non-union labor if they wished. However, they could not exclude workers just for being union. The *Labor Clarion* reported that the Teamsters had actually gotten the best of the deal, because from then on they did not have to come in to work in the stables on Sundays.<sup>8</sup> However, the “open shop” was preserved and the EA promptly declared victory and dissolved itself.

While the strike was thus formally resolved, however, its effects continued. The mayoral election was scheduled for early November, less than a month away. In a tragic irony for the mayor, Phelan, who had claimed a defense of civil order in commissioning the “specials,” could not find any support for his nomination, not even from his own Democratic Party. With Phelan forced to drop out of the race, the Democrats nominated Joseph A. Tobin for mayor. The Republicans nominated Asa R. Wells. And a new party called the Union Labor Party nominated a political unknown, Musician’s Union president Eugene Schmitz.

The ULP had been formed as the strike unfolded. Over the course of its first few months of existence, it was directed by as many as three different groups. The strongest factions seeking to control it were led by Abraham Ruef, a Jewish Republican attorney with political ambitions frustrated by the GOP elite, and Michael Casey, president of the Teamsters Union. Ruef eventually bowed out of the contest in favor of Casey, but maintained a great deal of influence in the campaign. Candidate Schmitz was Ruef’s client and close friend, and it was from Ruef that Schmitz took most of his counsel. Ruef convinced Schmitz that he had a realistic chance to be San Francisco’s mayor. Ruef would dominate the headlines for his key role as instigator and tempter in the notorious “graft prosecutions,” which a vindictive Phelan would call down on Schmitz, Ruef, and others in 1906.<sup>9</sup>

Casey and Furuseth, still angry at Phelan’s pro-employer collusion, had arrived at a major reevaluation of the city’s political reality. Like other staunch but conservative union leaders, such as P.H. McCarthy of the powerful Building Trades Council (BTC), they initially opposed a party from the ranks of Labor, fearing that it would endanger good relations between wealthy employers and union organizations. But the events of 1901 had taught them that their interests were not being fairly represented in San Francisco’s business-friendly government. A Furuseth in particular came to believe that labor, in order to obtain the best protections of its natural rights, had to hold municipal political power on equal terms with their once and future employer rivals—that labor had to have a hand in

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<sup>8</sup> *Labor Clarion*, March 1, 1912.

<sup>9</sup> Phelan’s crusade, the disastrous legal pursuit of the ULP leaders, was made possible with the help of President Theodore Roosevelt, who lent Phelan moral support, along with a Special Federal Prosecutor. When prominent business interests, including Railcar tycoon Patrick J. Calhoun, were finally implicated, the trials were quietly dropped; only Ruef would serve prison time.

governing the city. Where once Furuseth opposed labor politics because they smacked of socialist activism, class struggle, and “class government,” he now thought otherwise, explaining that “I found that we had a class government already, and inasmuch as we are going to have a class government, I most emphatically prefer a working-class government.”<sup>10</sup>

McCarthy also opposed the ULP, because his rivals Casey and the SFLC were eagerly supporting it. McCarthy’s BTC went so far as to propose Socialist Labor Party nominees as alternatives, but settled on endorsing the Democrat Tobin.

In the three-way election of 1901, Schmitz won by a substantial margin, winning twenty-one thousand votes to the second place finisher’s seventeen thousand.<sup>11</sup> While the ULP captured only three of the eighteen supervisorial seats, this was temporary. By 1905, the ULP controlled all of City Hall, holding the mayor’s seat (Schmitz) and every seat on the Board of Supervisors. San Francisco became a union-run city, the first of its kind in the United States.

The ULP’s record as city leader would prove quite mixed. It attempted to increase the number of city-run industries, such as water, power, phone service, and train lines, but it was continually hounded by rabid corporate privateers such as Patrick J. Calhoun, who sought court injunctions to prevent the city from taking over control of its own infrastructure.<sup>12</sup> While Schmitz would prove less corrupt than most other San Francisco mayors, he was made vulnerable by Abe Ruef’s notoriety and penchant for backroom negotiations and patronage. Schmitz served some weeks of imprisonment after the graft trials, before his conviction was overturned. But Abe Ruef, the speaker of at least seven languages, the valedictorian of his class at Berkeley, who wrote his dissertation on “The Purity of Politics” and on doing one’s civic duty, would spend seven years in prison, four and a half of them at San Quentin. He was the only one of dozens of the graft suspects to serve any protracted sentence.

Union labor itself, however, remained powerful and protected. Though Schmitz had to relinquish office in 1906 thanks to James Phelan’s and Fremont Older’s anti-graft crusade, the ULP maintained its popularity among San Francisco’s motivated working classes. When P.H. McCarthy himself came around to the ULP ticket he proved highly popular, and won the mayor’s race in 1909. Whether in or out of office, his BTC maintained their near-monopoly on hiring practices and working conditions, and a building trades union card was required for nearly every construction job

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<sup>10</sup> Kazin, *Barons*, 57.

<sup>11</sup> Bean, *Boss Ruef’s San Francisco*, 26.

<sup>12</sup> Grandson of John C. Calhoun, the South’s most famous defender of slavery, Patrick would become a prime target of the graft prosecutors.

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in San Francisco until after World War I. The rest of the city's union organizations would also, in general, remain quite powerful.<sup>13</sup>

This demonstrated how much Phelan had damaged the cause of "union-free" industrialists by protecting the strikebreakers. When the clamor of the National Employer's Association for the "open shop" finally reached San Francisco, resistance from the city's workers arose swiftly, and thousands who supported the CFF in the 1901 strike soon joined the call for a city run by its own Labor Party. When Phelan armed the "specials" and the "specials" shot the strikers, his fate as the "Progressive" mayor was sealed. San Francisco's most powerful labor groups now entered municipal politics, which they had previously shunned, specifically because Phelan had betrayed them. Phelan had destroyed the public's confidence in city administration, and in non-union municipal justice, by siding with the unionists' enemies. Union workers and their leaders felt they had no choice but to win the government's offices by electoral storm, and run the city themselves. To the friends of labor around the country, a major victory had been won when the wave of the national "open shop" had briefly arisen, only to be broken on the powerful Western coast.

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<sup>13</sup> There were exceptions. For example, when in 1907 the Railway Carmen went on strike against Calhoun, the (non-ULP) mayor allowed armed strikebreakers to enter the conflict as Phelan had. In the resulting violence twenty-five strikers were killed, hundreds wounded, and the Carmen's union was broken.