Wars of Attrition

Vietnam, the Business Roundtable, and the Decline of Construction Unions

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Sources of Power of Militant Business Unionism

When making an investment, about the only thing that concerns the investor is: Will it pay? ... We as investors are not concerned about whether the company is an insurance company, a stock or other corporation....

When we become members of Organized Labor, we are investors in the biggest paying proposition that we could have chosen for our investments. We looked over the available information, sized up our chances, became satisfied of the solvency of the organization...and decided...that here was a good investment.¹

Like the old-style competitive businessman, whose historical shadow he is, the business unionist pursues his particular narrow interests with no thought for the interests of society or even for his own industry, much less for workers as a class.²

I don’t think any special-interest group is qualified to run the Government. I don’t think General Motors should run the Government, and I don’t think the AFL-CIO should run the Government.³

Building trades unions have long been regarded as representing the archetypical business or pure and simple unionism, which focuses exclusively on the interests of the workers of a particular craft or industry by engaging in the business of supplying their labor to employers at the best possible prices secured by contracts, while disregarding the structure and distribution of class power, the welfare of nonmembers, or perhaps even the long-range interests of the union’s own members.⁴ Unions can neglect these more encompassing goals without visibly losing their legitimacy under only certain historical conditions: the dominant socioeconomic

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trends do not adversely affect members; no technological or organizational changes are looming that would render the indefinite continuation of union policies implausible—in other words, there is no reason to believe that long-run interests diverge from short-run interests; and the exclusion of some workers from membership is not viewed as harming organized workers’ interests.  

Even if “trade-unions,” as President Samuel Gompers reported to the AFL annual convention in 1896, “are the business organizations of the wage-earners,” construction workers’ intransigent self-regarding militance may have jeopardized the stability of the societal status quo to which they were allegedly committed. Whether construction unionists have in fact acted as good businessmen in organizing the sale of their labor power remains to be seen.  

CONSTRUCTION UNIONS’ ORGANIZATIONAL STRENGTH

Trade unionists have construed solidarity to mean an exchange of services: “You help me to get more wages, and I assist you in turn.” But this is very far from touching the real solidarity of interest of the working class.  

The experienced builder...sees the prematurely aged building mechanic, sometimes a pathetic figure, standing on the sidewalk week after week, in the furtive hope that a job commensurate with his now narrowed abilities is available for him. Unionism seems to have done little or nothing toward the solution of this, the most vital of problems.  

The construction industry has never been universally organized—not until the end of the 1930s, for example, did unions enter the traditionally open-shop highway construction sector and only after World War II did they make concerted efforts to organize the sector—but since the end of the nineteenth century, building trades unions have constituted the largest segment of the organized labor movement

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5If the quotation is accurate, business unionism was taken to its absurd logical conclusion in the following statement by an unidentified union negotiator: “‘If we have only ten men out of a thousand working, that is all right, provided they are the ten highest paid men ever.’” Gilbert Burck, “The Building Trades Versus the People,” 82 (4) Fortune 94-97, 159-60 at 96 (Oct. 1970).


7That their business partners take the metaphor seriously is clear from the high praise that Bechtel’s vice president for labor relations bestowed on the new president of the Carpenters—an excellent businessman who could have succeeded in any business. Telephone interview with Kenneth Hedman, San Francisco (Mar. 12, 1999).


9W. A. Starrett, Skyscrapers and the Men Who Build Them 295 (1928).
in the United States.\textsuperscript{10} From 1897-98 into the Great Depression (1929-31), they accounted for 15 percent to 27 percent of all union members and 14 percent (1898) to 33 percent (1929-30) of all AFL members.\textsuperscript{11} During the next three decades, construction unions increased their representation within the union movement.\textsuperscript{12}

Table 12, based on a different criterion, shows construction union members who actually worked in contract construction as a proportion of all U.S. union members from 1956 to 1978. The membership so classified amounted to about two-thirds of the total membership of the construction unions. Throughout the Vietnam war period, then, construction unions accounted for about one-sixth of the total AFL-CIO membership and a little less than one-seventh of the entire unionized labor force in the United States.

The degree of unionization among construction workers is, for several reasons, difficult to calculate. First, the membership figures published by unions include a large number of workers who worked in Canada or outside of the construction industry.\textsuperscript{13} Second, these published data include all dues-paying members even if they were retired. Third, the figures do not make it clear whether the members were unemployed at the time they paid dues. This point is especially relevant because this particular overcount means that the degree of organization would automatically rise during recessions as a constant membership is divided by declining employment. And fourth, since the average annual employment represented about one-half of those who work in construction in the course of a year, a question arises as to the appropriate denominator.\textsuperscript{14}


\textsuperscript{11}Calculated according to data in Leo Wolman, \textit{The Growth of American Trade Unions} 110, 120 (1924); Leo Wolman, \textit{Ebb and Flow in Trade Unionism} 172-75, 198-99, 232-33 (1936); U.S. Bureau of the Census, \textit{Historical Statistics of the United States: Colonial Times to 1970}, Pt. 1, ser. D 944 at 177 (1975). According to John Commons, "Is Class Conflict in America Growing and Is It Inevitable?" 13 (6) \textit{AJS} 756-83 (May 1908), unions had practically disappeared in trustified industries and were still found only in the building trades, railroads, mines, docks, and the fringes of trusts.

\textsuperscript{12}Calculated according to data in Leo Troy, \textit{Trade Union Membership, 1897-1962}, tab. A-1, A-2, and A-3 (1965). The data in Wolman and Troy are not comparable since the former are based on union reports whereas the latter used per capita tax payments as an indicator of membership; they also differ with regard to the unions selected as belonging to building and construction. On the building trades as the core of the AFL, see Philip Taft, \textit{Organized Labor in America} 203-205 (1964).

\textsuperscript{13}In the Carpenters union, for example, only slightly more than half of all members worked in the construction industry in 1936. Galenson, \textit{The CIO Challenge to the AFL} at 519.

One way of dealing with these methodological problems is to subtract these misleading subgroups, insofar as they can be quantified, and to set the remainder in relation to the average annual employment in construction. The final result is still subject to great uncertainties, but the deficiencies in the sources are unavoidable. Table 13 presents an illustrative calculation of the membership of the 17 member unions of the BCTD for the year 1970.

If half of the Canadian and retired members are subtracted from the estimated number of construction union members working in construction, the total number of organized workers was about 2.4 million in 1970. They represented about 85 percent of the average annual employment of 2,820,000 that year. Even this adjusted proportion appears excessively high, especially since it would have approached 100 percent in the winter months.

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### Table 13: Membership in U.S. Construction Unions, 1970

<table>
<thead>
<tr>
<th>Union</th>
<th>Members</th>
<th>Members employed in construction (estimated)</th>
<th>In Canada</th>
<th>Retired</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asbestos workers</td>
<td>17,936</td>
<td>17,750</td>
<td>2,436</td>
<td></td>
</tr>
<tr>
<td>Boilermakers</td>
<td>138,000</td>
<td>92,500</td>
<td>7,200</td>
<td></td>
</tr>
<tr>
<td>Bricklayers</td>
<td>142,751</td>
<td>142,751</td>
<td>9,346</td>
<td></td>
</tr>
<tr>
<td>Carpenters</td>
<td>820,000</td>
<td>715,000</td>
<td>77,000</td>
<td>36,000</td>
</tr>
<tr>
<td>Electricians</td>
<td>921,722</td>
<td>175,000</td>
<td>56,305</td>
<td></td>
</tr>
<tr>
<td>Elevator constructors</td>
<td>16,938</td>
<td>16,938</td>
<td>2,184</td>
<td></td>
</tr>
<tr>
<td>Granite cutters</td>
<td>3,500</td>
<td>0</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>Iron workers</td>
<td>177,857</td>
<td>108,000</td>
<td>14,791</td>
<td>5,300</td>
</tr>
<tr>
<td>Laborers</td>
<td>580,000</td>
<td>460,000</td>
<td>50,000</td>
<td></td>
</tr>
<tr>
<td>Lathers</td>
<td>14,856</td>
<td>14,856*</td>
<td>1,529</td>
<td></td>
</tr>
<tr>
<td>Marble polishers</td>
<td>8,000</td>
<td>8,000*</td>
<td>353</td>
<td></td>
</tr>
<tr>
<td>Operating engineers</td>
<td>392,783</td>
<td>320,000</td>
<td>26,378</td>
<td></td>
</tr>
<tr>
<td>Painters</td>
<td>210,000</td>
<td>160,000</td>
<td>11,868</td>
<td>15,000</td>
</tr>
<tr>
<td>Plasterers</td>
<td>68,000</td>
<td>67,000</td>
<td>319</td>
<td></td>
</tr>
<tr>
<td>Plumbers</td>
<td>311,550</td>
<td>220,000</td>
<td>32,144</td>
<td></td>
</tr>
<tr>
<td>Roofers</td>
<td>24,362</td>
<td>24,362</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sheet metal workers</td>
<td>120,000</td>
<td>40,000</td>
<td>13,616</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>3,967,985</td>
<td>2,581,887</td>
<td>305,469</td>
<td>56,600</td>
</tr>
</tbody>
</table>

**Sources**: BLS, *Directory of National Unions and Employee Association 1971*, at 22-43, 104-106; Mills, *Industrial Relations* at 90.  * Unknown: assumed that all work was in construction

Although other data sets, not strictly comparable with Table 13, confirm the skepticism about such quasi-universal unionization, they nevertheless underscore
high rates of organization. The first survey of union membership conducted by the Census Bureau revealed that in 1966 43.7 percent of all male private wage and salary workers in construction were unionists. Among those for whom construction was the occupation of longest job in 1966, 53.3 percent of construction craftsmen (46.1 percent of carpenters and 56.6 percent of other construction craftsmen) and 30.5 percent of construction laborers were union members. For the narrower group of year-round full-time construction workers, 54.8 percent of craftsmen (43.3 percent of carpenters and 59.6 percent of other craftsmen) and 43.0 percent of laborers were members.

According to the 1970 Census Bureau survey, 969,000 or 38.3 percent of 2,532,000 year-round full-time wage and salary workers in the construction industry were union members. The share amounted to 41.1 percent among white men, but only 32.1 percent among black men. Among the 4,975,000 wage and salary workers whose longest held job in 1970 was in the construction industry, 1,948,000 or 39 percent were unionized. Of the 4,040,000 workers whose occupation of longest held job was in construction, 1,847,000 or 46 percent were in unions. On an occupational basis the difference in unionization rates between skilled and unskilled workers was large—52 percent and 30 percent respectively. Among the smaller group of 1,965,000 construction craftsmen and laborers whose year-round full-time job was a construction occupation, 995,000 or 51 percent were union members. The difference in the degree of unionization as between skilled and unskilled workers was large here too: 55 percent of year-round full-time construction craftsmen were union members compared with 34 percent of construction laborers. A much higher proportion of white than black male laborers was organized—37 percent versus 24 percent. Ironically, the total number of black craftsmen was too small to generate statistical reliability. Regional differences were even more prominent: 54 percent of male workers (whose longest job held was in construction) in the West were members, but only 25 percent of those in the South and 17 percent of black males in the South.

Other studies found similar rates of organization. A 1965 BLS study revealed that 45 percent of building construction workers were employed by firms in which bargaining agreements covered a majority of workers. BLS contrasted this...
minimum coverage estimate with the “maximum...established by the proportion of workers who are union members,” which averaged 80 percent in 1966, ranging between 98 percent in February and 73 percent in August. In 1969, more than three-fifths of construction workers working for special trade contractors were employed by firms in which a majority was covered by collective bargaining agreements. In the three branches with the largest employment, plumbing, electrical work, and masonry, the rate of unionization was highest: 77, 67, and 60 percent respectively. In the other branches, the combined rate of organization was 57 percent. In 1971, 55 percent of workers in heavy construction and 51 percent in highway construction were unionized.

Several BLS industry wage surveys in the 1970s also reported very high union membership rates, which were skewed by being heavily weighted toward large metropolitan areas and excluding contractors with fewer than eight employees. A survey of 21 areas with one-sixth of all contract construction workers revealed that contractors whose collective bargaining agreements covered a majority of their nonsupervisory construction workers employed four-fifths of the work force in 1972. In the North and West this share exceeded 95 percent among contractors with 250 or more workers. Such figures underlay A. H. Raskin’s claim that Taft-Hartley’s “ban on the closed shop has been almost meaningless in the urban strongholds of the construction...crafts.” A similar 1973 survey of a different set of areas found an overall unionization share of three-fourths. Yet another survey in 1977 revealed that 65 to 69 percent of nonsupervisory construction workers in 17 large metropolitan areas worked under labor-management agreements, rising to 80-84 percent in firms of 250 or more workers.

The BLS’s estimate that in the latter part of the 1960s about 60 to 70 percent of construction workers were employed in firms with collective bargaining agreements covering a majority of their workers—a level similar to that in 1936 when 68 percent of employed construction workers were unionists—should be

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19 BLS, Compensation in Construction at 9, 82.


25 BLS, Compensation in the Construction Industries in Large Metropolitan Areas, text tab. 3 at 9 (Rep. 610, 1980).
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supplemented in two respects. First, construction craftsmen outside of housing construction were even more highly organized. And second, the degree of unionization in construction in the late 1960s and early 1970s was, as it had been for decades, considerably higher than in manufacturing, although certain individual industries, such as metals, automobiles, and railroads, were more highly organized. This differential was particularly important in view of the size structure of construction firms: comprised of hundreds of thousands of mostly small companies scattered all over the United States, the industry was subject to fragmented collective bargaining.

THE SIZE-STRUCTURE OF CONSTRUCTION FIRMS

The reason why the striking bricklayers cannot win is that it is not in reality the contractors with whom they have to deal, but with the men who employ these contractors to do their work for them—with the capitalists who put up the big buildings that give work to the vast mass of the workingmen.

Even Marx clearly recognized the capitalist dynamic that promotes cost-reducing innovations, although he mistakenly predicted that workers would not share in productivity gains.

Construction employment is much less concentrated than in manufacturing because firms are much smaller. This peculiar size-structure undergirds the argument that unions are able to dominate collective bargaining because employers

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27 Foster & Northrup, *Open Shop Construction*, estimated that 50 to 60 percent of all construction work was carried on by nonunion firms—80 to 90 percent in homebuilding, but only 25 percent of commercial construction.

28 “Anxious to Arbitrate.” *CT*, June 17, 1887, at 1, col. 4-6.

are numerous, small, and atomized. Table 14 displays the distribution of establishments and employment by size classes for 1967 and 1972. No significant changes occurred between 1967 and 1972: the modal size class was 20 to 49 employees, while the mean number of employees per establishment was 9.3 and 9.5. About one-fourth of the employees worked in establishments with fewer than 10 employees, which in turn accounted for more than four-fifths of all establishments. One-third worked in establishments with 10 to 49 employees, which accounted for one-sixth of all establishments. A further one-fourth worked in establishments with 50 to 249 employees, which accounted for one-fortieth of all establishments. And finally, one-sixth to one-seventh worked in the largest establishments with 250 or more employees, which accounted for less than 0.3 percent of all establishments.30 In contrast, in manufacturing, 32.8 percent of employees in 1967 worked in establishments with 1,000 or more employees. On average, manufacturing establishments employed 60 employees in 1967—almost seven times as many as their construction counterparts.31

Even greater in number than establishments with payroll were those without payroll: the 426,067 and 482,865 such establishments in 1967 and 1972 were 16 percent and 10 percent, respectively, more numerous.32 The absence of payroll in these establishments does not necessarily mean that only self-employed owners worked in them: they may, instead, have unlawfully or lawfully employed workers whom they classified as nonemployees. Self-bossed workers operating mini-businesses may have put additional downward pressure on bids, prices, and wages; where they employed workers as nonemployees, they shaped labor relations by precluding collective bargaining and atomizing the workforce. The existence of such a large sector of quasi-self-employment also imparted a different tone to labor relations by creating the rhetoric and, to some extent, the reality of temporary escape from lifelong wage labor.33

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30 A quarter-century later, employment was even less concentrated: the mean size of establishments with payroll was 8.1 employees, while establishments with 250 or more employees accounted for only 10.7 percent of all employees. Calculated according to USBC, 1992 CCI: Industry Series: United States Summary, tab. 8 at 27-12 (1995).


### Table 14: Size Distribution of Employment in Construction Establishments with Payroll, 1967 and 1972

<table>
<thead>
<tr>
<th>Establishments with...employees</th>
<th>1967</th>
<th>1972</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>%</td>
</tr>
<tr>
<td>1-4</td>
<td>238,595</td>
<td>64.7</td>
</tr>
<tr>
<td>5-9</td>
<td>62,992</td>
<td>17.1</td>
</tr>
<tr>
<td>10-19</td>
<td>35,148</td>
<td>9.5</td>
</tr>
<tr>
<td>20-49</td>
<td>21,772</td>
<td>5.9</td>
</tr>
<tr>
<td>50-99</td>
<td>6,419</td>
<td>1.7</td>
</tr>
<tr>
<td>100-249</td>
<td>2,966</td>
<td>0.8</td>
</tr>
<tr>
<td>250-499</td>
<td>589</td>
<td>0.2</td>
</tr>
<tr>
<td>500-999</td>
<td>203</td>
<td>0.06</td>
</tr>
<tr>
<td>1,000+</td>
<td>87</td>
<td>0.02</td>
</tr>
<tr>
<td>Total</td>
<td>368,771</td>
<td>100.0</td>
</tr>
</tbody>
</table>

The use of "establishments" for gauging employment size-classes may be assailed on the grounds that it underestimates the real concentration of employees. In terms of the employer's economic power vis-à-vis its employees, this objection is appropriate: if a firm maintains several establishments, its overall strength is obviously distorted by the choice of this reference point by the Bureau of the Census. On the other hand, the establishment basis gives a better sense of the size of the group within which workers interact.\textsuperscript{34}

The quinquennial Economic Census also generates data on an enterprise basis, which reveal that, at least in construction, the concentration of employment is not vitally affected by which organizational basis is used as the standard. Table 15 shows the same size-class employment data on an enterprise basis.

Shifting the focus to the company level reveals 50 percent and 100 percent, respectively, greater concentration of employment in the largest size-class: 9.6 percent of all employees were employed in companies with 1,000 or more employees in 1967 and 10.9 percent in 1972.\textsuperscript{35} This concentration, however, is dwarfed by that in manufacturing: in 1972, 45.2 percent of all manufacturing employees were employed in companies with 10,000 or more employees compared to only 2.9 percent in construction. Construction companies, on average, employed only 10 workers in 1972 while their manufacturing counterparts employed 86. This minimal concentration conceals the presence of large firms in the industrial, power plant, and civil engineering subsector. There three firms with 72,186 employees accounted for 12.9 percent of all employment and 16.6 percent of all sales and receipts in 1972.\textsuperscript{36} Companies of such size, probably NCA members, held much stronger bargaining positions.

\textsuperscript{34}The definition reveals the extent to which an establishment may actually approximate a construction site: "[A] 'construction establishment' is defined as a relatively permanent office, or other place of business at which or from which the usual business activities related to construction are conducted. ([A] relatively permanent office is one which has been established for the management of more than a single project or job and which has been or is expected to be maintained on a continuing basis.) Such 'establishment' activities include (but are not limited to) estimating, bidding, scheduling, purchasing, supervision, and operation of the actual construction work being conducted at one or more construction sites. ... Separate construction reports were not required for each project or construction site. ... An establishment is not necessarily identical with the 'company' or 'enterprise' which may consist of one or more establishments." USBC, 1972 CCI: Industry Series. United States Summary, at vi.

\textsuperscript{35}The figures for the two size-classes that are blank were withheld by the Census Bureau. In 1992, the proportion had dropped to 6.8 percent. USBC, 1992 Economic Census—Enterprise Statistics (1997) (data emailed by the Bureau of the Census).

\textsuperscript{36}USBC, 1972 Enterprise Statistics, Pt. 1: General Report on Industrial Organization, tab. 5 at 144, 148 (1977). The subsector is "heavy construction, except highway." For further detail, see Linder, Projecting Capitalism at 177-81.
<table>
<thead>
<tr>
<th>Companies with...employees</th>
<th>1967</th>
<th></th>
<th></th>
<th>1972</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Companies</td>
<td></td>
<td>Employees</td>
<td></td>
<td>Companies</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Number</td>
<td>%</td>
<td>Number</td>
<td>%</td>
<td>Number</td>
<td>%</td>
</tr>
<tr>
<td>1-4</td>
<td>201,814</td>
<td>60.8</td>
<td>433,070</td>
<td>12.7</td>
<td>235,591</td>
<td>59.4</td>
</tr>
<tr>
<td>5-9</td>
<td>63,907</td>
<td>19.2</td>
<td>420,172</td>
<td>13.2</td>
<td>78,551</td>
<td>19.8</td>
</tr>
<tr>
<td>10-19</td>
<td>35,786</td>
<td>10.8</td>
<td>478,741</td>
<td>14.0</td>
<td>44,852</td>
<td>11.3</td>
</tr>
<tr>
<td>20-49</td>
<td>21,053</td>
<td>6.3</td>
<td>626,414</td>
<td>18.3</td>
<td>26,492</td>
<td>6.7</td>
</tr>
<tr>
<td>50-99</td>
<td>5,887</td>
<td>1.8</td>
<td>397,799</td>
<td>11.6</td>
<td>7,269</td>
<td>1.8</td>
</tr>
<tr>
<td>100-249</td>
<td>2,730</td>
<td>0.8</td>
<td>404,761</td>
<td>11.8</td>
<td>3,054</td>
<td>0.8</td>
</tr>
<tr>
<td>250-499</td>
<td>587</td>
<td>0.2</td>
<td>198,831</td>
<td>5.8</td>
<td>664</td>
<td>0.2</td>
</tr>
<tr>
<td>500-999</td>
<td>191</td>
<td>0.06</td>
<td>131,978</td>
<td>3.9</td>
<td>220</td>
<td>0.06</td>
</tr>
<tr>
<td>1,000-2,499</td>
<td>72</td>
<td>0.02</td>
<td>104,331</td>
<td>3.0</td>
<td>99</td>
<td>0.02</td>
</tr>
<tr>
<td>2,500-4,999</td>
<td>15</td>
<td>0.01</td>
<td>54,623</td>
<td>1.6</td>
<td>18</td>
<td>0.01</td>
</tr>
<tr>
<td>5,000-9,999</td>
<td>16</td>
<td>0.01</td>
<td>106,113</td>
<td>3.1</td>
<td>16</td>
<td></td>
</tr>
<tr>
<td>10,000-24,999</td>
<td>4</td>
<td></td>
<td>65,983</td>
<td>1.9</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>332,062</td>
<td>100.0</td>
<td>3,422,816</td>
<td>100.0</td>
<td>396,832</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Other economic indicators underscore the huge size differences between construction and manufacturing firms. The average sales and receipts among all 265,052 manufacturing companies in 1972 was $3.1 million compared to $182,000 among 893,933 construction companies. In 1970, manufacturing corporations with assets in excess of $50 million accounted for 67 percent of total corporate manufacturing receipts and 79 percent of assets compared to only 8 percent and 14 percent, respectively, in construction. In 1975 and 1976, when Fluor Corporation was the country’s largest construction company, it ranked only 283rd and 254th, respectively, among the 500 largest publicly owned corporations in terms of annual profits. Fluor’s 1975 net earnings of $47.4 million amounted to only 1.5 percent of first-ranked AT&T’s $3.147 billion or 3.8 percent of fourth-ranked General Motors’ $1.253.1 billion.

**CAUSES AND CONSEQUENCES OF CONSTRUCTION UNIONS’ STRONG POSITION**

By the infirmity of human nature it happens, that the more skilful the workman, the more self-willed and intractable he is apt to become, and, of course, the less fit a component of a mechanical system, in which...he may do great damage to the whole. The grand object therefore of the modern manufacturer is, through the union of capital and science, to reduce the task of his work-people to the exercise of vigilance and dexterity,—faculties, when concentrated to one process, speedily brought to perfection in the young.

WHERE did the practical knowledge come from for conducting the industries of the country? All the skill in the building trades had come from the bench side, and the masters in this business had been working-men.

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39"The Bottom-Line Directory," *FW*, July 15, 1976, at 13, 15, 21, 26; "The Bottom-Line Directory," *FW*, July 15, 1977, at 13, 27. The only other construction company appearing on the magazine’s list of the 500 corporations with the largest annual profits was Stone & Webster, which ranked 453rd in 1975, when it was the seventh largest construction firm in terms of contracts awarded.
[T]he contractor knows where he is going to get his labor supply. He doesn’t have to have it laying in his backyard on his own payroll. He has got a collective bargaining contract and the labor supply is there.42

A number of the peculiarities of the construction industry in the United States must be explained by reference to skilled workers’ special position in a technologically backward sector. To be sure, firms welcomed some aspects of the extraordinary power of skilled building trades unions, which, given the structure of the industry, were almost indispensable.43 The fact that the structure of the construction industry was in part still preindustrial was the basis of organized skilled workers’ enhanced opportunities for control and defense. In most branches of the industry, hand tools occupied a central position, and where they had been supplanted by machines, they were generally—highway construction being the chief exception—not part of a continuous flow of production, but rather of individual partial operations. This preautomated stage of the productive forces, in which the proliferation of specialized detail workers associated with \textit{Manufaktur} was not fully developed, was correlated with a merely formal, and not yet fully substantive, subordination to capital.44

It is precisely this preservation of a large number of skilled workers with a relatively broad competence within an industry composed of an above-average proportion of small firms with relatively low capital intensity that made possible construction workers’ control. This combination is unique among the larger industries of material production: “After 1900, mechanization and minute subdivision of labor...became widespread in almost every phase of American industry, with the exception of the building industry.”45


\footnotesize{43}The converse proposition is that retaining responsibility for certain aspects of production may incline skilled workers, despite their heightened autonomy, to be committed to purposes that ultimately bind them even more tightly to their employers than is the case in other industries precisely because the shared responsibility makes it more difficult for them to perceive an antagonistic relationship. This production-centered approach to class conflict differs sharply from those that focus on exchange relations, which, for example find expression in collective bargaining. See, e.g., Lionel Robbins, \textit{The Economic Basis of Class Conflict} 7 (1939): “The clue to a successful approach to the problem...lies in the analysis of markets. In the exchange society the market is, as it were, the reflection of the whole network of economic relations.”

\footnotesize{44}See, e.g., Grimes, “Personnel Management in the Building Trades” at 42-43. Grimes added that specialization, with the exception of that among carpenters and iron workers, was more task- than person-oriented. That industrialization accompanied the spread of such phenomena associated with the development of \textit{Manufaktur} in construction creates a complicated mixed-form industrial structure.

Building trades unions thus were the only significant group of skilled manual workers able to expand their membership without having to devote their resources to coming to grips with employment-reducing or -limiting technological innovations. The effect of most mechanical innovations in late nineteenth and early twentieth-century construction was not the substitution of unskilled for skilled labor, but that of power-driven machines for unskilled labor. Whereas some unions’ long-term viability was undermined by such changes, and other unions to a greater or lesser degree accommodated themselves to mechanization and the division of labor, construction unions were neither menaced nor accommodating. As a result, their energies were freed to engage in other activities.

A considerable portion of these energies was devoted to jurisdictional disputes with other unions. In a sense, such disputes were substitutes for struggles that other unions were forced to conduct with employers. Building trades unions attended to the distributive effects of the use of new building materials on employment not so much by opposing their introduction as by seeking to preserve members’ jobs by indulging in costly internecine strife over new occupations within the changing division of labor to oust other unions and ward off encroachments. The building trades’ uniquely uninterrupted existence as organizations of the skilled was thus largely a function of “The Business Capitalism Forgot.”

Implementation of this workers’ control presupposed not only that the skilled workers possessed the knowledge to manage production as individuals, but could also bring this knowledge to bear as a cohesive group. To the extent that the knowledge they were striving to withhold from employers was rooted in a certain developmental stage of the productive forces, it would lose its basis when the latter

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46For example, the introduction around 1895 of the power hoist eliminated large numbers of hod carriers from brick construction; the use of power shovels and trenching machines displaced many unskilled workers in excavation and highway construction, while cement mixers replaced still more. W. C. Clark, “The Construction Industry,” in Representative Industries in the United States 182-223 at 198-99 (H. Warshow ed., 1928); Harry Jerome, Mechanization in Industry 137, 140 (1934); Haber, Industrial Relations in the Building Industry at 16-35.

47As Raymond Postgate, The Builders’ History 355 (1923), noted for Britain: “The pugnacity which the members were not allowed to exercise against their employers they seemed to turn against their fellow workers.”


were revolutionized even if unions could prolong such processes.

One of scientific management's most important goals, therefore, was to transfer such knowledge to management so that increases in productivity would not be reserved for workers' control. Unions largely succeeded in fending off the relatively few attempts to introduce scientific management into the building trades.50 In bricklaying, however, in some localities motion studies inspired by Taylorism did make some headway in the early twentieth century.51 To be sure, John R. Commons reported in 1906 that employers had specialized the bricklayer's work in New York, "arranged an unremittent flow of brick and mortar, and lays him off at any half-hour. Not a minute of his precious time is wasted, nor a stroke of his arm permitted to lag."52 As a result, bricklayers could no longer sustain the pace after the age of 45.53 Generally, however, the body of building tradesmen remained in "unique possession of craft knowledge and craft skill," while their employers remained unable to gather up, systematize, and concentrate scattered craft knowledge in order to "do[e] it out again only in the form of minute instructions" for a minute task.54 Significantly, construction workers and their unions, unlike their major industrial counterparts, did not enter into the grand historical compromise with employers after World War II in which union leadership ceded relatively uncontested control over working conditions back to management in exchange for productivity-linked wage increases.55

The available data on skilled construction workers are not always mutually consistent, but they all agree that the proportion of skilled workers far exceeds that

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50 Haber, Industrial Relations in the Building Industry at 226, supported this claim by arguing that union rules in many places prohibited time and motion studies, but he offered only one obscure example.

51 Frederick Taylor, The Principles of Scientific Management 77-85 (1916), explicitly developed this position with respect to bricklaying, relying on the work of Frank Gilbreth. See Frank Gilbreth, Concrete System (1908); Frank Gilbreth, Bricklaying System (1909); Frank Gilbreth, Motion Study: A Method for Increasing the Efficiency of the Workman 71-73, 96-97 (1911); 4 Evidence Taken by the Interstate Commerce Commission in the Matter of Proposed Advances in Freight Rates by Carriers, August to December, 1910, at 2776-87 (S. Doc. No. 725, 63d Cong, 3d Sess, 1911) (testimony of Frank Gilbreth); "Refuse to Lay Bricks by Rule: Scientific Management Ideas of a New Yorker Cause a Strike at Glenn Falls," NYT, Mar. 29, 1911, at 11, col. 4; "Bricklaying Yields to Science for the First Time," NYT, Apr. 2, 1911, sect. 6, at 9, col. 1-7; Edna Yost, Frank and Lillian Gilbreth: Partners for Life 54, 56, 71, 159, 163-75, 190 (1949); Milton Nawordny, Scientific Management and the Unions: A Historical Analysis 54-55 (1955).

52 John R. Commons, "Restrictions by Trade Unions," in idem, Labor and Administration 120-34 at 134 (1913 [1906]).

53 Eleventh Special Report of the Commissioner of Labor: Regulation and Restriction of Output 293 (1904)

54 Robert Hoxie, Scientific Management and Labor 131-32 (1921).

of industry at large. A study published at the end of the 1950s estimated that the proportion of skilled and supervisory workers in construction was 49.8 percent compared to 19.6 percent in manufacturing. The building trades accounted at that time for one-third of all skilled workers in the United States. The ratios in the branches from which this aggregate average was formed varied significantly—from more than three to one in one-family housebuilding to less than one to one in highway construction.

Significantly, the proportion of supervisory personnel was especially high in branches, such as highway and underground construction, in which unskilled workers predominated. This structure supports the thesis that the production process and the content of apprenticeship were oriented toward workers who supervised themselves. (The fact that the ratio of journeymen to foremen was five to ten times higher in union than nonunion construction strongly supports the

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56 BLS, The Construction Worker in the United States 28 (1959). Because the data were derived from the census, they did not necessarily reflect the annual average qualification structure of those employed in construction.


58 These data are derived from special surveys conducted by BLS. On their origin, see BLS, Handbook of Methods 235-38 (Bull. 1711, 1971). For a summary of the results until the mid-1960s, see Claiborne Ball, "Employment Effects of Construction Expenditures," 88 (2) MLR 156 (Feb. 1965). Later studies included: BLS, Labor and Material Requirements for Hospital and Nursing Home Construction 8 (Bull. 1691, 1971); BLS, Labor and Material Requirements for Construction of Private Single-family Houses 6 (Bull. 1755, 1972); BLS, Labor and Material Requirements for Public Housing Construction 1968, at 6 (Bull. 1821, 1974); Robert Ball, "Labor and Material Requirements for Apartment Construction," 98 (1) MLR 70-73 (Jan. 1975). The developmental tendencies were not uniform: in some branches the proportion of skilled declined, in others it rose.

59 E. Jay Howenstine, "Compensatory Public Works Programs and Full Employment," 73 (2) ILR 112-13 (Feb. 1956); Ball, "Employment Effects of Construction Expenditures." An above-average proportion of laborers worked in construction—19.4 percent compared with 6.7 percent in manufacturing. BLS, The Construction Worker in the United States at 28. However, to characterize construction laborers as unskilled “can be misleading. ... Many type [sic] of construction-laborer...jobs require training and experience, as well as a broad knowledge of construction methods, materials, and operations. Rock blasting, rock drilling, and tunnel construction are examples of work in which ‘know-how’ is important. Construction laborers...must know the effects of different explosive charges under varying rock conditions...to prevent injury and property damage. Construction laborers...do all the work in the boring and mining of a tunnel, including operations which would be handled by craftsmen if the job were located above ground.” BLS, Occupational Outlook Handbook: 1970-71 Edition 374 (Bull. No. 1650, n.d.). On the division of labor, see also BLS, Conciliation and Arbitration in the Building Trades of Greater New York 57 (Bull. 124, 1913); Arch Mercey, The Laborers Story 1903-1953: The First Fifty Years of the International Hod Carriers’ Building and Common Laborers’ Union of America (AFL) 27 (1954).

60 Mills, Industrial Relations at 183-84.
argument that higher union journeymen wages in part “represent embodied supervisory skills.”)61 These craftsmen may then have found themselves in a contradictory situation because they were enabled to attain greater control over the production process, but at the same time were entrusted with responsibility for a production process that always remained profit driven for owners and managers. Thus whereas manufacturing workers immediately experienced capital’s self-regarding control over their working conditions, construction craftsmen may have been more actively engaged in their own exploitation. This contradiction was embodied, for example, in the fact that foremen not only alternated on various projects between being supervisors and workers, but were also sometimes autonomously appointed by unions.62

From employers’ perspective, supervision was another area of union power undermining their control that had long been a focus of managerial concern.63 Particularly the Roundtable criticized contractors for permitting themselves to be deprived of the kind of command structure common to other industries:

Most foremen and general foremen have risen from journeymen ranks in union construction. As a result, foremen and general foremen typically are members of the same union as the employees they supervise, and are covered by the same labor agreements. It is logical, therefore, that such foremen view the union as their de facto employer and agent, responsible for negotiating their wages, hours and conditions of employment; for pursuing their grievances; and for arranging their next job. ... Actions that antagonize a large percentage of the people working for them, or the union business agent, could jeopardize the jobs of these supervisors. ... This difficult situation is peculiar to...unionized construction....64

Especially contractors that operated nationally with widely varying workloads in given localities had, according to the Roundtable, “few options other than to draw such supervisors from local unions” because they are “concerned with the high cost of retaining and relocating first- and second-level supervisors from project to project....”65 Indeed, so entrenched was this dual rule that the Roundtable

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61Bourdon & Levitt, *Union and Open-Shop Construction* at 49.


63Unions’ “limitations on the foreman’s power restrict his supervisory initiative and deprive the employer of much of the value of his services.” Haber, *Industrial Relations in the Building Industry* at 218.


65BR, “Contractor Supervision in Unionized Construction” at 7.
itself had to concede that “realistically” the goal of “returning all supervision to
management control” could be achieved only in the long term.\textsuperscript{66}

Such coerced coresponsibility was linked to so-called restrictive practices
that management accused craftsmen of upholding. The power that arose here and
its conversion into militance could appear as part of a struggle for the preservation
of narrow vested interests, especially since they proceeded from the orthodox
economic position that labor is but one factor of production among several, which
its owner must protect against any and all threats.\textsuperscript{67} In this sense skilled building
trades unions were indistinguishable from industrial unions in the United States,
which also rejected “the participation in every general activity of the working class
as class.”\textsuperscript{68} If construction unions achieved greater material gains for their
members, such successes were largely rooted in the industry’s backward structure.

A building trades journeyman was generally understood to be “a craftsman
who mastered his trade by serving an apprenticeship.”\textsuperscript{69} The length of this
apprenticeship varied according to trade and union.\textsuperscript{70} To be sure, some critics
doubted both whether the demand for highly qualified journeymen was as large as
traditionally assumed and whether journeymen were as skilled as defenders
asserted. To many critics the real purpose of the institution of apprenticeship was
to train supervisory personnel. Others argued that craft training in part served to
produce journeymen who could largely supervise themselves.\textsuperscript{71} Finally, skeptics
throughout the nineteenth and twentieth century observed that a large proportion of
building trades workers picked up their craft knowledge without going through a

\textsuperscript{66}BR, “Contractor Supervision in Unionized Construction” at 10-11.

\textsuperscript{67}In contrast, turn-of-the-century German Social Democracy took the position that although
competition with the “iron slave ‘machine’” would not be “pleasant” for some construction workers,
“in the interest of cultural progress” the use of technology to make construction work easier was
desirable. P. M. Grempe, “Technische Fortschritte im Bauwesen,” 19 (2) \textit{NZ} 58 (1900-1901).


\textsuperscript{69}BLS, \textit{Compensation in the Construction Industry} at 6 n.10.

\textsuperscript{70}U.S. DOL, \textit{Admission and Apprenticeship in the Building Trades Unions} (1971).

\textsuperscript{71}E.g., George Strauss, “Apprenticeship: An Evaluation of the Need,” in \textit{Employment Policy
six years after completing an apprenticeship, 19.7 percent of former apprentices still in construction
were foremen or supervisors. Joseph Schuster, “Career Patterns of Former Apprentices in the
Construction Trades,” 5 (5) \textit{CR} 4-8 at 5 (May 1959). Bill Haywood, president of the radical Western
Miners Federation, rhetorically asked at the founding of the International Workers of the World why
the skilled had thrown a wall around unions and demanded that entrants undergo apprenticeships: “For
the benefit of the union? No, but for the benefit of his employer, who is a member of the Citizens’
Alliance (applause), and who is trying to crush out of existence that same union that has endeavored
to develop skilled mechanics for the benefit of the capitalist class. (Applause).” \textit{Proceedings of the
First Convention of the Industrial Workers of the World} 576 (1905).
formal apprenticeship.\textsuperscript{72}

“Skill” assumes different meanings over time as the content of particular skills becomes restricted in the wake of a deepening division of labor.\textsuperscript{73} A tendency toward specialization and introduction of labor-saving machinery among carpenters, for example, dates back to the nineteenth century; indeed, deskilling was the immediate motive for the formation of the United Brotherhood of Carpenters and Joiners in 1881.\textsuperscript{74} Again, in the 1920s, a close observer of the building industry

\textsuperscript{72}James Motley, \textit{Apprenticeship in American Trade Unions} 22 (1907); F. Wolfe, \textit{Admission to American Trade Unions} 37-38 (1912).

\textsuperscript{73}On the debate over the social construction of skill, see Charles More, \textit{Skill and the English Working Class, 1870-1914} (1980). The socially constructed nature of construction skills has more recently appeared on the feminist agenda as some have attributed the higher wage level in construction to the fact that the industry employs largely skilled adult men. Clarence Long, \textit{Wages and Earnings in the United States} 1860-1890, at 109 (1960). A female carpenter underscored this link in arguing that male workers opposed women in the building trades because they feared that their work would be devalued in their own (and their employers’) eyes if women could perform it. “MacNeil-Lehrer Report,” PBS, Aug. 22, 1977, channel 9, Austin, TX, 6:00-6:30 p.m. CDST. In 1970, only 1.2 percent of construction workers were women; fifteen years after the DOL issued hiring goals for women, the share had risen to only 1.9 percent. Georgia Dullea, “Women Fight for More Construction Jobs, Less Harassment,” \textit{NYT}, Aug. 23, 1977, at 30, col. 1; “U.S. Rules Will Push for More Women’s Jobs in Construction,” \textit{WSJ}, Apr. 10, 1978, at 3, col. 4; “Women in Construction Still Waiting for Respect,” \textit{NYT}, Sept. 29, 1992, at B12, col. 1 (nat. ed.).

\textsuperscript{74}P. J. McGuire, “A Chapter of Our History,” 6 (9) \textit{Carpenter} 2 (Sept. 1886). A leading nineteenth-century British construction journal noted that a general joiner (saws, planes, etc.) worked by two lads, could replace 30 skilled joiners. “Labour Saving Machines for Builders,” 27 (1384) \textit{The Builder} 640 (Aug. 14, 1869). By the 1880s, the introduction of woodworking machinery in planing mills in the United States shifted some carpentry work to factories. Consequently, towns became filled with “a small army of idle members of the trade, ready to ‘scab’ in their or other towns. At the same time the work of the carpenter...had been minutely subdivided. For this reason the annual influx of relatively unskilled country carpenters assumed large proportions.” Theodore Glocker, \textit{The Government of American Trade Unions} 34 (1913). Wm. Godwin Moody, \textit{Land and Labor in the United States} 145 (1883), stated that in building and carpentry, the circular saw did the work of 12 men, while the planing machine replaced 15 to 20. In the mid-1890s a state labor bureau found that carpentry had been “practically revolutionized in the past fifty years by the introduction of machinery and subdivision of labor.” \textit{Fourth Biennial Report of the Bureau of Labor of the State of Minnesota: 1893-1894}, at 214 (1895). See also \textit{Third Annual Report of the Bureau of Industrial Statistics of Maryland: 1895}, at 119 (1895); \textit{Fifth Annual Report of the Bureau of Industrial Statistics of Maryland: 1896}, at 39 (1897). Nevertheless, according to one contemporary scholar, in the building trades “there is not now, and is not likely soon to be, enough subdivision and use of machinery to render special training unnecessary.” Edward Bemis, “Relation of Trades-Unions to Apprentices,” 6 \textit{QJE} 76-93 at 76 (Oct. 1891). And a U.S. carpentry journal stated that, because machinery had had little impact, 20 house carpenters could not do much more than 100 years earlier. 7 (5) \textit{CB} 81 (May 1885). Another scholar found in the early twentieth century that despite the advances in machinery and subdivision, the “all-round workman” was not only still needed but preferred by employers. James Motley, “Apprenticeship in the Building Trades,” in \textit{Studies in American Trade Unionism} 263-91 at 264 (Jacob Hollander & George Barnett eds., 1912). By the 1920s it was estimated that at least
noted that whereas at the turn of the century a painter had to have an elementary knowledge of pigments, mixing lead, and color schemes, once paint manufacturers prepared paint in laboratories and shipped it to contractors ready to be applied, skill became "incidental." The demand for rapid building and speed meant that even after a four-year apprenticeship, a painter was "hired on the basis of 'how many acres he can smear in a week.'" Similarly, mechanization, subdividing and deskilling had gripped other occupations, too, as the carpenters ceased being all-round mechanics and spent most of their time on form work. In the late 1930s and early 1940s, the introduction of power tools (such as saws and drills) brought about an "increased number of simplified operations in the carpenter's trade, with at least some jobs limited to a few operations which can be performed with a single tool. There is a tendency where modern power equipment is available, for certain carpenters to become saw operators, or hammer operators almost exclusively."76

By the 1960s, especially under the influence of suburban tract housing, firms built hundreds of identical housing units with crews of carpenters specializing in narrow tasks such as laying concrete foundations or door installation, for some of which employers prescribed the amount of time required. By the mid-1960s, when demand for higher quality single-family housing increased, this deepening of the division of labor had proceeded to the point at which some locals became "hard pressed to supply old-style general carpenters to contractors."77 Bricklayers, pipefitters, and electricians underwent similar specialization by the 1960s.78 A history of the Carpenters Union in Chicago, where union strength in the residential sector far exceeded the national average, revealed that the general all-round skill level continued to decline as more than a score of subspecialities such as shingling, carpeting, resilient floor building, and insulating made long forbidden piecework and a nonunion labor force an ever more threatening reality. By the 1970s, drywall installation, paid by the square foot, even attracted union members from Chicago in search of work. The approximately one-quarter of that city's membership who by the 1980s remained highly skilled general carpenters formed "a persistent hedge

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75William Haber, "Craftsmanship in Building," 33 (12) AF 1446-51 at 1446 (Dec. 1926).
against the tendency of carpentry to degenerate into a semiskilled occupation.”

Even in broad generic ways various building trades’ skills differ sharply. The skill of bricklayers, painters, and roofers “consists largely of the ability to perform a difficult physical task for several hours a day at an acceptable pace.” In contrast, carpenters, plumbers, and pipefitters may face physically less demanding tasks, but must master several specialties and possess the “capacity to lay out and perform a job.” Of yet another variety is operating engineers’ central skill: manipulating large, powerful, and complicated machinery efficiently and safely.

One of the most important bases of workers’ control in construction is that U.S. building trades unions, “in contrast to construction practices in any other country, have long served as a source of labor supply, as an agency to furnish men of an established skill on request of the contractor, and as a means of moving labor away from areas of surplus to areas of short supply.” Today, as in the past, the vast majority of construction firms do not employ sufficient workers year round “to meet their average needs”; instead, unions furnish workers when needed and take them off contractors’ hands (and payrolls) as soon as a project is completed. The reasons for this peculiar labor supply system lie, as one of its strongest opponents stressed, in construction firms’ size structure: “[I]f the industry is to be composed of smaller firms, then it makes economic sense to use temporary employees and to rely heavily on a union hiring hall.” Consequently, most construction firms are

79Schneirov & Suhrbur, *Union Brotherhood* at 152, 162 (quote).
80Mills, *Industrial Relations and Manpower in Construction* at 184.
82Montgomery, *Industrial Relations in the Chicago Building Trades* at 8.
83M. R. Lefkoe, *The Crisis in Construction: There Is an Answer* 34 (1970). Lefkoe noted that the mobility problem would become moot if firms shifted to a system of employing workers year round. *Id.* at 159-70. Interestingly, mobility—rather than the absence of national markets—has historically been made responsible for the rise of national trade unions in construction while also making local unions relatively autonomous vis-à-vis the central unions. Lloyd Ulman, *The Rise of the National Trade Union* 45, 52 (1966 [1955]).
84Grimes, “Personnel Management in the Building Trades” at 38, 40, excepted the very largest firms from this pattern. Bechtel, for example, employs a core group of key workers year round. Telephone interview with Kenneth Hedman, vice president for labor relations, Bechtel Corp., San Francisco (Mar. 12, 1999). Gordon Bertram and Sherman Maisel, *Industrial Relations in the Construction Industry* 47 (1955), adduced small firms in residential construction as another exception because they “tend to maintain a more stable relationship with their employees. Each develops particular techniques and procedures and as a result they find that their costs fall as workers become accustomed to their special jobs.” These authors were referring to the same phenomena of specialization that Grimes, “Personnel Management in the Building Trades” at 42-43, observed. Manifestly, such tendencies weakened skilled building trades unions.
prepared or forced to leave the risks of or the control over labor supply to unions.\textsuperscript{85}

If this system, which is functional from construction firms' standpoint, contained certain dangers insofar as a prerequisite of production flexibility became a union task, the power that arises in this context was also subject to two decisive constraints, which secured the maintenance of management prerogatives in production and the free play of market forces in the wage formation process. One was rooted in employers' "right" to discharge workers whom unions referred. In 1973, for example, half of 769 collective bargaining agreements under which 1,213,317 construction workers were employed guaranteed employers the right to reject workers whom unions recommended. A typical clause read: "The employer may choose not to employ workers who have proven ineffective in the past or have insufficient qualifications for existing work."\textsuperscript{86}

Even in the heyday of the closed shop: "Whatever the power of a local union, and regardless of labor market conditions, a contractor's authority to discharge at will was seldom challenged or abridged. ... As a general rule, having once secured the closed shop, construction unions 'yielded' to employer freedom in employing and discharging his men so long as they knew that only union men at union wages would be employed in place of those discharged."\textsuperscript{87} After the Taft-

\textsuperscript{85}On the history of hiring halls, see Philip Ross, "Construction Hiring Halls: Origins and Development," 11 (3) IR 366-79 (Oct. 1972); CUAIR Report, No. 72-8, at 2-3 (July 28, 1972). On the role of the business agent as a labor broker, see George Strauss, \textit{Unions in the Building Trades: A Case Study}, chs. 3 & 6, in \textit{UBS} 24 (2) (June 1958). See also \textit{idem}, "Business Agents in the Building Trades," 10 (2) ILRR 240-46 (Jan. 1957). Bourdon & Levitt, \textit{Union and Open-Shop Construction} at 62-63, offer a more nuanced view of hiring halls, stating that the "overall impact of the unions on referrals is much less than is usually assumed." They are centrally involved when employers require large numbers of workers, but at times of high unemployment they are "not needed. Men continually come to the offices or gates of projects looking for work...."

\textsuperscript{86}BLS, \textit{Contract Clauses in Construction Agreements} 14 (Bull. 1864, 1975). See also \textit{id.} at 12-16.

\textsuperscript{87}Ross, "Construction Hiring Halls" at 371-72. On the closed shop in the building trades in the nineteenth century, see Frank Stockton, \textit{The Closed Shop in American Trade Unions} 38-40, 43 (1911). Even during the period (1896-1921) when the Building Trades Council of San Francisco dominated industrial relations, one of the unions' governing principles was employers' freedom to hire or fire "any man, within the limits imposed by union shop conditions...." Ryan, \textit{Industrial Relations in the San Francisco Building Trades} at 110. At the turn of the century, the U.S. Commissioner of Labor observed that "in so far as a union does not interfere with the employer's right to 'hire and fire,' just so far does it fail to enforce its rules.... Usually it is found that the unions which do not contest this freedom of the employer, except in matters of union membership and union activity, are the older and stronger unions (compositors, bricklayers, molders). Such unions, having established the union shop, yield to the employer freedom in employing and discharging his men so long as they know that only union members at union wages will be employed in the place of those discharged." Commissioner of Labor, \textit{Eleventh Special Report of the Commissioner of Labor: Regulation and Restriction of Output} 21 (1904). The consequence of this policy among bricklayers was a work pace with which men could not keep up after the age of 45; the outright defense of vested interests in
Hartley Act prohibited the closed shop in 1947, some observers suggested that construction firms possessed in this regard even greater freedom than employers in other industries: "rigidity in hiring is to some extent balanced by an extraordinary (for union firms) flexibility in firing. By and large, contractors are free to dismiss workers whenever they desire without regard to seniority or any other criterion. Except for disciplinary dismissals, unions do not challenge the choice of an employer as to whom to retain and whom to let go. The employer is also the sole judge of whether a worker's performance is satisfactory."\(^8^8\)

Union acquiescence can at best be interpreted as meaning that unions, in order to justify their existence in view of the enormous problems of seasonal and frictional unemployment, were above all interested in securing employment for their members. The price that members had to pay for this employment was exposure to employers' heightened power. Workers presumably defended their counter-controls tenaciously to resist reduced aggregate employment and/or growth in employment.\(^8^9\)

The second of the aforementioned limitations of the building trades' enhanced power associated with their domination of the labor market\(^9^0\) is firms'
ability to hire cheaper nonunion workers in response to union attempts to limit the supply of labor in order to drive up wages.91 Focusing exclusively on wages scarcely does justice to firms’ concerns. As one study determined, many employers were willing to pay for being relieved of the necessary and expensive function of labor recruitment “provided that the price is not excessive—that is, provided union wages (and the cost of restrictive practices) do not depart so far from the structure and level of wages characteristic of a ‘free market’ that it would clearly profit employers to do their own labor contracting.”92 Consequently, the hypothesis here is that it was both the reduction of wage rates and the elimination of worker control that formed the decisive aspect of the antiunion open-shop movement.93

In summary, then, these labor market functions were not acquired by unions through struggle, but were, rather, either forced on them—as in the case of directing workers’ mobility, in the absence of which the unions’ existence would have been threatened—or devolved on them in the absence of more adequate institutions, in part spontaneously and in part with employers’ tacit cooperation. The bilateral nonunion sector serves as a buffer. ... Such buffer arrangements also provide flexibility in bargaining with management, for the craft world provides a variety of escape hatches.”

91Cf. Foster, “Labor in Construction” at 109; Gordon Bertram, Consolidated Bargaining in California Construction: An Appraisal of Twenty-Five Years’ Experience 63, 185 (1966). That the prevalent reaction to higher wages in manufacturing—namely, increasing capital intensity by means of labor-saving innovation—is not so widespread in construction is merely another aspect of worker control.


93Neglect of the various capital groups within construction in favor of a monolithic picture of “capital” can lead to a false understanding of the antiunion movement. For example, a pamphlet published by the Socialist Workers Party asserted that “[t]he building contractors shunned union labor” during the period (beginning in 1971) ushered in by the Nixon administration’s labor market measures, while it explained unions’ restriction of membership on the grounds that fewer and fewer firms wanted to hire union members. Frank Lovell, “Introduction,” in Nat Weinstein, Frank Lovell, and Carol Lipman, Construction Workers Under Attack: How to Fight Back and Rebuild the Unions 3 (1974). One of these Trotskyist authors then reached this result: “Construction workers are already among the most highly exploited and not much more can be squeezed out of them except lower wages.” Nat Weinstein, “The Open-Shop Drive in the Building Trades,” in Construction Workers Under Attack 11-16 at 14 (1973). Apart from omitting to explain how he measured and compared this exploitation, the author missed precisely the most important aspect of the open-shop movement—namely, the effort to squeeze more labor out of construction workers—even though he confirmed this point in the previous sentence by accusing union leaders of acquiescing in speedup. This isolated view of the income of a factor of production underlies the criticism directed at construction unions during the interwar period—that the wage increases resulting from their monopolization of the labor market were responsible for the increased unemployment. Gustav Cassel, Teoretisk Socialekonomi 317-19 (2d ed., 1938). Cf. the more realistic analysis by Howard Foster, “Unions, Residential Construction and Public Policy,” 12 (4) QREB 45-55 (Winter 1972).
advantages of this system are manifest: construction firms could rely on a relatively efficient labor supply, which made its year-round employment unnecessary, while unions gained legitimation vis-à-vis their membership, especially since members were dependent on them for their labor exchange activities. The system became disadvantageous for employers only if unions succeeded in bringing about an "artificial" scarcity of labor in order to drive up wages. Yet the permanently large pool of unemployed reduced this risk.

To perform their labor supply functions unions had to use their knowledge about production—otherwise they would have been unable to provide an adequate supply of labor differentiated according to the requisite qualifications. In this sense worker control and labor supply functions were intertwined. The real struggle surrounding this control took place not in collective bargaining negotiations, but already at the time of organizing: once a firm was unionized, it quasi-automatically abdicated its labor market functions to the unions.

**WORKER CONTROL**

[The commodity labor power can really become a commodity when its seller is no longer compelled to dispose of it at any moment and under any condition. Paradoxically expressed: only the supersession of "free competition" makes free competition possible.]

The building trades have probably had the greatest success in opposing labor-saving changes.

[A] major problem for construction labor markets is unemployment caused by the fact that 6 million craftsmen are seeking to fill 3.4 million jobs. ... As a consequence, many of the construction unions' procedures are based on efforts to protect the conditions of workers who have made heavy investments in their skills and jobs in a very fluid labor market.

The phenomena summarized under the label "worker control" are generally treated in the scholarly literature from a sociological perspective with an emphasis

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94This task is much less urgent for unskilled laborers. Historically, craft unions were interested in organizing a helpers' union in order to avoid the consequences of integration. John Ashworth, *The Helper and the American Trade Unions* 87-89 (1915); Haber, *Industrial Relations in the Building Trades* at 160-61, 307.

95N. Auerbach, *Marx und die Gewerkschaften* 27-28 (1972 [1922]).

96Sumner Slichter, *Union Policies and Industrial Management* 214 (1941).

on the theory of bureaucracy. A remarkable exception was the effort by Stinchcombe in 1959 to incorporate aspects of the production process into the analysis. Stinchcombe argued that "professionalization of the labor force in the construction industry serves the same functions as bureaucratic administration in mass production industries and is more rational than bureaucratic administration in the face of economic technical constraints on construction projects." In mass production, "both the product and the work process are planned in advanced by persons not on the work crew." Among the components of the labor process are: the place at which the work is carried out; the movement of tools, materials, and workers as well as their "most efficient arrangement"; the individual operative movements; and schedules and quality controls. In construction, in contrast to industrial mass production, "all these characteristics of the work place are governed by the worker in accordance with the empirical lore that makes up craft principles. These principles are the content of workers' socialization...." To be sure, he saw no threat to firms emanating from this autonomy: "control of pace, manual skill, and effective operative decision (the essential components of industrial discipline) is more economical if left to professionally occupational standards."

Stinchcombe's analysis is applicable to those situations in which the traditional methods of production still prevail. Where, however, they were supplanted by industry-like methods, new labor-management relations formed.
This picture underscores the extent to which craft workers can be functionalized for employers’ interests clothed as mere requirements of production. These aspects may be understudied, but the associated “restrictive practices” have been intensively examined. Employers have complained about them since the nineteenth century. In the early years of the twentieth century, for example, an NAM publication made these invidious comparisons: closed-shop bricklayers laid 800 to 1,000 bricks in hours compared to 3,000 per day a few years earlier; closed-shop structural iron workers made 75-100 rivets a day, whereas their nonunion counterparts made 200 to 400; and whereas carpenters hung one door per hour before they gained a monopoly, in closed shops they hung only four per day.103 In 1970 the Construction Users Anti-Inflation Roundtable defined them unabashedly from the nineteenth-century my-business-is-my castle viewpoint as “any practice that prevents the employer from utilizing his employees, his equipment or his technical know-how in what he feels is the most efficient fashion.”104

Such union practices can be considered from two perspectives: first, as an attempt to maintain aggregate employment; and second, as resistance against employer efforts to intensify labor and/or labor processes that threaten workers’ health. Orthodox economists are wont to treat the first aspect, constructing it above all as inhibiting productivity.105 Some academic specialists have provided much more realistic analyses. A dissertation on apprenticeship in the building trades in the mid-1920s concluded that “limitation [of output] by labor unions has in many cases served to protect the workman from conditions bordering upon servitude.”106 In his book on industrial relations in the Chicago building trades, Montgomery, who took the position that “collective bargaining always involves a certain amount of...sacrifice of autocratic prerogatives,” observed, in seeking to differentiate legitimate union regulatory rules from antisocial restrictions, that working rules designed to prevent “unhealthful ‘rushing’ and ‘pacesetting’” and subcontracting that amounted to “little more than piecework detrimental to the maintenance” of union wage scales “may have added something to the cost of building construction; but unless one denies the responsibility of industry for the maintenance of the standard of living and of decent working conditions for its workers, the cost cannot


103Walter Drew, Closed Shop Unionism 10 (NAM No. 16, n.d. [ca. 1911]).


105See, e.g., “Restrictive Labor Practices Smother Productivity,” ENR, Nov. 26, 1970, at 98, reporting that the AGC viewed “emulating human relations approach of open shop builders” as a solution. For a critique of such views, see Marc Linder et al., Der Anti-Samuelson 3:297-98 (1975).

be considered other than one that industry should be called upon to assume.”¹⁰⁷ Likewise, William Haber’s 1930 history of construction labor relations offered a bluntness lacking in later works: “An analysis of the working rules of unions which employers classify under the term ‘restriction of output,’ shows that these seek to curb the dictatorship of the employer and to assert the workers’ right to participate in determining ‘working conditions.’”¹⁰⁸ And even Fortune, in an early postwar issue devoted to housing, conceded that “[m]ost builders agree” with the president of the Carpenters union, William Hutcheson, that the extent and importance of restrictive rules had been “vastly distorted.”¹⁰⁹

In the only post-World War II national study of construction labor relations, Mills focused on the pluralistic element: “The concept of a restrictive practice is often ambiguous and elusive. A crew size rule may be seen as a safety rule by some and a restrictive practice by others. There are genuine differences among workers and employers over the pace of work, the existence of health hazards, flexibility in administering work rules and craft assignments, the normal quality and skill of the work force..., the scope and content of jobs, the rate at which technological changes should be introduced, and preferences of security in employment.”¹¹⁰ However the practices were conceived, they were a vital issue to unionized contractors, who were wont to say: “‘We’re not concerned with the men earning what they do, we’re concerned with conditions that make you hire more than we need.’”¹¹¹

To be sure, at times it is difficult to distinguish between the two bases of these union objections to technological innovations. The difficulty is in part objective (for example, when labor-saving innovations intensify labor), but is in part also a function of the propagandistic purposes to which the demands are put. The distinction is real in the narrowly economic sense, but also politically important because it draws a line between, on the one hand, potentially corporate-like or “antisocial”¹¹² demands, which not only stood in the way of the development of the

¹⁰⁷Royal Montgomery, *Industrial Relations in the Chicago Building Trades* 186, 148-49 (1927). Ryan, *Industrial Relations in the San Francisco Building Trades* at 82, plagiarized Montgomery. Intriguingly, even under the strictly antiunion regime of the Industrial Association of San Francisco during the 1920s and 1930s, the campaign against restrictive work practices was conditioned on “always having due regard for the health, safety and well-being of the individual.” *Id.* at 168.

¹⁰⁸Haber, *Industrial Relations in the Building Industry* at 198-99. Haber added that: “The indirect result of these rules has been to stimulate efficiency in the contracting organization, which must meet competition and competitive costs in spite of these rules.” *Ibid.* at 236.


¹¹²Ryan, *Industrial Relations in the San Francisco Building Trades* at 100.
productive forces—although empirical studies found that the extent of productivity-inhibiting union practices was, journalistic images notwithstanding, slight—but also necessarily supported the economically most regressive employer factions, and, on the other, demands directed against the health consequences of the specific capitalist development and deployment of technology. This ambiguity makes it difficult to assess construction unions’ success in this area.\footnote{Haber & Levinson, Labor Relations at 196-97; Allen Mandelstramm, “The Effects of Unions on Efficiency in the Residential Construction Industry: A Case Study,” 18 (4) ILRR 503-21 (July 1965). An influential survey conducted in the late 1970s found that “[r]estrictions on an employer’s use of the tools of the trade are irrelevant for multimillion dollar firms,” while “[r]equirements on crew size or work distribution also rarely constrain large firms which undertake projects of a scale that can efficiently sustain the activity of many journeymen in one trade....” The impacts on small firms were less benign. Bourdon & Levitt, Union and Open-Shop Construction at 65. For examples of the journalistic counterposition, see Thurman Arnold, The Bottlenecks of Business (1940); Robert Lasch, Breaking the Building Blockage 95-99 (1946). A survey of construction collective bargaining agreements found: “Most agreements place no limitations on the employer’s right to employ tools and equipment of his choice on the job, or to introduce new laborsaving devices or technological improvements.” Restrictions were concentrated among painters. BLS, Contract Clauses at 24. An older study came to similar conclusions. BLS, Union Wages, Hours, and Working Conditions in the Building Trades, June 1, 1941 (1942). For a description of the resistance by the plumbers unions against certain innovations at the turn of the century, see Walter Weyl & A. Sakolski, “Conditions of Entrance to the Principal Trades,” in BBL, No. 67, Nov. 1906, at 732. On the situation in postwar Britain, see Frank Knox & Josselyn Hennessy, Restrictive Practices in the Building Industry (1966).}

A good illustration of a multivalent union work practice from the period under review was a resolution adopted by New York District Council No. 9 of the International Brotherhood of Painters in 1968 that no journeymen member performing New York City Housing repaint work paint more than 10 rooms weekly. The union characterized the purpose of the rule as relieving “pressure on painters to work quickly so as to reduce the number of violations of trade rules, increase the health and safety of union members, and improve the quality of their work.” Their collective bargaining agreement included no production quotas, but did prescribe a 7-hour day, 5-day week. Because the painters, on average, had been painting 11.5 rooms per week, some of them, at the union’s urging, simply stopped work after completing 10 rooms even when they had not worked 35 hours. The employers, members of the Association of Master Painters and Decorators of the City of New

\footnote{In this sense it is difficult to understand Erlich’s view of carpenters’ resistance to portable power tools after World War II in the wake of their memories of the huge unemployment preceding it: “In retrospect, it is hard to believe that the circular saw and electric drill, now such integral parts of the construction process, created such a controversy. Industrial workers had long since been forced to accept technological marvels that dwarfed the invention of the circular saw. ... But the pace of technological change is a relative...phenomenon. [C]arpenters had experienced no challenge on this scale to their work methods since the inception of factory-produced millwork in the late nineteenth century.” Mark Erlich, With Our Hands: The Story of Carpenters in Massachusetts 146 (1986).}
York, Inc., successfully charged the union before the NLRB with an unfair labor practice for having modified a term of the collective bargaining agreement without having complied with its statutory duty to negotiate with the employer over the modification. The appellate court therefore enforced the NLRB's order that the union cease and desist from unilaterally enforcing a production quota.\textsuperscript{115}

Typically construction unions' employment-oriented demands prevailed, which served only the limited interests of their members. Unions' success in this area has been traced back to several causes:

One reason is that most of the changes opposed by these unions affect only a small part of the work done by the skilled craftsmen. The employer needs these men for other parts of the work. A second reason is that no single restriction imposed by these unions on labor-saving methods greatly increases the total labor cost of building. ... This means that employers cannot afford to incur large expenses in order to prevent the restriction.... A third reason...is...that the areas of competition are so small that the unions are able to impose restrictions on all the employers in the area. Hence the competition of non-union employees does not compel the unions to give up their prohibitions upon labor-saving methods.\textsuperscript{116}

Especially this last consideration points to a crucial aspect of union power—local unions' extraordinary authority vis-à-vis the national union and smaller local firms.\textsuperscript{117} Important, too, is the influence that members exerted over union policies.\textsuperscript{118}

\textsuperscript{115}New York District Council No. 9, Int'l Bhd Painters v. NLRB, 453 F.2d 783 (2d Cir. 1971). Although the dissenting judge noted that a wages and hours provision "cannot be magically transformed into provisions specifying the rate of speed at which employees are to work or the amount they are to produce," this insight applied only to painters who worked the full 35 hours but so slowly that they painted only 10 rooms; it failed to deal with painters who simply quit before having worked 35 hours. Id. at 788. For the Communist Party's glowing description of District Council 9, see A Rank & File Painter, "N.Y. Painters Face Crucial June Election," \textit{DW}, May 21, 1970, at 5, col. 1. The difference between working slowly and stopping early has at times had real-world consequences. In Chicago in the 1920s, Lathers, able to complete their quota of work in 6.5 to 7 hours, had formerly packed their tools and left. "More recently this practice has been dropped and instead the policy of going more slowly throughout the day has been adopted. So long as the former practice was held to, the union had little even superficial justification for its contention that the limitations upon output were for the practice of protecting the older workers. While an elderly and slower man was insured by the rule against competition with younger pace-setters, he was not helped greatly by being left on the job to complete his quota when the younger men left; on the contrary, his inability to compete...was being advertised." Montgomery, \textit{Industrial Relations in the Chicago Building Trades} at 160.

\textsuperscript{116}Slichter, \textit{Union Policies and Industrial Management} at 214.


\textsuperscript{118}George Strauss, "Controls by the Membership in Building Trade Unions," 61 \textit{AJS} 527-35 (May 1956). But see Scott Greer, \textit{Last Man In: Racial Access to Union Power} 130 (1959); Frank Tannenbaum, "The Social Function of Trade Unionism," 62 (2) \textit{PSQ} 161-94 at 170-71, 175-79 (June
It would be premature, however, to see unions as solely responsible for this orientation since their policies were forged within the limits imposed by the development of the construction industry.\(^\text{119}\) This development gave rise to the craft unions' special functions, which enabled members to exert extraordinary control, but only so long as such controls were adequate to the prevailing construction methods and/or firm size structure. This structural determination of union functions in favor of employers' interests was not, however, monolithic: leeway also existed for a system-maintaining union policy. Moreover, certain characteristics of the construction industry disadvantaged employers vis-à-vis their counterparts in other industries such as their lack of control over the location of production and the inability to threaten recalcitrant workers, despite the enormous mobility demanded of them, with shifting production elsewhere in the United States let alone abroad.

**COMPARATIVE ALIENATION**

The trend of employers, assisted by combined capital, is to debase labor and deny its lawful and just share of what it produces.\(^\text{120}\)

The term Marxist is an accusation not of disloyalty but of intellectual sterility. Many of Marx's assumptions, not least the one about workers being "alienated," have been called into question by the repeated postponement of the fall of capitalism. But he still is a powerful intellectual influence today, even among Republicans.\(^\text{121}\)

The operation of the GM Lordstown plant, the building of which had catalyzed capitalist outrage at construction workers' exorbitant wage rates,\(^\text{122}\) triggered in early 1972 what the editors of *The New York Times* called a "rank-and-file rebellion"\(^\text{123}\) that startled many observers as a throwback to the nineteenth century.\(^\text{124}\) At Lordstown, "the engineering values of a hypermodern and super-
automated assembly line experienced a head-on collision with the values of a hypermodern and unusually young workforce. Expressing disgust for GM’s hard-driving, high-speed (101 cars an hour) production philosophy, the workers responded with soaring absentee rates, sabotage, and finally a bitter twenty-two-day strike.” The “sullen resentment” of workers protesting “the militaristic precision and dehumanizing character” of the assembly line created a “disaster” for GM at a plant where managers complained “that expensive seconds [we]re being wasted in the crevices of the working day.”

Whereas earlier in the post-World War II period, the fashionable academic preoccupation with rediscovering Marx’s “theory of alienation” had taken the form of abstracted history of ideas, sociologists and politicians suddenly recognized that it was no longer merely intellectuals who were alienated. Within a few months of the Lordstown strike, the Senate Subcommittee on Employment, Manpower, and Poverty held hearings on Worker Alienation, 1972, at which the lead witnesses, workers from the Lordstown plant, testified about the alienation produced by their unrelentingly fast, repetitive, monotonous, and boring work.

Following the hearings, four committee members, including Ted Kennedy and liberal Republican Jacob Javits, introduced the Worker Alienation Research and Technical Assistance Act of 1972. The bill included findings that: “the alienation of American workers because of the nature of their jobs is a problem of growing seriousness for the national economy and to individual workers”; alienation often resulted in lessened productivity, and frustration and social dissatisfaction among workers; and “it is in the national interest to encourage the humanization of working conditions and the work itself so as to increase worker job satisfaction...; insofar as possible, work should be designed to maximize potentials for democracy, security, equity, and craftsmanship.” The bill would have authorized the Secretaries of Labor and Health, Education, and Welfare to conduct research on methods already


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being used to “meet the problems of work alienation” such as shorter working days, job rotation, “worker participation in the decisionmaking process with regard to the nature and content of his job,” and redesign of jobs and production patterns. Finally, the bill would have authorized the appropriation of $10 million annually for two years to develop and conduct pilot demonstration projects to make significant contributions to the knowledge in the field concerning the aforementioned methods as well as job enrichment and guaranteed employment.130

In the midst of this congressionally acknowledged, system-threatening uproar at the point of production, one large group of workers could be identified who were not afflicted with Marxist alienation. Construction workers may have been wreaking another kind of havoc with their wage demands, but they were at least craftsmen who enjoyed and took pride in their work instead of assaulting modern methods of production and the notion of work altogether. Indeed, the major empirical study of alienation in the United States during the 1960s noted that construction, “based largely on a traditional craft technology and traditional manual skill, is the single largest employer of blue-collar workers.”131 In particular the AFL-CIO began to propagate the thesis of the unalienated building tradesman. Here is merely one example of the genre by John Joyce, the secretary of the Bricklayers, Masons and Plasterers International Union:

The building tradesman sees his job through from start to finish. He—not an inspector at the end of an assembly line—supervises its quality. He sets his own pace. One is tempted to think that he has been neglected by sociological fashion because he controls his work himself, through his union. He is not dependent on “sophisticated” management or academic consultants to advise him on how to soothe his alienation.132

How accurate was Joyce’s picture of the nonalienated construction worker? The first point—that he “sees his job through from start to finish”—suggests that the division of labor in the building trades was less detailed than in manufacturing. Though true, this claim should not be exaggerated: a bricklayer or carpenter on a huge industrial or commercial project in the second half of the twentieth century was hardly a manual Renaissance man, who made an entire product himself.133


133How remote the precapitalist artisan was from the twentieth-century construction worker can be gauged by Sombart’s observation that the artisan viewed his products exclusively as use values that were a manifestation of his own essence. Werner Sombart, Der moderne Kapitalismus 2:59 (2d ed., 1917).
After all, as early as the 1870s, the advent of various woodworking machines made possible the production of standardized windows, doors, and other building parts ready for installation, which in turn facilitated the subdivision of carpentry into door hanging, floor laying, stair building, and many other specialties performed by workers paid only half the wage of a carpenter. Indeed, it is the enormous size and complexity of twentieth-century megaprojects, which dwarf any individual worker’s minuscule contribution, that instill craft workers with pride: “working on a unique and individuated product is almost inherently meaningful.”

Robert Blauner, the author of the major U.S. study of alienation in the 1960s, went so far as to exempt unskilled construction workers from industrial meaninglessness: “Even the unskilled laborer shoveling cement on a building site is making a contribution toward the construction of a particular and tangible structure. His work is organized by the building problems of the individual site....”

If the hallmark of industry is the application of a “system of machines and apparatuses in which the labor process is approximately automatic and is performed continuously with respect to the connection of the subprocesses,” construction, with the exception of highway construction, did not pass muster as industrialized.

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136Blauner, Alienation and Freedom at 172.

137Walther Hoffmann, Stadien und Typen der Industrialisierung: Ein Beitrag zur quantitativen Analyse historischer Wirtschaftsprozesse 1 (1931).

138The three main areas of mechanization have been earth movement, materials handling, and concrete mixing. Despite successes especially in the first area, “[n]o real success has so far been achieved in mechanising craft processes, although a number of mechanical aids to craftsmen have been developed.” P. A. Stone, Building Economy: Design Production and Organisation 8-9 (1966). The increase in construction machines per worker was not synonymous with the replacement of living labor power by machine tools, which characterizes the transition from Manufaktur to industrial production. Only highway construction used machines that combined machine tools and means of transportation, whereas in building construction machines (such as cranes) replaced the labor of moving heavy objects without integrating the individual labor operations. Cement mixers did represent a transition to industrial production, but only as one phase within an otherwise craft-oriented structure. Helga Fassbinder et al., “Zur Berufspraxis des Architekten: Entwicklung von Bauindustrie, Bauauftraggebem und staatlicher Planungstätigkeit als Bestimmungsmomente der Architektenarbeit.” ARCH+, No. 18, July 1973, at 1-73 at 16-17. See also Projektgruppe Branchenanalyse des Bauhauptgewerbes TU Berlin, “Industrialisierung des Bauens unter den Bedingungen des westdeutschen Kapitalismus.” Kursbuch, No. 27, May 1972, at 99-136; Rolf Rosenbrock, “Bauproduktion: Entwicklungstendenzen der Bauwirtschaft,” in Architektur und Kapitalverwertung: Veränderungstendenzen in Beruf und Ausbildung von Architekten in der BRD 85-124 (Klaus Brake ed., 1973).
Instead, it “is still largely in the era of hand craftsmanship supplemented by powered hand tools, the lowest form of mechanization...”\textsuperscript{139} Nevertheless, despite the higher skill level and more ‘organic’ activity of modern construction workers, they, too, were subject to technological and socioeconomic pressures common to all wage workers.\textsuperscript{140} For example, the “pre-assembly of as many elements as possible on a factory basis” meant that a carpenter who “can install six to ten prefabricated door assemblies, pre-hung in the frames with hardware already in place, in the time it takes to hang a single door by conventional methods...becomes a doorhanger and ceases to be a carpenter.”\textsuperscript{141} In spite of this deepening division of labor, its less complex character and the lack of automation meant that construction workers had still not become and did not experience themselves as mere appendages of the means of production in the same way that factory workers did. For these reasons construction workers retained, as Joyce argued, greater control over the pace of work and the way they worked.\textsuperscript{142}

In a broader sense, however, construction firms had for several decades been introducing the “industrialization of building” by means of “the model of industrial manufacturing”:\textsuperscript{139}

This change seems to have originated with the emergence of large-scale building contractors, both commercial and residential, with the large public works projects of the Depression, the demands for large-scale building in World War II and the pressures on the industry to provide mass housing in the years following World War II. Out of these events and other social processes associated with them, came entrepreneurs in building activity on the model of entrepreneurs of large-scale manufacturing processes in industry. They brought with them and stimulated adoption of a variety of managerial and production techniques—cost analysis, job analysis, time and motion study, prefabrication, on-site mass production, etc.—which boil down to treating building as a manufacturing process. ... As a consequence of this new approach to the building process, efficiency in use of labor and materials was increased, costs were lowered, speed of construction was greatly increased....

\textsuperscript{139}Harry Braverman, \textit{Labor and Monopoly Capital: The Degradation of Work in the Twentieth Century} 208 (1974).

\textsuperscript{140}A contemporaneous analysis of trends in the industrialization of residential construction observed: “The one-sided mechanization of residential construction is characterized by the fact that the machine to an ever greater degree...penetrates the productions methods of residential construction. The machinery is expanded to an ever greater degree; the amount of horse power per employee is augmented to an increasing degree. But despite this mechanization the methods of production remain...in principle craft-oriented work sequences.” Gangl, \textit{Die Engpässe für eine konsequent industrialisierte Wohnbauwirtschaft} at 15-16.

\textsuperscript{141}Braverman, \textit{Labor and Monopoly Capital} at 208-209.

\textsuperscript{142}For earlier confirmation for the building trades generally, see Milton Derber, “Building Construction,” in \textit{Labor Management Relations in Illini City} 1: 659-785 at 677 (W. Chalmers et al. eds., 1953).
Along with these changes in management and methods came a series of building techniques, components and materials which adapted themselves to the concept of building as a manufacturing process—to the idea of the house or building as a product. ... Much of the building operation was moved off-site into the factory itself; on-site activity was made as much like factory work as possible. New power tools and equipment were adapted, both on-site and in-factory, to replace previous craft operations.143

Not so surprisingly, then, construction employers were engaged in a less public struggle to eliminate the very conditions that underwrote their employees' comparatively unalienated state. While employers and the state, during the Vietnam war years, trained their criticism on construction unions' and workers' wages and their macroeconomic consequences, they also sought to introduce methods of production that would reduce the objective and subjective control that enabled workers to resist subordination to employers. The reason for the tension in construction employers' attitudes towards their employees is not hard to discern. Like other skilled craftsmen, building tradesmen are relatively independent of their companies, since the market demand for their skills gives them mobility in an industrial structure made up of large numbers of potential employers. The occupational structure and economic organization of craft industries thus make the work force autonomous from management, rather than integrated with it or alienated from it. This autonomy is expressed in the skilled craftsman's characteristic (and characterological) resentment of close supervision. Since the management control structure has little effective power and since craft technology is too undeveloped to be coercive, the locus of social control in these work settings is the journeyman's own internalization of occupational standards of work excellence and norms of "a fair day's work." Work discipline in craft industries is therefore essentially self-discipline.144

Construction firms' ambivalence about the self-contradictory ends that they were pursuing—the employment of unalienated but nonmilitant workers—is readily documented. The intensity and peculiar qualities of labor struggles in the construction industry were rooted in craft workers' greater powers of resistance. Joyce's reference to self-supervision with respect to the quality of output and the pace of work reflects, at least on the surface, a degree of independence from the mechanisms of capitalist discipline unknown to most industrial workers.145 Construction employers, on the one hand, traditionally welcomed the fact that they could in part dispense with a separate layer of supervisory personnel: "The

144Blauner, Alienation and Freedom at 175.
145For example, skilled maintenance workers, even and perhaps especially at the Lordstown plant, “who have mastered a large number of machines or are expert electricians have enormous power over production.” Aronowitz, False Promises at 47.
journeyman is trained to perform much of the supervisory and planning functions that in other industries are the role of management.” On the other hand, many employers were also eager to deprive their employees of this autonomy. For example, the AGC’s 1974 proposal to revamp apprenticeship training programs appeared to be a step in this direction. Under this plan, “a worker would receive...proficiency in one subskill of a trade. Examples: framer, rough carpenter, drywall taper, pipe caulker, asbestos shingle roofer.” The plan, to be sure, left open the possibility of accumulating sufficient subskills to become a master craftsman, but the goals of cutting down training time and producing qualified workers “when and where needed” suggested that such an outcome would at best have been an unintended by-product.

Autonomous self-management by craftsmen contained its own ambiguities. On the one hand, where work rules define employers as dependent on workers’ personal skill, a “certain psychological ascendancy is...established in favor of the worker which virtually eliminates any general feeling of deference toward the contractor class.” On the other hand, those who perform management’s role may also have internalized its function as enforcer of the self-valorization demands of the employer’s capital investment. The same ambiguity extends to the role of supervising co-workers: “It has long been customary for foremen in the construction industry to be regular members of the union whose members they direct. The practice arises in part from the fact that there is a good deal of interchange, from job to job, between the status of foreman and worker. A craftsman may be a foreman on one job today and a worker on another job tomorrow.” To the extent that worker-foremen’s overall dominant experience was that of being a wage worker, the possibility of divided loyalties, compounded by the supervisees’ extraordinary scope for self-direction, created significant potential for conflict for employers.

The Roundtable identified one of the sources of construction unions’ enhanced power in

146Mills, Industrial Relations and Manpower in Construction at 183-84.


148Myers, “The Building Workers” at 269.

149Though less prevalent today than earlier in the century, the transition between union worker and employer-business owner may also exert its impact. In Chicago in the 1920s, when unionism had been an accomplished fact for 50 years, “perhaps more than half of the subcontractors...were once building-trades workers. Many of them still carry the union card. Unless too unreasonable demands are made by the workers, the employer is not willing to sacrifice the services of his union workers, more efficient on the whole, he thinks, than the non-union men...” Montgomery, Industrial Relations in the Chicago Building Trades at 7.

the fact that the hiring hall is usually the source from which the contractor draws his Foremen and General Foremen. These levels of supervision...are typically craftsmen who, for one reason or another, are assigned to a given construction project in a supervisory role. Whether or not they will assume that role on the projects in the future is largely left to the whim of the hiring hall and union officials. This situation leaves little doubt as to where the loyalties of supervisory employees are likely to lie, or as to what factors are likely to have a primary influence on their actions and decisions as members of supervision.¹⁵¹

Possibly the most subversive impact of the hiring hall—through which, Roger Blough estimated, two million of 3.4 million construction workers were hired¹⁵²—from the Roundtable’s perspective, was its mitigation of the disciplinary function of firings. Even when employers exercised their contractual right to reject or dismiss workers sent by the union, “discharge from the job is not likely to have much effect on a construction worker. He probably will return to the hiring hall for prompt reassignment to another construction project”¹⁵³ with another employer. Thus the long tradition of militance and violence in construction labor struggles strongly suggests that the other possibility—namely, workers’ internalization of management’s conception of discipline—was not representative enough to undermine unions’ special powers of resistance.

Despite Joyce’s disparaging reference to sociologists, their overwhelming focus on the effects of the micro-division of labor on workers’ consciousness overlapped with his approach. As Gavin Mackenzie, author of one of the most frequently cited contemporaneous sociological studies of craftsmen in the United States, asserted: “It would seem...that we must focus on the nature of the job itself in explaining...the relatively high level of satisfaction found amongst the craft workers.... This means that the intrinsic satisfaction inherent in craft jobs, rooted in the amount of freedom and control the craftsman has over his work situation, as well as in the nature of the tasks he is asked to perform, provide virtually the explanation of the degree of job satisfaction found among these blue collar workers.”¹⁵⁴ Ironically, Mackenzie found that precisely bricklayers, one of the groups he interviewed, had little “scope for variety or individuality. The vast majority of the people we talked to simply laid bricks, blocks, or stone. To be sure, buildings differ from one another in form, but the actual tasks involved in bricklaying do not.”¹⁵⁵

¹⁵¹BR, Coming to Grips with Some Problems in the Construction Industry at 52.
¹⁵³BR, Coming to Grips with Some Problems in the Construction Industry at 52.
¹⁵⁵Mackenzie, Aristocracy of Labor at 14.
Regardless of this substantive defect, to conceptualize and measure “job satisfaction” by means of a questionnaire administered to an individual worker artificially isolated and atomized vis-à-vis the researcher-interrogator cannot capture the manifold layers of meaning of the capital-labor relationship.\textsuperscript{156} The most striking example was Mackenzie’s interpretation of the answers he received to this question: “Do you think it is more realistic to look at a large firm somewhat like a football team—with each person doing his bit toward the success of the enterprise—or is it more realistic to see it composed of two opposed parts—managers on the one side and workers on the other?”\textsuperscript{157} That 72 percent of the craftsmen fell into the group of “‘footballers’” was less interesting to Mackenzie than “the almost complete absence of ideological responses”\textsuperscript{158} justifying their views of large firms: the great majority—who, he fails to add, were not employed in such firms\textsuperscript{159}—“gave as their reasons the fact that simply this was the only way a firm could get things done. ... For these people, to discuss a firm in terms of conflict relationship between management and workers is silly and meaningless. The large firm and teamwork are, by definition, inseparable.” Even where craftsmen stated that “[t]hrough intervention of unions for the workers we get higher pay and higher benefits,” Mackenzie interpreted the attitude toward unions “purely and simply as an instrumental and personal one.” He completely stripped the sale of labor power of its fundamental structural peculiarity by imputing to his interviewee the notion that unions bargain with employers to “get the best deal for union members” in exactly “the same way as he will bargain with the car salesman to get the best deal he can on a new car.” The relationship between unions and employers thus was conflictual “only insofar as any commercial relationship is... and it is questioning the existing form of social structure only as much as the man buying a new car is questioning the concept of a money economy.”\textsuperscript{160}

Even if workers, as consumers, share with employers the illusions of the sphere of circulation, as producers they become acutely conscious of the fact that commerce rests on production, which in turn may be taken out of their hides in various health-, welfare-, and life-threatening forms. It is ironic that precisely during those years when the employing class as a whole and the state were denouncing unionized construction craftsmen’s militance as subverting the economy and society, Mackenzie concluded that they were doing nothing more than bargaining for a lower car price.


\textsuperscript{157}Mackenzie, \textit{Aristocracy of Labor} at 179. For a critique of the football team approach, see Ursula Schumm-Garling, \textit{Herrschaft in der industriellen Arbeitsorganisation} 40 (1972).

\textsuperscript{158}Mackenzie, \textit{Aristocracy of Labor} at 139.

\textsuperscript{159}Mackenzie, \textit{Aristocracy of Labor}, tab. 2 at 16.

\textsuperscript{160}Mackenzie, \textit{Aristocracy of Labor} at 139, 140, 144, 145.
Militant Business Unionism

Strikes

In a state of society founded upon the antagonism of classes, if we want to prevent Slavery..., we must accept war. In order to rightly appreciate the value of strikes and combinations, we must not allow ourselves to be blinded by the apparent insignificance of their economical results.... Without the great alternative phases of dullness, prosperity, over-excitement, crisis and distress, which modern industry traverses in periodically recurring cycles, with the up and down of wages resulting from them, as with the constant warfare between masters and men closely corresponding with those variations in wages and profits, the working-classes...would be a heart-broken, a weak-minded, a worn-out, unresisting mass, whose self-emancipation would prove as impossible as that of the slaves of Ancient Greece and Rome.161

Under certain circumstances, there is for the workman no other means of ascertaining whether he is or not paid to the actual market value of his labor, but to strike or to threaten to do so.162

Construction workers’ extraordinary control was inscribed in their leading position as strikers.163 Looking back from the mid-1970s, two labor economists concluded that construction “may be the most strike-prone industry”; it had been the site of almost 25,000 strikes, or about one-fifth the national total, during the post-World War period.164 During the Vietnam war, however, strike activity reached unprecedented levels. In 1969 and 1970, almost 1000 strikes took place during contract negotiations, accounting for 36 percent of all collective bargaining agreement renewals—up from 20 percent between 1960 and 1967. The settlements finally reached at the end of some long strikes exceeded the unions’ original demands.165 As Tables 16a and 16b, which present basic strike indicators for the three decades after World War II, impressively demonstrate, during the 10 years from 1962 to 1971, construction workers, while representing only 4 percent of the


165Mills, Industrial Relations and Manpower in Construction at 69.
civilian labor force, accounted for one-fifth of all strikes, 17 percent of all strikers, and 19 percent of all striker days.166

The indicators displayed in Table 16a and 16b illustrate several components of strike activity: the number of strikes; number of strikers; total number of worker-days on strike; and average number of days each striker was on strike. In addition, the tables report on construction strikes, strikers, and strike days as a proportion of the aggregate national data. Finally, they also reveal the proportion of construction workers participating in strikes as well as the percentage of total construction working time accounted for by strike time. The Bureau of Labor Statistics, the official national strike data collection agency, uniformly uses the terms “idleness” and “days idle” to describe the amount of time during which workers are on strike. This curious word choice carries obvious pro-production and pro-employer ideological freight. An ancient word, “idle” means empty, useless, vain, worthless, serving no useful purpose, not engaged in work, doing nothing, and unemployed. The word buries the insight that struggles vital to the development of society may be taking place during strikes.167

From the middle of the Korean War—during which the federal government did not even ask unions to give a no-strike pledge168—on, the number of strikes attained a much higher level than at any time since the BLS initiated its modern set of strike statistics in the 1920s.169 But an even higher plateau was reached during the years from 1964 through 1970 culminating in the all-time record of 1,137 strikes in 1970. The combined force of government intervention, Roundtable support for the nonunion sector, and mounting unemployment then took hold: within three years the number of strikes plummeted 53 percent to 539.170 Once the Construction Industry Stabilization Committee (CISC) was established in 1971, “unions could not help but realize the futility of striking for excessive wage increases which would later be rejected by the CISC.” By the same token, construction firms “were reluctant to hold the line against costly union bargaining demands and thus incur a lengthy strike when they expected the committee to ultimately roll back any wage settlement not in keeping with CISC guidelines.”171

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1675 Oxford English Dictionary 22-23 (1961 [1933]).
170Lipsky & Farber, “The Composition of Strike Activity in the Construction Industry” at 401, deny that rising unemployment reduced the number of strikes, but admit that it did limit their size and duration.
171BLS, Work Stoppages in Contract Construction 1946-66, at 22. Dunlop, the chairman of the CISC, had predicted that: “A strike or lockout against the program by significant organizations will cause it to collapse.” Byron Calame, “Construction-Industry Panel May Be Model for Stabilizing
Despite the strong increase in the number of strikes, construction was overtaken by other industries as is shown by Table 16a: construction strikes as a percentage of all strikes reached their high point (26 percent) in 1964, and then fell almost continuously for the next decade to a low of 10 percent in 1973.

The trend in the number of striking workers was similar to that of strikes, but showed greater fluctuations; and unlike the strike indicator, the number of strikers, after reaching a peak of 621,000 in 1970, fell sharply but rose to a new peak of 630,000 in 1974 (chiefly after the expiration of the CISC on April 30). The fact that construction worker strikers as a proportion of all strikers fluctuated at a lower level than in the case of strikes indicates that construction strikes were smaller than in the national economy as a whole. Finally, the proportion of construction workers participating in strikes exceeded 11 percent from 1966 to 1972, reaching a peak, once again in 1970, of 18 percent, which, however, was lower than the high point of 24 percent during the Korean War.172

The category of worker-days on strike, shown in Table 16b, synthesizes the number of strikes, the number of workers per strike, and the duration of strikes. Nationally, construction ranked first in worker-days on strike, averaging 6.6 million annually between 1962 and 1971. This indicator rose almost eightfold—from less than 2 million days in 1963 to a postwar high point of more than 15 million in 1970.173 The more than 25 million striker-days in 1969 and 1970 exceeded the next highest consecutive two years by a large margin. Although construction accounted for almost one-fourth of all striker-days in the United States in 1969-70, the peak of 29 percent was reached in 1972, when the absolute volume had fallen by half. As unemployment rose higher, construction’s share of total striker-days fell further: by 1976 it was only 8 percent.174 1970 was also the peak year for the number of days on strike per striker (25) and striker-days as a percentage of total estimated working time in construction (1.76 percent)—a level almost five times higher than the national average (0.37 percent) and much higher than the industry average in the rest of the post-World War period.175

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172The data on strikers may include double counting of workers who participated in more than one strike in a given year. BLS, *Work Stoppages in Contract Construction, 1962-73* at 81.


175For the calculation of overall striker-days as a proportion of total working time, see BLS, *Analysis of Work Stoppages, 1975*, tab. 1 at 10 (Bull. 1940, 1977); on the methodology, see Howard Fullerton, “‘Total Economy’ Measure of Strike Idleness,” *MLR*, October 1968, at 54-56. The proportion for construction is understated because the BLS assumes a standard year of 255 working days, whereas construction workers on average work only 200 days. BLS, *Work Stoppages in Contract Construction, 1962-73* at 1.
<table>
<thead>
<tr>
<th>Year</th>
<th>Work stoppages</th>
<th>Workers involved</th>
<th>% of U.S. construction employment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>Index (1967=100)</td>
<td>% of U.S. total</td>
</tr>
<tr>
<td>1946</td>
<td>351</td>
<td>40</td>
<td>7</td>
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<tr>
<td>1947</td>
<td>382</td>
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</tr>
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<td>1951</td>
<td>651</td>
<td>75</td>
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<td>1952</td>
<td>794</td>
<td>92</td>
<td>16</td>
</tr>
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<td>1953</td>
<td>1,039</td>
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<td>21</td>
</tr>
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<td>1960</td>
<td>773</td>
<td>89</td>
<td>23</td>
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<tr>
<td>71</td>
<td>93</td>
<td>68</td>
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</tr>
<tr>
<td>15</td>
<td>23</td>
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</tr>
<tr>
<td>Year</td>
<td>Number (000)</td>
<td>Index (1967=100)</td>
<td>% of all worker-days on strike in U.S.</td>
</tr>
<tr>
<td>------</td>
<td>--------------</td>
<td>------------------</td>
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</tr>
<tr>
<td>1946</td>
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<td>3,970</td>
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<tr>
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<td>4,790</td>
<td>93</td>
<td>20</td>
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<tr>
<td>1959</td>
<td>4,120</td>
<td>80</td>
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<td>1960</td>
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<tr>
<td>1961</td>
<td>3,491.4</td>
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</tr>
<tr>
<td>1962</td>
<td>4,154.6</td>
<td>81</td>
<td>22</td>
</tr>
<tr>
<td>Year</td>
<td>Worker-Days</td>
<td>Days</td>
<td>Average</td>
</tr>
<tr>
<td>------</td>
<td>-------------</td>
<td>------</td>
<td>---------</td>
</tr>
<tr>
<td>1963</td>
<td>1,932.2</td>
<td>37</td>
<td>12</td>
</tr>
<tr>
<td>1964</td>
<td>2,788.3</td>
<td>54</td>
<td>12</td>
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<td>1965</td>
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<td>1966</td>
<td>6,135.9</td>
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<td>24</td>
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<tr>
<td>1967</td>
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</tr>
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<td>1968</td>
<td>8,722.9</td>
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<td>1969</td>
<td>10,385.8</td>
<td>201</td>
<td>24</td>
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<td>1970</td>
<td>15,240.4</td>
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<td>23</td>
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<tr>
<td>1971</td>
<td>6,849.6</td>
<td>133</td>
<td>14</td>
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<tr>
<td>1972</td>
<td>7,843.7</td>
<td>152</td>
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<tr>
<td>1973</td>
<td>3,663.4</td>
<td>71</td>
<td>13</td>
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<td>1974</td>
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</tr>
<tr>
<td>1975</td>
<td>7,307.3</td>
<td>142</td>
<td>23</td>
</tr>
</tbody>
</table>

Construction strikes accounted for a much smaller volume of nonworking days than injuries or unemployment, but the figure for 1970 was impressive even on an international scale of labor-capital turbulence: it exceeded the levels achieved by Italian industrial workers in the late 1960s and early 1970s, if not in the year of the “hot autumn,” 1969, when 4.7 percent of hours were lost to “labor unrest.”

The average duration of construction strikes was markedly lower than in the economy as a whole. It rose from 14 days in 1962 to a high of 21 days in 1970, but at no time exceeded the lowest value for all industry (22 days). The chief reason for this deviation was the large number of brief jurisdictional strikes involving relatively few workers in construction. 3,451 such strikes took place from 1962 through 1971, accounting for 37 percent of all construction strikes but less than 4 percent of all striker-days. This subordinate role contrasts sharply with the situation in the 1920s when jurisdictional disputes “constitute[d] the single largest cause of work stoppages” in construction, accounting for 95 percent of strikes and 75 percent of striker-days.

The concentration of strike activity, both regionally and with respect to a few large and long strikes, was not unique to construction, but nevertheless quite prominent. What the BLS calls “major strikes,” involving more than 10,000 workers, accounted for an increasing proportion of striker-days during the Vietnam war. Although major strikes represented fewer than 1 percent of all construction strikes, they accounted for almost 40 percent of all strikers and half of all striker-days between 1965 and 1972. Whereas 485,000 workers participated in such strikes between 1962 and 1966, almost twice as many (857,000) did so between 1967 and 1971. The average number of strikers in major strikes also doubled from 15,700 in 1966 to 31,400 in 1971.

Table 17 sets out the concentration of major strikes in the construction industry between 1965 and 1975, which accounted for almost three-tenths of all

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176 Roberto Franzosi, The Puzzle of Strikes: Class and State Strategies in Postwar Italy, tab. 5.17 at 181, tab. 5.18 at 182 (1995).

177 BLS, Work Stoppages in Contract Construction, 1962-73, tab. 8 at 21, 27, tab.14 at 33. Yet in 1975, the mean duration of construction strikes was 34 days compared with 22 for all industries. BLS, Analysis of Work Stoppages, 1975, at 5. In addition, an unusually high proportion of construction strikes occurred during the term of the contract and were short. Between 1961 and 1966, 59 percent of all construction strikes occurred during the term of a contract. BLS, Work Stoppages in Contract Construction 1964-66, at 2. Strikes following expiration of an agreement are often long and large. Mills, Industrial Relations and Manpower in Construction at 49.

178 Haber, Industrial Relations in the Building Industry at 152 (quote), 153.

179 BLS, Work Stoppages in Contract Construction, 1962-73 at 25. Major strikes in the economy at large also accounted for about one-half of all striker-days. Ibid.
Table 17: Strikes with More Than 10,000 Strikers, 1965-1975

<table>
<thead>
<tr>
<th>Year</th>
<th>Strikes</th>
<th>Strikers</th>
</tr>
</thead>
<tbody>
<tr>
<td>All</td>
<td>Construction</td>
<td>All</td>
</tr>
<tr>
<td></td>
<td>as % of all</td>
<td>as % of all</td>
</tr>
<tr>
<td>1965</td>
<td>21</td>
<td>4</td>
</tr>
<tr>
<td>1966</td>
<td>26</td>
<td>12</td>
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<td>1967</td>
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<td>7</td>
</tr>
<tr>
<td>All</td>
<td>285</td>
<td>83</td>
</tr>
</tbody>
</table>


strikes. The almost two million construction workers who participated in such

A few large construction strikes bulked large in the industry’s total strike activity. In 1969, two strikes in Missouri for wage increases and benefits accounted for more than half of major strike striker-days that year; 37,000 workers took part in a 119-day strike in Kansas City, while in St. Louis 20,000 workers struck for 84 days. The following year two strikes accounted for more than half of major strike striker-days: in Kansas City 27,000 workers struck for 197 days, while 15,000 workers struck for 135 days in Birmingham. In 1971 two California strikes in support of striking teamsters at construction sites, the number of strikers in each of which exceeded that of any other construction strike in recent decades, towered over all others: in one, 65,000 workers struck for 33 days, while in the other 116,000 struck for 15 days. Two large strikes dominated the picture in 1972: 50,000 struck for 39 days in support of cement masons and iron workers in Minneapolis, while 22,600 struck the Building Trades Employers Association in New York City for 110 days over seniority provisions for elevator constructors. In 1975, 26,000 iron workers, laborers, carpenters, and plumbers struck the North Texas Contractors Association for 154 days. BLS, Work Stoppages in Contract Construction, 1962-73 at 25-26; BLS, Analysis of Work Stoppages, 1975, tab. 5 at 14 (Bull. 1940, 1977).
strikes represented one-fifth of the ten million strikers in those strikes. The figures for 1972 underscore construction union militance: when the CISC was applying “all the pressure it could muster to reduce conflict in the industry,” major construction strikes accounted for half of all such strikes and construction workers 56 percent of all such strikers.

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181 Lipsky & Farber, “The Composition of Strike Activity” at 393.