

More Than Economism: The Politics of Workers' Safety and Health, 1932-1947

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HISTORICALLY, OCCUPATIONAL SAFETY AND HEALTH professionals have had two divergent and sometimes conflicting approaches to protecting workers on the job. One group, mostly bench scientists, have emphasized the importance of investigating the effect of toxins on individual workers and establishing acceptable minimal standards for exposure. Often, these researchers see themselves as objective experts, outside the political battles that frame management and labor relationships. Another group, primarily labor and political activists, have emphasized the need to expose dangerous working conditions. They have also pressed for stronger government regulation to enforce existing statutes. They tend to see themselves as advocates for workers. These two different approaches—the neutral orientation of the bench scientists and the regulatory and prolabor approach of the activists—have led to different views within the health and safety community today regarding the appropriate role of government agencies in the control of the work place. Some believe that government's role should emphasize voluntary activity and be limited to scientific research and education while others argue that the federal government must use its police powers to protect the health and safety of workers on the job.

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During the course of the twentieth century, the U.S. Public Health Service and state health departments have employed the scientific approach, while in the pre-Reagan era the U.S. Department of Labor has adopted a regulatory role. In an earlier article we traced the origins of the debate between spokesmen in these agencies and the political passions that it engendered during the 1920s and 1930s (Rosner and Markowitz 1985). Here, we will review this debate and trace the fate of one agency within the Department of Labor that most clearly articulated a rationale for an activist approach. This agency, the Division of Labor Standards, sought to make safety and health a central part of labor's agenda during the New Deal and became the focal point for conservative opposition to New Deal policies in the period following World War II. As a result, the ostensibly neutral, bench scientist approach to safety and health issues gained ascendancy for the next generation until the passage of the Occupational Safety and Health Act (OSHA) in 1970.

The origins of the debate can be traced to the history of the two agencies now responsible for the health of the American work force. The U.S. Department of Labor was "created [in 1912] in the interest of the welfare of all the wage earners of the United States," according to its first secretary, William B. Wilson, who was himself a former coal miner (U.S. Department of Labor 1914). (The Department of Labor was preceded by the Department of Commerce and Labor as well as by the Bureau of Labor Statistics.) Its concern with the problems of labor led it in the early years of the twentieth century to investigate a variety of working conditions that threatened the health and safety of the work force. Its early interests included "the field of occupational diseases," and the Bureau of Labor Statistics [a division of the Department] investigated "the hygienic conditions of cotton mills; of home work; of ventilation and general sanitary conditions of clothing shops; of diseases in the glass industry; of health of women in textile factories and laundries; of poisons in the industries; of tuberculosis among wage earners; of the hygiene of the painters trade; of anthrax as an occupational disease, etc." (Department of Labor 1920, 230-31). In the early years of this century, the concerns of the Department of Labor (especially through its Bureau of Labor Statistics, Women's Bureau, and Children's Bureau) established that working conditions and occupational safety and health were inseparable and central to labor's sphere of interest. The origins of this agency as an instrument

of Progressive Era reform of working conditions helps account for a fundamental ambiguity in its approach to labor-management relations. As with other Progressive reformers, administrators in the department often vacillated between a belief that the government should mediate between contending political and social interests and a sense that government had the responsibility to protect those least able to defend themselves. Until the New Deal, the Department of Labor emphasized the first approach. After 1933, in the face of massive unemployment, labor militancy, and a growing awareness of the common worker's plight, administrators stressed their role as protector.

Early Twentieth-century Origins of Public Health Service Involvement in Safety and Health

The U.S. Public Health Service developed with a very different set of commitments. Rather than seeing itself as an advocate for any particular interest group, the service conceived of its role as an independent agency of scientists, physicians, and public health professionals. They shared a common interest in controlling and identifying diseases among workers, families, and communities, but they did not see themselves as advocates for the "special interests" of any one group. By the early twentieth century the Public Health Service (formerly the U.S. Marine Hospital Service) was well known for its management of a marine hospital system, quarantine facilities in the various port cities, and the management of laboratories for the identification of infectious diseases. Its emphasis was on the control of malaria, typhoid, yellow fever, and other diseases associated with sanitation, immigration, and international trade and commerce. In the early years of the century, it developed laboratories to aid its police activities.

Beginning in the second decade of the twentieth century the Public Health Service developed an active interest in occupation-related diseases. In 1912 the Public Health Service was "empowered by law to study the diseases of man," and in 1915 it was given greater authority to conduct "investigations [into] occupational diseases and the relation of occupations to disease" through the organization of its Section of Industrial Hygiene and Sanitation (Schereshewsky 1915; *American Journal of Public Health* 1939; Bean 1925). The Public Health Service's interest in industrial hygiene stemmed from their more general interest in

the spread of infectious diseases. Many public health workers believed that any future progress in the control of tuberculosis, pneumonia, and other lung disorders, for instance, demanded that attention be paid to the work environment as well as to the home environment. For those involved in the battle to improve the nation's health, it was "impossible to delimit the field of industrial hygiene [so] as to separate it from the hygiene of the total environment" (Schereshewsky 1915).

The advent of World War I made occupational safety and health a national priority. The need to conserve manpower, especially within the war-related industries, led to legislation that gave authority to the Public Health Service to protect the health of laborers in plants with government contracts. The concern with the unknown effects of new toxic chemicals such as TNT and picric acid made the Service, with its established laboratory and technical expertise, the locus of authority.

In the 1920s, a few health professionals sought to increase government activities in industrial hygiene. But it was the coming of the New Deal that profoundly affected the Public Health Service's program in this area. Title VI of the Social Security Act of 1935 provided massive amounts of money to state and local departments of health for a wide variety of services. Under the administration and guidance of the U.S. Public Health Service, funds were made available for personal health care services, sanitary engineering, tuberculosis control, laboratory research, and mental hygiene, as well as other programs. Industrial hygiene was one area in which state and federal health departments sought to expand their purview. Public health professionals tried to develop a greater presence in this field because they saw a lack of progress in improving the health of workers during the previous decades.

Given the fact that the public health profession had been so successful in improving general mortality statistics and health conditions during the previous three decades, it was not surprising that they sought to apply the same model to industrial hygiene work. These professionals, impressed by the effects of scientific research and medical knowledge in improving the health of the nation, turned to the laboratory to accomplish the same thing for industrial workers. They derided what they saw as the "unscientific" approach of earlier generations of labor and social reformers: "It seems the cart has always been before the horse in industrial hygiene in this country," noted the *American Journal*

of *Public Health* (1935). “The deleterious effects of new methods or new substances have been first discovered in the workers themselves (as the guinea pigs) . . . before scientific investigations were undertaken.” The enormous concern shown by the Public Health Service also came from their recognition that industrial health was an increasingly important part of any public health effort. The change from an agricultural to a factory system over the previous decades dictated that effective health programs had to pay attention to the industrial work place.

The U.S. Public Health Service during the New Deal

Those advocating that health departments expand their role in industrial hygiene were aided by the passage of the Social Security Act in 1935. In the years following the passage of the act, the money appropriated under Title VI became an important lever by which the Public Health Service prompted local and state departments of health to increase their activities in the field of occupational safety and health. In just a few years, this money was used to establish industrial hygiene divisions in a great number of state departments of health. Before 1936, only five state departments of health had industrial hygiene units. By 1938, only three years after the passage of the act, 24 state departments had established such units (National Archives 1937–1938). The success of the Public Health Service in gaining federal monies for state and local industrial hygiene activities had an adverse effect on the Department of Labor’s efforts to promote state activities in safety and health. In the 1920s, 27 labor departments supervised industrial hygiene work in their states. But after the passage of the Social Security Act, only 2 continued to do so.

The Public Health Service’s conception of industrial hygiene and occupational safety and health was that it was essential to identify the variety and types of health hazards that existed in various industries through the efforts of bench scientists and physicians. Following the lead of state health departments, it did not believe that enforcement powers were essential for an effective program. Instead, the state health agencies relied on the voluntary cooperation of industry. The Public Health Service viewed industrial hygiene as primarily a medical matter and emphasized the significance of environmental and personal factors (such as the home environment) on the health of the individual worker.

The Public Health Service developed a broad model of industrial hygiene because of its own involvement in general public health and infectious disease issues. The Public Health Service, therefore, was not focused on correcting specific deficiencies of the work place. It recognized its responsibility as professionals, government officials, and authorities in effecting change but sought to maintain a professional distance and remain aloof from the political battles surrounding the labor movement in the 1930s.

The U.S. Department of Labor and Its Division of Labor Standards during the New Deal

Unlike the U.S. Public Health Service, the Division of Labor Standards was right in the middle of the political battles of the 1930s. The division was established in 1934 by Frances Perkins, Secretary of Labor, as a separate agency within the secretary's office. Its mandate from Perkins was to address issues of working conditions in American industry with particular emphasis on hours, wages, and safety and health. Its activities often went beyond any narrow reactive or merely conciliatory role in the conflicts between management and labor during the 1930s. Despite the fact that this program could be understood as an agent of social control on the broadest level of analysis, its activities often transcended such limits and, in turn, stimulated increased consciousness and activism among many workers. Because of the uniqueness of its vision and program, it was subject to direct political attack in the postwar period when conservative ideology was ascendant.

The goals of the Division of Labor Standards were innovative even within the context of the New Deal. First, it sought to educate labor to the health and safety hazards that it faced on the job. Second, it defined its role as advocate for labor, both organized and unorganized. Third, the division's programs often went beyond narrow economism and sought to include a safe and healthy work place as legitimate worker demands in collective bargaining. Although we now accept federal involvement in occupational safety and health through such agencies as the Occupational Safety and Health Administration (OSHA), few understand this earlier contribution by the federal government to improving the health and safety of American workers.

The division spanned the New Deal's changing approaches to labor.

At first, federal policy was embodied in the National Industrial Recovery Act which sought to regulate working conditions, most specifically hours and wages in a wide variety of industries. When it was declared unconstitutional on May 27, 1935, the federal approach to labor shifted from promoting regulation to encouraging collective bargaining. Although the Fair Labor Standards Act of 1938 illustrates the New Deal's continuing interest in regulation, the most significant piece of legislation furthering collective bargaining was the National Labor Relations Act of 1935. The Division of Labor Standards continued to press state departments of labor to inspect and regulate working conditions but also sought to be of positive assistance to labor unions in their efforts to bargain with management.

When the division was established in July 1934, the National Recovery Administration (NRA) had developed codes regulating wages, hours, and working conditions in a number of industries. Only moderately successful at best, when the NRA was declared unconstitutional, once again there were no national labor standards. Rather, each state and every industry had its own formal and informal methods for controlling conditions on the shop floor. Some states had relatively extensive regulatory devices. The most highly developed mechanism involved the use of state labor and health department inspectors who visited factories primarily to check on compliance with child labor, fire codes, and public health hazards. In New York, for instance, this approach could claim some success and it is significant that Secretary Perkins and the two top administrators in the division, Verne Zimmer, the director, and Clara Beyer, the assistant director, had been trained there. Beyer described the initial assumptions of the division: "In general the functions of this new Service of the Department should be the promotion of desirable standards of labor legislation and industrial practices affecting labor." In an internal memorandum, Beyer identified the political constituency that the division should serve. Unlike other government agencies that sought to maintain an aura of neutrality in the then-current struggles between labor and management, Beyer maintained that the division was to be clearly aligned with the interests of labor. The division "should be a service agency for labor, just as the Department of Commerce is a service agency for business," she maintained. The administrators' overall goal was the improvement of working conditions for the laborer, but they did not see themselves as antibusiness. The administrators believed that by providing "a

rallying point for labor organizations, private welfare organizations, management, employer, and technical associations," and state and national government agencies, they could help to "secure improvement in the working and living conditions of the wage-earners and their families." The division was to bring "these numerous forces into a harmonious working relationship, on the theory that more can be accomplished by coordinated [rather] than by independent efforts" (National Archives 1934).

The division's approach represented an important break with past government policy in the labor field. Prior to the New Deal, the national government had rarely been involved in anything other than a research and information-gathering role. This new agency appreciated the importance of such work; by adopting the interventionist ideology of the New Deal, it sought to broaden its goals. Unlike even its sister agencies within the Department of Labor, such as the Bureau of Labor Statistics, the division sought to promote change at the work place. "This service should be mainly concerned with promoting certain policies based on the firm factual foundation laid by the studies of these older bureaus. It should endeavor to translate these policies or standards into administrative realities," Beyer suggested (National Archives 1934). In specific reference to the differences between the new division and the older Bureau of Labor Statistics with which it was often confused, one labor department official noted that the bureau "is concerned with basic economic and statistical research while the [division] is engaged in adopting and 'selling' the end product of research to various governmental units" (National Archives 1939).

In 1936, working with a skeletal staff of only 30 employees the division sought to expand federal involvement in establishing labor standards within the federal system. While we think of the New Deal as affecting labor through the imposition of national standards of hours and wages, the division sought to have its influence felt at the state level because the vast majority of workers were subject to state rather than national labor regulations. Thus, the division promoted "state labor legislation for the purpose of bringing about State labor laws more in conformity with an approved standard, so that the workers in one state will get the same measure of protection as the workers in another." The division initially sought uniform standards through state legislative action and voluntary effort. Their staff prepared factual materials and information sheets "for the use of groups interested

in promoting labor legislation"; they provided standard bills for legislators and organizations; they developed safety codes in conjunction with organizations such as the National Safety Council; they gave out fact sheets on chemical hazards in new industries and proposed workers' compensation laws to include occupational diseases; they worked closely with state departments of labor to develop better factory inspection, to improve services for handicapped workers, to develop new apprenticeship programs, to organize adult educational and vocational programs, and to develop rehabilitation and retraining programs for injured workers.

But the most radical thrust of the division was not in its service to the states. Rather it was in its effort to develop a constituency among workers themselves. The division's officials saw themselves as organizers. "The Department should be able, when requested, to furnish advice to such groups [workers] concerning how to proceed with forming unions for the purpose of establishing orderly relations in an industry in accordance with policies expressed in the National Industrial Recovery Act. The Department should also be able, when asked, to prepare and furnish material for use by workers' organizations in conducting negotiations with their employers, or in establishing various activities in which unions commonly engage." They believed that by working actively on behalf of labor they would "help to stimulate [labor's] interest in labor legislation and enforcement" (National Archives 1934; see also National Archives 1936a).

The commitment of this division to the interests of the common laborer was reflected in the numerous activities that it took on his behalf. The division's files are filled with appeals from hundreds of organized and unorganized workers for help in correcting abuses. The files also contain the responses by Clara Beyer and Verne Zimmer, and these responses show a respect and concern we rarely associate with government bureaucrats today. In one complaint, from a foundry worker in Pennsylvania, the oppressive conditions of the plant were so bad that he charged the company with "committing wholesale murder there. The conditions in that molding department are terrible the men who start to work there are healthy and strong and in a short time they become sick, short of breath, cough and spit up substances." He concluded with a plea that he "hope[s] you will look into this matter immediately every minute counts. Please do not notify the bosses you are coming make it a surprise they are very tricky."

In addition to responding directly to the worker, Zimmer wrote the next week to the Pennsylvania Bureau of Inspection and Enforcement, enclosing an anonymous copy of the complaint and suggesting that the bureau send an inspector unannounced into the plant. "You will doubtless wish to make a complete investigation of this plant, keeping in mind the last sentence of this letter which suggests that the Company management not be advised of your contemplated inspection" (National Archives 1934; see also National Archives 1936a).

In a more formal complaint from a union, Zimmer went beyond the specific issue raised and suggested a broader program to address a wide range of health and safety issues. A letter from a Connecticut local of the International Brotherhood of Paper Makers asked for any assistance that the division could offer that would "help us to safeguard our health in industry." Verne Zimmer replied that the division was interested in their problems and that they wanted "to stimulate the activities of labor groups precisely along the lines you indicate in your letter." He offered to provide the services of one of the division's safety engineers to come to their plant for a conference with the union's safety council. A meeting was set up and, as a result, the union and the management organized a special joint conference. The union concluded that the "visit helped us more than we expected" (National Archives 1936b).

The activist ideology of the division was clearly outlined by its own administrators. "If the two types of activity—one looking towards the improvement of labor laws and the other towards strengthening the workers' organization—are closely integrated in the new Service it should become possible to mobilize workers' support in raising legal and administrative standards more effectively than in the past" (National Archives 1934; see also National Archives 1936a).

In the pre-World War II years, the division engaged in a broad spectrum of activities to implement its program. From its earliest days, safety and health was a central focus. In March 1934 the division was assigned the responsibility for developing safety and health standards to be implemented in the National Recovery Administration codes. The Safety and Health Unit met frequently with local and state government and with labor officials to assist them in dealing with specific hazards. They were constantly called upon to assist state legislatures in drafting bills and consulting with state officials regarding factual and tactical methods for remedying existing problems. They

served on standing committees and as consultants for the American Standards Association, providing expertise. They also advised the Public Contracts Division of the Department of Labor which was administering the Walsh-Healey Act of 1938 on standards that should apply to private concerns that had government contracts.

One of the most intensive efforts was directed toward improving the quality of training for state health and safety inspectors. In February 1936 they held their first training program in Baltimore for inspectors from five different state labor departments. By 1940 they had provided training programs for inspectors from over 20 states and had produced manuals that described professional standards for an improved inspection service. They were active participants in the secretary of labor's national conferences on labor legislation which were held every year from 1934 forward. In addition to the more widely recognized improvements in wages, hours, and elimination of child labor, these conferences promoted state legislation that set new standards for working conditions and improved compensation for accidents and industrial diseases. One of its most important and famous efforts was to organize the National Silicosis Conference in 1936 shortly following the revelation of the "Gauley Bridge" disaster where hundreds of black workers were found to have died of acute silicosis. In 1940 the division was instrumental in bringing together representatives of government, labor, and industry in Joplin, Missouri, for the "Tri-State Silicosis Conference," another departmental effort to bring attention to a problem that had been known to exist for over three decades. The silicosis conference was the result of a joint congressional resolution in January, 1936 asking the secretary to convene the conference. The resolution was itself the result of the congressional hearings on Gauley Bridge initiated by Congressman Vito Marcantonio of New York. Since the early 1900s, the U.S. Public Health Service had been documenting the deaths of thousands of lead ore miners in the mining area of Missouri, Oklahoma, and Arkansas. The division's officials believed that it was no longer necessary to do further study of silicosis and called the conference to plan a method of publicizing and eliminating the hazard.

The division respected the need for solid research as a necessary support for the formation of policy and sponsored Alice Hamilton, the noted pioneer in industrial hygiene, in a number of studies of new industrial health hazards. In addition to producing pamphlets on recognized problems such as lead and benzene poisoning among

spray painters, Hamilton produced a study of poisonings among workers in the newly developing rayon industry. This work was an outgrowth of the very ideology of the division itself: the study was planned after union members complained to the division about their fears regarding the health effects of the new chemicals that they were now routinely handling. Clara Beyer (personal communication, October 21, 1983) has described the origins and results of this work. It appears that after the union approached the division about cases of insanity in a rayon plant in West Virginia, the division asked Alice Hamilton to investigate and work with the state labor commission. At the local hospital she found a number of insane people who had worked at the plant. Hamilton told union officials to notify her immediately upon a death of a union member suspected of suffering from occupation-related insanity. When a division toxicologist came to perform an autopsy at the hospital, he discovered that management had substituted another body in place of the suspected victim.

While the division supported investigations, inspections, and conferences, they always recognized that professional activities had to be linked to wide public exposure and education. Therefore, there was a strong emphasis in the division on the production of popular material that would prove to be of direct use to workers themselves. The division produced a series of small, pocket-sized pamphlets which were distributed to laborers in particular industries. The pamphlets described the specific dangers of benzene, lead, etc. and told workers how to recognize symptoms of poisoning or exposure. For the first time, the government produced materials for workers themselves rather than for professionals or management. One of the most innovative projects was the production of a short film entitled "Stop Silicosis," distributed and shown to hundreds of thousands of miners, steelworkers, foundry workers, and others. Again, the object was to make health and safety a popular concern rather than only a professional one (U.S. Department of Labor 1934–1941, 1941; National Archives 1937).

World War II and the Expansion of the Division of Labor Standards

The advent of World War II was extremely important in the life of the department. During the war years, the increased attention paid

to war production and related industries gave the Division of Labor Standards a central function within the Department of Labor. The tremendous rise in industrial accidents, created by the unprecedented need of war production and the enlistment of millions of agrarian, women, and untrained workers, made accident prevention and "human conservation" a national concern. It became commonly understood that protecting lives on the home front was as important as protecting soldiers abroad. The fact that during the first three years of the war more Americans were killed and injured in work-related accidents than were casualties on the battlefield raised consciousness of the cost of industrial accidents. To address the problem, the Division of Labor Standards expanded its activities and assumed greater authority and control over health and safety activities at the work place.

The division personnel saw the war as an opportunity to involve the federal government directly in protecting the American work force. Just a month before Pearl Harbor, the division developed an extensive program to protect workers from potential threats due to speed-up, overtime, and poor working conditions. The first and most important project was to begin federal inspection of plants engaged in war work. The federal government had been inspecting industries that had federal contracts, through the Walsh-Healey Act. But, in fact, the act only applied to a small number of plants and was confined almost entirely to checking compliance with wage and hour regulations of the Fair Labor Standards Act. During World War II, the division, working with the joint government and industry Committee for the Conservation of Manpower in Defense Industries, directed a volunteer force of several hundred safety engineers who personally visited each contract plant "checking conspicuously high accident rates," working with state and regional labor officials, and "recommending corrective measures, analyzing and appraising trends and recording progress and improvements" (National Archives 1941-1945). Under this program, over 21,000 plants were personally inspected in the first 18 months of the war. The division claimed that approximately 75 percent of these plants showed a "decided downward trend in accident frequency."

Another part of the division's program was to work with the United States Office of Education to sponsor safety training classes for union and management representatives in important industrial areas. Although there was a rough division of responsibility between the division and the Public Health Service, with the division responsible for safety and

the Public Health Service for health issues, the division refused to abandon its work in industrial hygiene. It sought to use the studies of the Public Health Service as the basis for developing programmatic and administrative activities aimed at controlling the emission of dusts, fumes, vapors, and gases. It also published recommendations on maximum hours of work allowable in dangerous trades. The division increasingly saw the importance of producing literature aimed at educating the work force itself about the dangers of their particular trade and it began developing course outlines, texts, and related material, especially in the area of safety training.

In addition to accelerating activities it had begun during the Depression, the division also began to engage in activities that would ultimately harden business and Republican opposition against them in the more-conservative postwar environment. In the early war years, the division developed model contracts and union agreements for the use of locals of a variety of unions. They also wrote handbooks on grievance procedures currently in use in different industries throughout the country in order to aid unions in labor negotiations. Although the division developed these materials ostensibly to aid the war effort by providing information that would allow for the "prompt settlement of grievances within plants," these activities were perceived by management as partisan and pro-labor. "The Division is preparing a shop stewards' manual, with particular emphasis on the Steward's role in grievance procedure," one division administrator innocently reported. "Unions may call on the Division for assistance in preparing such material and in training stewards" (National Archives 1943). (See also National Archives 1942b, 1944a for other material on the expansion of war-related activities, and 1945c for a description of the division's health and industrial hygiene activities during the war.)

Wartime experience gave division administrators a new vision of the potential of the federal government in health and safety efforts. During the Depression, the division, while important in stimulating consciousness about the issues of labor standards and health and safety conditions, had no power to intervene in local labor disputes over unsafe or unhealthful working conditions. The war changed this, for the division's activities were now central to a national effort to increase war production and to protect a scarce labor supply. This new centrality emboldened the division's administrators to plan for an expanded effort

in the postwar era. During World War I the federal government also sought to find ways to conserve the nation's work force. However, at that time, this effort was conceived of as a temporary response to a national crisis. What was remarkable about the division during World War II was that they saw their role in broader terms and sought to consolidate the gains made during the war emergency. In response to an inquiry from Senator Robert Wagner, of New York, regarding the plans of the Department of Labor following the war, Secretary Perkins sent a detailed memo outlining the new perspective of the department. The section of the memo that discussed the Division of Labor Standards began by speaking to its newfound vision: "During the war we have learned what can be done, under Federal leadership, in tackling the job of industrial accident prevention," the memo began. For the division the central issue was how to build on the new programs begun during the war. "To maintain the program that has been established and to continue the progress that has been made, without the incentive of war and without need on the part of employers to conserve skills and production time in a tight labor market, is a pressing post-war problem." It was noted that the War Department and the War Production Board had only a limited interest in health and safety: "The contractual control over safe working conditions through the Walsh-Healey Act will apply to only a small proportion of the total production in the country. And yet," the report warned, "the appalling loss to workers, employers, and the Nation in terms of life and money and production will continue." Unlike the division's earlier perspective that emphasized state and voluntary initiative, their experience during the war had convinced them of the need for "Federal leadership with State and local participation by all groups concerned—public and private, management and labor." The division then briefly outlined its postwar plans: it would continue to coordinate and seek to stimulate, as much as possible, the activities of state and local governmental units as they had in earlier years, and also begin wider legislative efforts around safety and health regulation. The division "is planning to undertake a vigorous post-war promotional legislative program to fill in these gaps [in the regulation of the work place] and make sure that all workers have that minimum of protection necessary for the welfare of workers and the well-being of our country." But the plans went further than a legislative attempt to pass stronger

bills. The division also planned to seek broader authority at the federal level. "In fields where both the federal and state labor departments have jurisdiction, the Division is planning to extend its present program of coordinating their activities. . . . The Division is also planning to assign staff to State labor departments, upon request, to aid on particular problems" (National Archives 1944b).

The division anticipated that one of the major problems it would face in implementing its postwar program rested in the control that the Public Health Service exercised over industrial hygiene work on the state level. To counter this, the Department of Labor worked with Representative Mary Norton (D., New Jersey), Chairwoman of the House Committee on Labor, to gain greater authority over industrial hygiene. Through the Norton bill, H.R. 525, the department sought to gain the ability to allocate funds to state departments of labor for health as well as safety work. It also sought to tie that money to the maintenance of minimum standards. Most of the state labor departments supported the bill because it would provide them more money for their work. But one state labor commissioner opposed the bill because he recognized the short- and long-range implications of this effort to centralize authority at the federal level. Mr. Wrabetz, Wisconsin State Commissioner of Labor, praised the past activities of the Division of Labor Standards, but warned that "as the bill is now framed it is, I think, objectionable from the standpoint of states because it is a definite step into federalization of the safety laws and to that extent a step toward the federalization of all labor laws." Mr. Carey, Chairman on Safety and Health of the Congress of Industrial Organizations (CIO), agreed with Wrabetz's analysis but disagreed with his judgment that federalization was such a bad idea. "The only question you could argue against would be that it tends to bring about federalization. We are not afraid of federalization if the job is to be done in that way. . . . But the thing that we think must be done is to do something as constructive as the principles established in this [bill]" (National Archives 1945a). This bill's ultimate defeat was less important than was the effect that the discussions regarding the bill had on the department's postwar plans. Beginning in 1945, conservatives in Congress and in private industry focused their political attacks on the department's Division of Labor Standards.

The Postwar Attack on the Division of Labor Standards

The end of the war unleashed many of the tensions that had been built up between management and labor during the Depression and the war years. In 1945 the death of President Roosevelt and the resignation of Secretary of Labor Frances Perkins marked the end of the New Deal for labor and the effort to assimilate labor into the governing coalition. Labor militancy reached an all-time high in 1946 in part to protect the gains in membership and influence unions had achieved during the New Deal and war years. In the two years following the end of the war there were more strikes involving more workers than at any other time in American history. Business and more conservative politicians reacted strongly to this challenge to business dominance in labor-management relations. Spearheaded by conservative Republican congressmen and fueled by a growing fear of communism at home and abroad, a series of antilabor initiatives was begun. The Taft-Hartley Act of 1947 is perhaps the most famous of the legislative attempts to limit labor's power to strike. As David Montgomery points out, this piece of legislation severely limited union activity: "Both actions of class solidarity and rank-and-file activity outside of the contractual framework were placed beyond the pale of the law" (Montgomery 1982, 166).

The attacks on labor were not only aimed at limiting labor's power but also at undermining the government's ability to act on labor's behalf. On the most general level, the budget of the Department of Labor was severely cut in the postwar years, but most important for us, there began a concerted attack on the Division of Labor Standards and its programs to protect and promote through educational and organizing activities the health and safety of the American work force. Perkins's successor, Louis Schwellenbach, was decidedly less militant in defense of labor's wartime gains and was perceived by division administrators as inaccessible and aloof despite the fact that the Division of Labor Standards was administratively part of the secretary's office. Also, he was perceived within the department as a secretary "running scared" in the postwar years (Clara Beyer, personal communication, May 1983). Even before the war was over, conservatives were preparing to dismantle the division. The House Appropriations Committee, for

example, issued a report in May 1945 outlining its views on future funding of the division. It began by acknowledging the tremendous esprit de corps of the division. "Persons charged with the responsibility of conducting the programs [of the division] are effusive in their praise of the [division's] work and wish to extend it," the report noted. It continued by noting the growing opposition to it in the business community. "The enthusiasm, however, does not appear to be shared by industrial firms and corporations whose operations have been inspected." The report pointed out that industries preferred that private enterprise itself should assume the responsibility of controlling safety and health at the work place. Specifically, industry supported working through the National Safety Council, the voluntary agency composed primarily of business representatives. They also suggested that local and state agencies play the predominant role in setting standards. "It is pointed out that industry, as a matter of sound business policy, has created special committees to study, advise, and suggest measures relating to safety, health, etc. [and] is supporting the National Safety Council, state departments of labor and safety, and insurance companies that require adequate safety and health standards." The report concluded with the suggestion that the Secretary of Labor conduct a study "to determine to what extent there is need for the Division of Labor Standards to continue all or certain of its activities" (National Archives 1945b).

A number of themes emerged in the congressional attacks on the division's activities. First, there was the general argument that government during the New Deal and war years had become too large and bureaucratized. Second, it was maintained that regulation of labor should be left to the states. Third, that the growth in government was a fundamental threat to the freedom of Americans. Using these themes, Republicans in the Congress sought to dismantle the division and disperse its programs to other less-enthusiastic administrators in other agencies. In a direct attack on the New Deal, Representative Keefe (R., Wisconsin), asserted that Congress had an opportunity to reverse the tendency toward big and activist government. "Here you are going to have an opportunity to cut down, to get rid of the first agency of government since I have been here, that is the Division of Labor Standards," he proclaimed to the House (*Congressional Record* 1947, 2466). Another congressman, Representative Schwabe of Oklahoma, was blatantly ideological in his analysis of the need to cut

back on the size and authority of the Department of Labor itself. "We have come to the weaning time," he began. "That is always a difficult time, in politics as well as elsewhere. . . . I for one shall vote to wean as many [bureaucrats] as possible to keep our government American and from becoming communistic, and we all know that it has been tending that way a long time ago" (*Congressional Record* 1947, 2546).

While Keefe, Schwabe, and others carried forth the attack on the New Deal and Perkins's Department of Labor, other congressmen developed the programmatic mechanisms for destroying the division's morale and program. Representative Church of Rhode Island linked the need for smaller government to the attack on the division. "When Miss Perkins was Secretary of Labor she established the Division of Labor Standards. It was supposed to serve as a clearinghouse in the field of industrial safety and sanitation. But, like so many other divisions throughout the Federal Government it gradually expanded its functions, and entered into the fields of labor education and labor legislation." The head of the National Association of Manufacturers singled out the government's involvement in labor education as reprehensible and indicative of the government's pronoun stance (*New York Times* 1947). Church continued that there was "a duplication of the work of this division with the Bureau of Labor Statistics . . . and it is our opinion that no useful purpose is served by having a group of Federal employees gratuitously work by helping states in the administration of their safety and sanitation laws." He proposed instead that Congress return to the pre-New Deal days. "That is a matter that can be left to the States, to insurance companies and private organizations," he said, echoing the views of industry noted in the 1945 Congressional Appropriations Committee Report (*Congressional Record* 1947, 2479).

The concrete proposal to emerge from this conservative onslaught was to use the congressional power of the purse to purge this "left-wing" New Deal agency. "We promised the people a reduction in Government expenditures and a reduction in the number of people on the Federal pay roll. . . . It is part of our program to put this government on a sound financial basis and to take this Government out of the hands of petty bureaucrats and return it to the people" (*Congressional Record* 1947, 2479). This initial dismemberment was to become the model for the attack on the division. Throughout the

hearings, under the guise of consolidation and fiscal retrenchment, different elements of the once-dynamic division were given away to other departments within and outside of labor. Those activities carried on specifically for the protection of the female work force were parcelled out to the Women's Bureau; those activities affecting children went to the Children's Bureau; the division's programs to educate workers were sent to other departments of government. Where the division once sought to integrate safety and health activities within a broad conception of working conditions, now this program was fragmented and the division's budget was reduced by almost 40 percent.

Conclusions

Within the context of New Deal liberalism, the administrators of the Division of Labor Standards sometimes pushed the boundaries of their own role so that they redefined and expanded the limits of legitimate government activities on behalf of labor. They often interpreted labor's goals to be more than mere "economism." While they accepted the limit of direct federal intervention prior to World War II, they broadened the federal government's involvement in health and safety issues by providing expertise, technical knowledge, and social legitimacy.

During World War II, because of the scarcity of labor and the need to conserve it, this government agency intensified its efforts and sought to expand its authority and involvement in controlling labor conditions. In the process, we see it developing methods, approaches, and definitions of its advocacy role that strained at the limits of liberal reform and that provoked a reaction on the part of business and conservatives. The unique social, economic, and political circumstances that surrounded the development of this agency shaped new definitions and approaches to occupational safety and health. Unlike today, when safety and health are seen as separate and distinct issues, the division understood that they were intrinsically part of the larger question of improving working conditions.

Significantly, it was the symbiotic relationship with the labor movement itself that gave the Division of Labor Standards its power. Its own existence was dependent on the importance of labor in American politics and it therefore had an interest in developing and promoting that power. During World War II, the division had to walk a very

fine line between the demands of labor for a safe and healthful work place and the interests of management and government in maximizing production and controlling the labor force itself. On the one hand, the division worked effectively with business to alleviate some hazards while defusing labor unrest. On the other hand, the division raised the spectre of a consciousness over a set of issues that could, in changed social and economic circumstances, threaten the hegemony of management over the conditions of work.

Finally, the conservative onslaught against the New Deal policies had a lasting impact on safety and health policy for the next quarter century. Opponents of the activist tradition in safety and health reasserted their dominance in this field. The U.S. Public Health Service continued to work on scientific and epidemiological investigations whose results rarely transcended the barrier between the scientific community and policy makers. Within the Department of Labor itself, the activist tradition was subsumed under a less aggressive safety and, especially, health program. In 1949 the Division of Labor Standards, the premier creation of the Secretary of Labor herself, was taken out of the secretary's office, its program dismantled, and was renamed the Bureau of Labor Standards.

In 1970 Congress, in the Occupational Safety and Health Act, mandated the creation of the Occupational Safety and Health Administration and the National Institute for Occupational Safety and Health (NIOSH). In their creation, we once again saw the continuing tensions in federal policies: the research functions of NIOSH were placed within the health and research arm of the government while the regulatory functions were placed in the Department of Labor. This decision administratively to separate the scientific and regulatory functions of safety and health, coinciding as it did with the growing antilabor sentiments in Washington, may have effectively weakened both agencies just when their importance was being recognized. While NIOSH may have proven to be a refuge for prolabor sympathizers during the Reagan years, it has been physically moved from Washington. Meanwhile, the Occupational Safety and Health Administration in the Department of Labor has languished as the staff became demoralized by the leadership of Republican appointments and partially destroyed under the Donovan reign. While there may be some reason to hope for a rebirth of energy and enthusiasm in the Department of Labor, the weakened structure of safety and health administration in the

federal system may leave it open to continued attack and dismemberment. Today, as in the 1940s, the rhetoric of economism and industrial efficiency has served to undermine government's central responsibility to protect workers' health and safety.

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