



Sitting rather than standing: Flint 1936/37

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In the winter of 1936–37, General Motors workers in Flint occupied two, and later three, plants for 44 days. They did not strike outside the gates, but inside the plants — thereby rendering strike-breakers useless. In the end, the world's largest industrial conglomerate recognised a workers union, albeit only for its members and on a temporary basis. Two years later, the Supreme Court ruled that the measure was not protected.

A strike is a simple process: workers stop work and leave the workplace. The second part of this sentence, however, is not necessary, but rather a matter of custom. It was not first abandoned in Flint — sit-down strikes had taken place in 1934 at General Tire and in 1936 at Firestone and Goodyear in Akron, and across the board in France in the summer of 1936. In Flint, however, it was abandoned on a scale that forced the world's largest industrial conglomerate to take notice. The consequences extended far beyond a collective bargaining dispute, for remaining on the premises also raises the question of who the business actually belongs to.

The situation before the strike

Assembly-line work in the 1930s

In the mid-1930s, General Motors was the world's largest industrial conglomerate. Working conditions were characterised by an ever-increasing pace of work, arbitrary dismissal practices and seasonal employment: anyone who was not needed in the summer was dismissed and might be rehired in the autumn.

A key point of contention was the speed of the assembly line. It was set unilaterally and could be increased at any time. A collective agreement would have made precisely that negotiable — and that was the reason why the company did not want one.

The legal framework: the Wagner Act

In 1935, the National Labour Relations Act, commonly known as the Wagner Act after its initiator, came into force. It guaranteed the right to organise and to bargain collectively, and obliged employers to negotiate with the representatives elected by the majority.

The major corporations considered the Act unconstitutional and acted accordingly. This strategy seemed to be working until the Supreme Court upheld the Act on 12 April 1937 — that is, after the strike — in *NLRB v. Jones & Laughlin Steel Corp.*

A new kind of workers union

The United Automobile Workers were part of the Committee for Industrial Organisation, founded in 1935, which distinguished itself from the American Federation of Labour, which focused on skilled workers. The approach: the entire workplace is organised, regardless of occupation or qualifications.

This does not mean that skilled labour no longer existed in the automotive industry — tool and die makers were highly qualified, indispensable and had been organised by workers unions from an early stage. However, the AFL's skilled workers' union had no model for semi-skilled assembly work on the production line. In that context, individual workers were replaceable, but as a group they were not.

The strike

The idea and the trigger

The strike did not begin in Flint, but at the '28 December 1936' at the Fisher-Body plant in Cleveland. It followed in Flint on 30 December: Fisher Body No. 2 was occupied at 7 am, and Fisher Body No. 1 at 10 pm on the same day. The immediate trigger at Fisher No. 1 was that the company was loading press moulds onto goods wagons to transport them away.

The idea behind the occupation is simple and effective. A strike outside the gates can be countered with strike-breakers; those sitting inside prevent that. At the same time, an attack on the occupiers is an attack within expensive production facilities.

The fact that Fisher No. 1 was occupied was no coincidence. That was where the press moulds for the body parts were kept — tools of which the company had only two sets, here and at the Fisher plant in Cleveland. It was not the presses that were the irreplaceable asset, but the moulds. Fisher No. 2 was the smaller plant with around 2.200 employees; its importance lay in supplying the neighbouring Chevrolet assembly plant.

The impact was measurable. The production of 224.000 vehicles planned for January fell to around 60.000; in the first ten days of February, General Motors built 151 cars nationwide.

The spread

The conflict was not confined to Flint. It spread to Norwood and Anderson at the turn of the year, Toledo on 4 January, Janesville on 5 January, Cadillac in Detroit on 8 January, St Louis on 13

January and Oakland on 25 January. By the end of January, around 50 of the group's plants had come to a standstill; some 150,000s of workers were affected.

The occupation as an organisation

The occupation in Flint lasted 44 days. The occupiers organised shifts, food supplies through the gates, cleaning, sports, courses and their own security service.

Outside the factory, the Women's Auxiliary—founded in December 1936—organised food supplies, first-aid stations, childcare and public relations work — largely carried out by the wives, sisters and daughters of the occupiers. A six-week occupation cannot be sustained without supplies from outside.

On '20 January 1937' – that is, after the first escalation – the Women's Emergency Brigade, founded — like the Auxiliary — by Genora Johnson. It was explicitly the confrontational element: red berets, armbands, initially 50, later 350 members, deployed as a human chain between the police and the factory.

The escalation

On '11 January 1937', the factory police attempted to stop food deliveries. The municipal police used tear gas and fired buckshot into the factory windows; 27 people were injured, several strikers suffering gunshot wounds. The occupiers responded with door hinges and water hoses and held on to the factory. The incident went down in history as the Battle of the Running Bulls .

However, the strike was not resolved until '1 February 1937' with the occupation of a third plant: Chevrolet No. 4, an engine plant. This was prepared by a diversionary operation at another plant, which drew off the factory guards; the Women's Emergency Brigade smashed windows to allow the tear gas to escape.

The courts and the governor

Two eviction orders were issued, neither of which was enforced.

The first was issued by Judge Edward D. Black on 2 January 1937. It became null and void when the workers union revealed on 5 January that Black himself held 3,665 shares in General Motors worth around \$220,000. The company obtained the second one on 2 February from Judge Paul V. Gadola, with a 24-hour deadline. This, too, remained unenforced.

The role of the Governor of Michigan, Frank Murphy, was ambivalent. He deployed around 4,000 National Guardsmen, but did not order them to clear the site. At the same time, he deployed them against the strike: roadblocks kept reinforcements from neighbouring towns at bay, and following the occupation of Chevrolet Plant No. 4, he had the factory surrounded and threatened to have it stormed. The occupiers replied with a telegram stating that they would remain even then.

Deliberate partisanship

According to one interpretation, Murphy acted out of conviction in favour of a peaceful solution, with the backing of the federal government under Roosevelt.

The weighing up

According to the other account, he calculated coldly: a forced eviction would have resulted in deaths, and the political costs would have outweighed the benefits.

The outcome

On 11 February 1937, General Motors signed an agreement. It recognised the United Automobile Workers as the bargaining representative **for its members**, limited to six months, and obliged the company not to negotiate with any other organisation plants during that period. The strikers were not to be disadvantaged.

As for the assembly line speed – the bone of contention that had sparked the whole affair – the agreement achieved nothing: local management retained decision-making authority; all that was promised were negotiations.

The document was therefore brief and modest in content. Its impact, however, was anything but: the UAW's membership rose from around 30.000 in October 1936 to approximately 400.000 in October 1937. In 1937, there were 477 sit-down strikes involving nearly half a million participants.

The legal aftermath

NLRB v. Fansteel (1939)

On 27 February 1939, the Supreme Court ruled in NLRB v. Fansteel Metallurgical Corp., that the sit-down strike was not covered by the protection of the Wagner Act. The Court referred to an unlawful seizure of the works and stated that this did not constitute the exercise of the right to strike to which the Act referred. The dismissal of the occupiers was deemed permissible, even if the employer had previously breached the Act itself. In the case in question, violence against enforcement officers was also involved, a point on which the judgement expressly relied.

Consequently, the tactic that had brought about the breakthrough was subsequently devalued. The occupation was already a criminal offence under state law as trespass beforehand; what Fansteel added was the loss of protection under employment law. Anyone who uses this tactic risks losing their job.

The reasoning and its core

The court emphasised the employer's right to property: the Wagner Act grants a right to stop work, not a right to take possession of another's property.

One could argue, however, that this distinction ignores the actual effect of the action. The right to strike is of little value if striking has no consequences; and it has no consequences as soon as the employer can simply replace the strikers. The occupation was the response to precisely this loophole.

Conclusions

Legal: Property and Access

The sit-down strike raises a question that is answered differently in every legal system: What rights does a workforce have in the place where it works?

The narrow answer

None. The premises belong to the owner; employees have a contract for their labour and a right of access only whilst they are working.

The broader answer

Anyone who works in one place for many years develops a relationship with it that is not entirely subsumed by property law. In several European legal systems, this is reflected in rights of access, assembly and information. In Germany, the Works Constitution Act regulates access and the activities of works councils — workers unions' right of access, works meetings, material resources — without deriving a right to occupy the premises from this.

According to established case law and prevailing opinion, factory occupations are considered unlawful in Germany, based on the employer's rights of possession and control of the premises. There is no codified law on industrial action here; the assessment is based on case law, and its scope is disputed in the literature.

Both answers come at a price. The narrow interpretation renders industrial action ineffective in workplaces with a workforce that is easily replaceable. The broad interpretation calls into question what ownership of a means of production actually means.

Strategically: where value creation is vulnerable

Flint illustrates a rule that can be applied more broadly: what matters is not how many people go on strike, but where.

The UAW did not bring the entire group to a standstill, but occupied the plants in Flint, one of which housed the only two sets of press moulds in the entire group. The strike was effective because it targeted a bottleneck.

Such bottlenecks still exist in today's supply chains; they are simply located elsewhere: in transshipment points, data centres, and approval and authorisation processes. Anyone planning industrial action must first answer the question of which disruption cannot be circumvented.

Socially: Those who are not counted

The women who supported the strike from the outside were, for the most part, not employees of the factory. They were not covered by any collective agreement and did not appear on any membership list.

This points to a general fact: industrial action is supported by more people than just the strikers themselves. Anyone who assesses the capacity to strike by counting membership figures is only measuring part of the picture.

Philosophical: Occupying means asserting

A strike outside the gates says: 'It won't work without us.' A strike inside the factory says something else: 'This place belongs to us too.'

That is why occupations are met with a far harsher response than work stoppages. It is not the economic damage that is the problem — that is often greater in a conventional strike — but the assertion inherent in the action. The ruling in the Fansteel case can also be interpreted as follows: it was not the action itself that was sanctioned, but the claim.

What remains

Flint brought about the breakthrough for the industrial trade union movement in the United States. It did not found it — the Committee for Industrial Organisation had existed since 1935, and groundwork had been laid in Akron in 1936. But the collective agreements in the automotive industry that followed from Flint shaped, for decades, the wage levels of an entire society.

The means by which this was achieved are no longer legally protected: Anyone who occupies a factory risks dismissal and prosecution. Yet factory occupations have still taken place, most recently in a sensational incident in Chicago in 2008.

The pattern is universal: an effective means of industrial action is curtailed as soon as it has proved its effectiveness. This leaves every workers union with an uncomfortable task — the means at its disposal today are those that have so far proved tolerable.

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