

LABOR, RACE, & SOLIDARITY





STATE OF WORKING WEST VIRGINIA 2021

Labor, Race, and Solidarity

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Introduction

As West Virginia recovers from the COVID-19 pandemic and recession, its path forward remains unclear. For many years, West Virginia has lagged behind the nation in many positive economic indicators, with low earnings and high rates of poverty and unemployment. This was true before the pandemic hit. In 2019, West Virginia had the nation's sixth-highest poverty rate and the seventh-highest child poverty rate.¹ The state's median household income of \$48,850 was the second-lowest among the 50 states, and \$16,862 below the national average.²

Prior to the pandemic, the national economy had enjoyed steady growth over the past decade, but West Virginia was increasingly left behind. Total nonfarm employment nationwide grew by 14.9 percent from 2009 to 2019, but by only 0.9 percent in West Virginia, the slowest rate in the country. And while the state lagged behind the nation for most of the decade, things were slowing down even further before the pandemic, with West Virginia being one of only two states to lose jobs in 2019.³

West Virginia's unemployment rate in 2019 was fifth-highest in the nation at 4.9 percent, 1.2 percentage points higher than the national average,⁴ while the state's prime-age labor force participation rate was third-lowest in the nation at 78.2 percent, 4.3 percentage points lower than the national average.⁵ Those West Virginians who were working found themselves laboring for some of the lowest wages in the country. West Virginia's median hourly wage of \$17.39 was fourth-lowest in the country in 2019, \$2.18 below the national average.⁶

While ranking at the bottom of these economic statistics is a familiar place for West Virginia, it is important to remember that this has not been the state's whole story. In fact, just a few decades ago, within the lifetime of many West Virginians, the state performed much better on a host of economic indicators and found itself much more aligned with the nation. The critical difference was that, back then, we grew stronger because we grew together.

This report, the 14th edition of the State of Working West Virginia, examines the economic transition that took place in recent decades as inequality grew, wage growth stagnated, and job quality declined. But beyond the data, this report will take an in-depth look at the labor history of West Virginia — exploring both how strong unions played a key role when we grew together, and how their decline played a key role when we started to grow apart.

1 U.S. Census Bureau, 2019 American Community Survey.

2 Ibid.

3 Bureau of Labor Statistics, Current Employment Statistics.

4 Bureau of Labor Statistics, Local Area Unemployment Statistics.

5 Economic Policy Institute analysis of Current Population Survey microdata from the U.S. Census Bureau.

6 Ibid.

PART 1

Growing Apart: A Look at Rising Income Inequality Amid Declining Unionization

By Sean O'Leary

I. Stronger When We Grew Together

One of the most significant and disturbing economic changes over the last several decades has been the growth of income inequality in the United States. In recent years, the top one percent of income earners control about three out of every four dollars in West Virginia and four out of every ten dollars in the United States.⁷

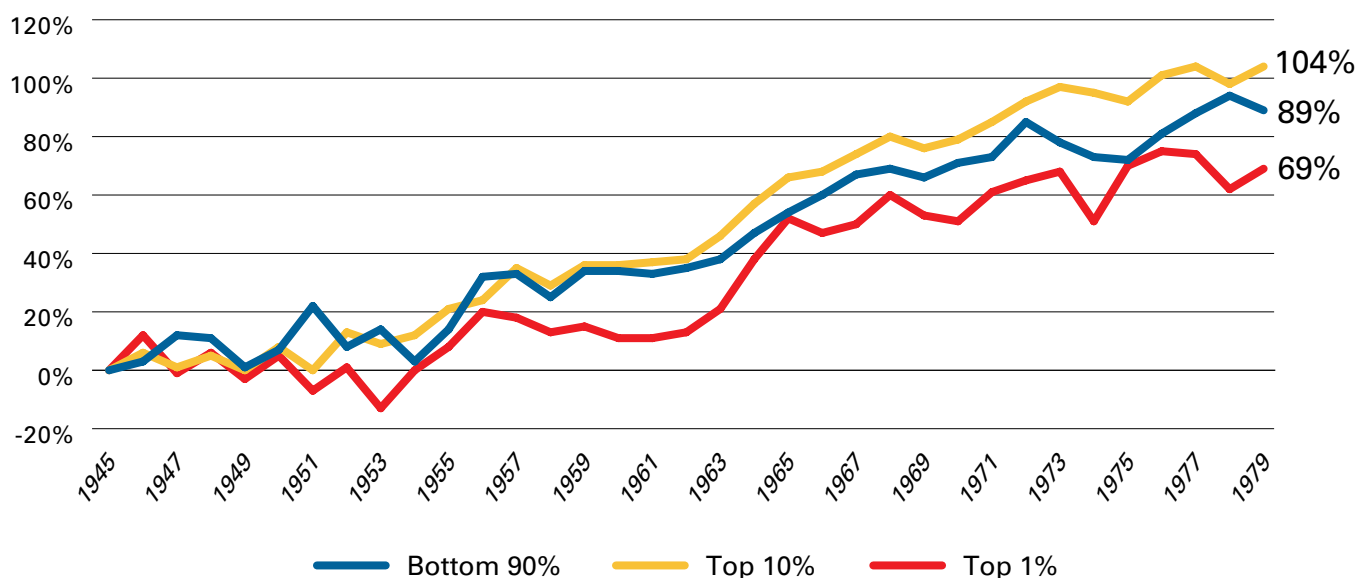
This was not always the case. For decades after the Great Depression, growth was broadly shared. And when that growth was shared, we grew stronger.

From the end of World War II in the 1940s through the late 1970s, the incomes of families at all levels in West Virginia grew at about the same rate as the rising tide of national productivity lifted all boats. The average income for the bottom 90 percent of income earners in West Virginia grew at an average annual rate of 1.9 percent (adjusted for inflation) from 1945 to 1979. That growth largely matched income growth for the wealthiest in the state. During that same time period, the average income for the top 10 percent of income earners in West Virginia grew at an average annual rate of 2.1 percent, while the average income for the top one percent of income earners in West Virginia grew at an average annual rate of 1.6 percent. **(Figure 1).**

Figure 1

Stronger When We Grew Together

Income growth by income group in West Virginia, 1945-1979 (inflation-adjusted 2015 dollars)



Source: WVCPB analysis of Sommeiller and Price (2018)

⁷ Estelle Sommeiller and Mark Price, "The new gilded age: Income inequality in the U.S. by state, metropolitan area, and county," Economic Policy Institute, July, 2018.

At the end of that era of broadly shared growth, West Virginia's workers fared well compared to the average worker nationwide. In 1979, the median hourly wage — that is, the wage of the worker in the middle of the wage distribution — in West Virginia was \$18.01 in today's dollars (2012) compared to the U.S. median hourly wage average of \$17.00.⁸ This means that the typical worker in West Virginia earned almost one dollar more per hour than the national average.

8 EPI analysis of Current Population Survey microdata.

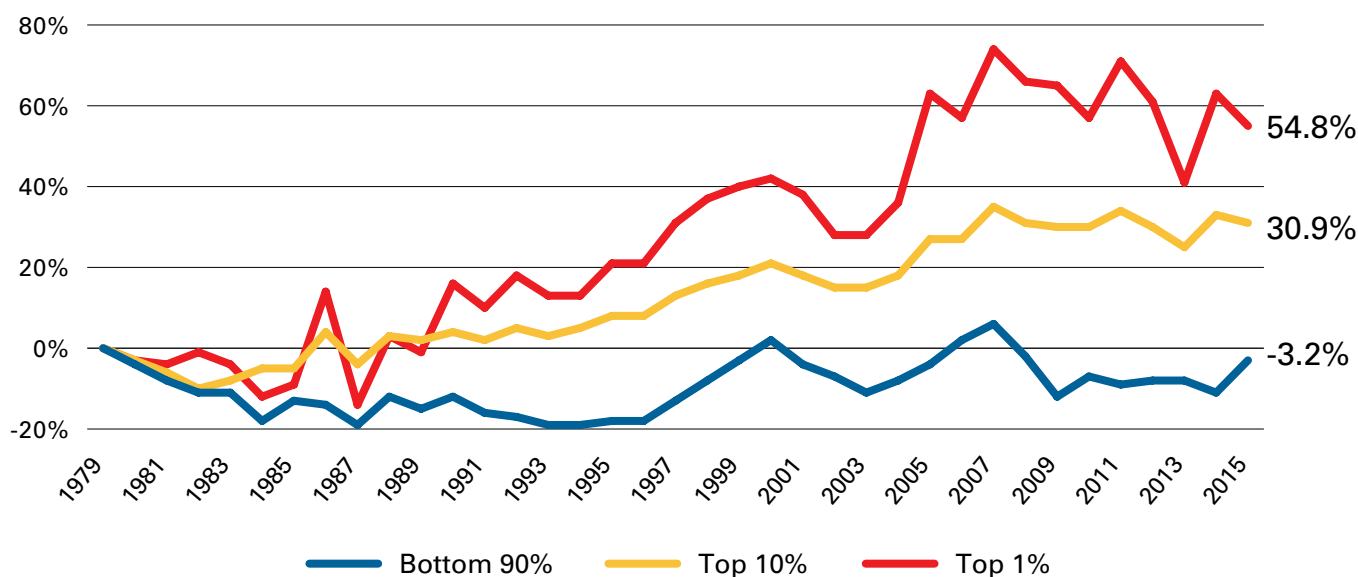
II. But Now We Grow Apart

Unfortunately, that broadly shared growth did not last, and while overall income has continued to grow over the past few decades, the gains have been increasingly concentrated at the top. Income growth exploded for the wealthiest West Virginians, while incomes stagnated for the vast majority of people in the state. From 1979 to 2015, average income for the wealthiest 10 percent of income earners in West Virginia grew by 30.9 percent, while the average income for the bottom 90 percent actually declined, falling by 3.2 percent. Growth was even higher at the very top of the income distribution, with the wealthiest one percent of West Virginia income earners seeing their incomes grow by 54.8 percent (**Figure 2**).

Figure 2

Growing Apart

*Income growth by income group in West Virginia, 1979-2015, indexed to 1979
(inflation-adjusted 2015 dollars)*



Source: WVCBP analysis of Sommeiller and Price (2018)

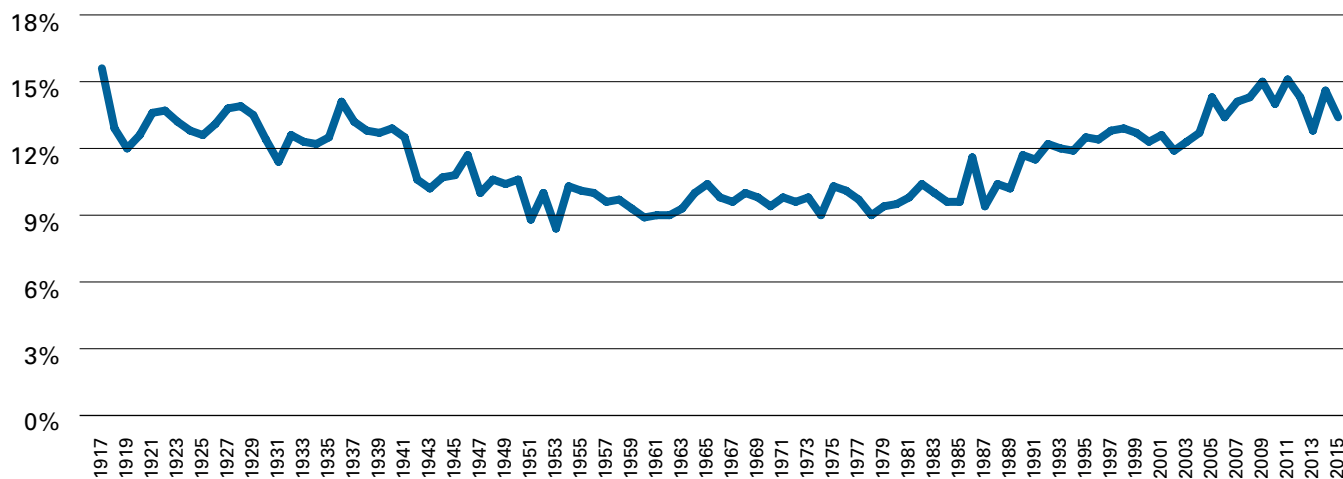
The share of income going to the wealthiest in West Virginia also took off during this time period, reaching levels not seen since before the Great Depression. In 1979, the share of income held by the top one percent of West Virginia income earners was at 9.5 percent, near historic lows. By 2015, that share had grown to 13.4 percent (**Figure 3**). In contrast, the piece of the pie going to the bottom 90 percent of West Virginians shrunk, going from 63.5 percent in 1979 to 56.3 percent in 2015.

This disparity in income growth is reflected in wage growth, as well. Wages for all but the wealthiest West Virginians have been stagnating for decades. Median wages — the wage earned by the worker in the middle of the wage distribution (50th percentile) — have declined by 3.4 percent since 1979. In 2019, a typical West Virginia middle-class worker earned \$0.62/hour less than in 1979 (**Figure 4**). Wages for the poorest workers at the 10th percentile fared the worst, falling 5.1 percent since 1979. Meanwhile, workers at the top of the wage distribution experienced huge gains, with wages for the top 10 percent of workers increasing by 13.9 percent since 1979 (**Table 1**). And while in 1979, the median wage in West Virginia exceeded the national average, in 2019, West Virginia's median wage of \$17.39/hour ranked fourth-lowest among the 50 states, \$2.18 below the national average.

Figure 3

More Going to the Top

Share of income going to the top one percent of income earners in West Virginia, 1917-2015

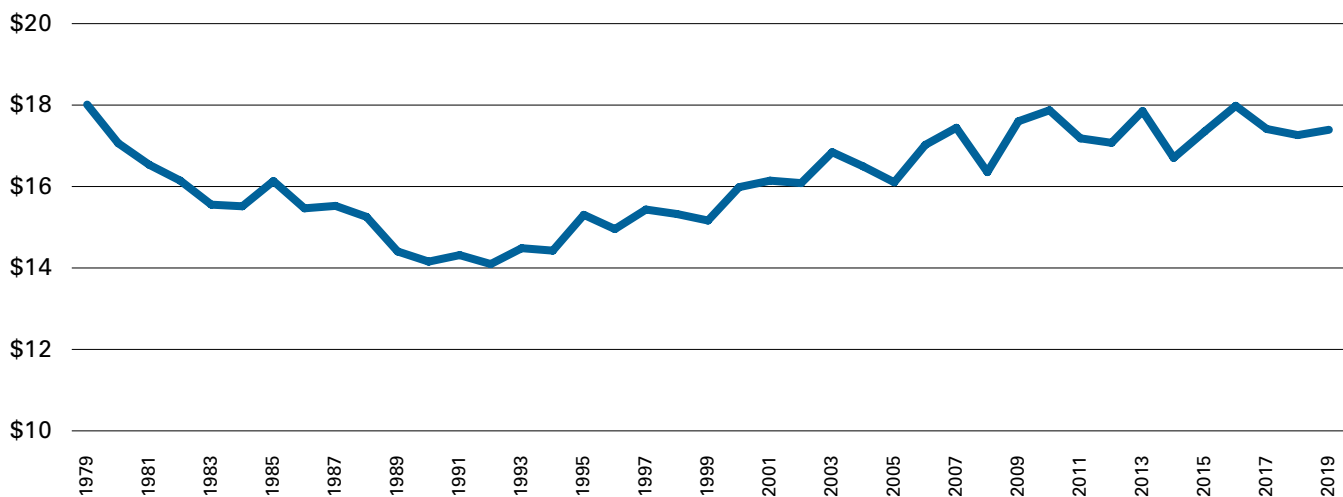


Source: WVCPB analysis of Sommeiller and Price (2018)

Figure 4

Decades of Stagnating Wages in West Virginia

West Virginia median hourly wage, 1979-2019 (inflation-adjusted 2020 dollars)



Source: EPI analysis of Current Population Survey microdata

Table 1

West Virginia Hourly Wages by Decile, 1979 and 2019
(Inflation-adjusted 2020 Dollars)

	1979	2019	Percent Change
10 th percentile	\$9.84	\$9.34	-5.1%
20 th percentile	\$10.71	\$11.24	4.9%
30 th percentile	\$12.52	\$13.03	4.1%
40 th percentile	\$14.79	\$15.13	2.3%
50 th percentile (median)	\$18.01	\$17.39	-3.4%
60 th percentile	\$21.18	\$20.22	-4.5%
70 th percentile	\$24.94	\$23.31	-6.5%
80 th percentile	\$28.92	\$28.29	-2.2%
90 th percentile	\$33.30	\$37.93	13.9%

Source: EPI analysis of Current Population Survey microdata

III. A Broken Link

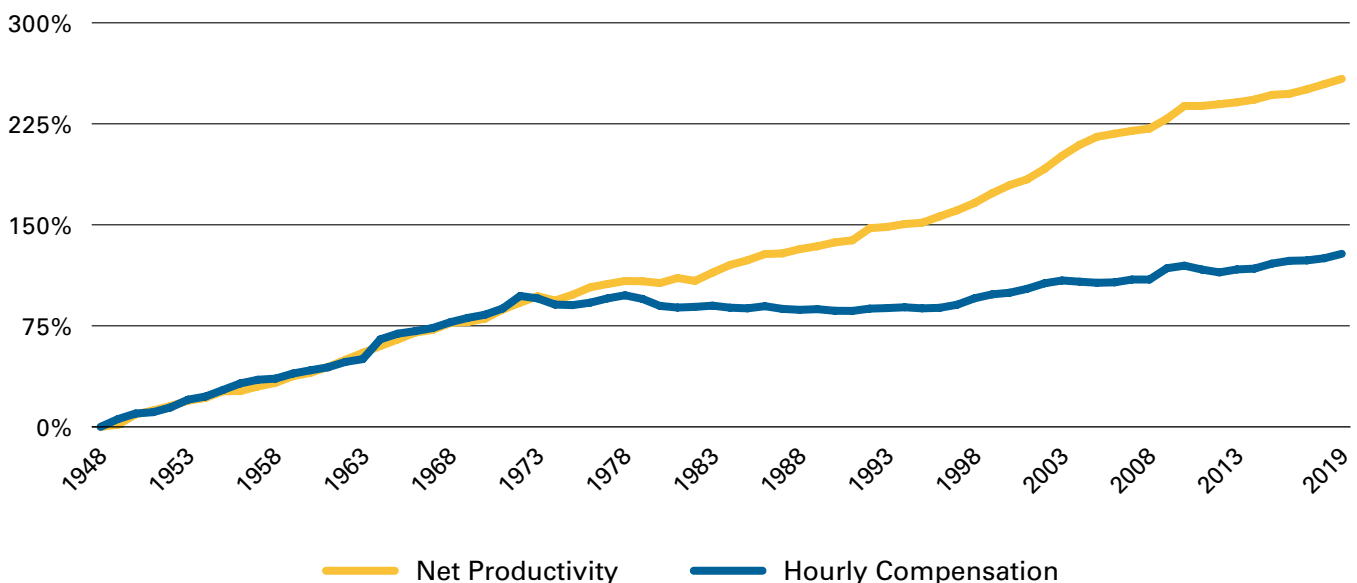
The growing gap between the very wealthy and everyone else is not unique to West Virginia. Across the country, a similar story can be told. National data shows that at roughly the same time that wages started to stagnate and the wealthy began to leave the majority behind, the link between productivity and wages was broken. During the time that incomes largely grew at comparable rates and everyone reaped the rewards of a growing economy, the pay (wages and benefits) of typical workers rose in tandem with productivity (how much workers produce per hour). From the 1940s to the late 1970s, as the economy grew and expanded, everyday workers benefited correspondingly through better pay.

However, that link has been broken in recent decades. From 1948 to 1979, net productivity increased by 108 percent and the average compensation of a typical worker grew right along with it, rising by 95 percent. But those trends split in the late 1970s. From 1979 to 2019, net productivity rose 72.2 percent, while the average pay of typical workers fell behind, growing only 17.2 percent over 40 years, adjusting for inflation (**Figure 5**). Even as workers as a whole grew more productive, the gains of that productivity have primarily accrued to those at the top. The income, wages, and wealth generated over the last four decades have failed to “trickle down.”

Figure 5

The Broken Link Between Productivity and Compensation

Productivity growth and hourly compensation growth, 1948–2019 (inflation-adjusted 2019 dollars)

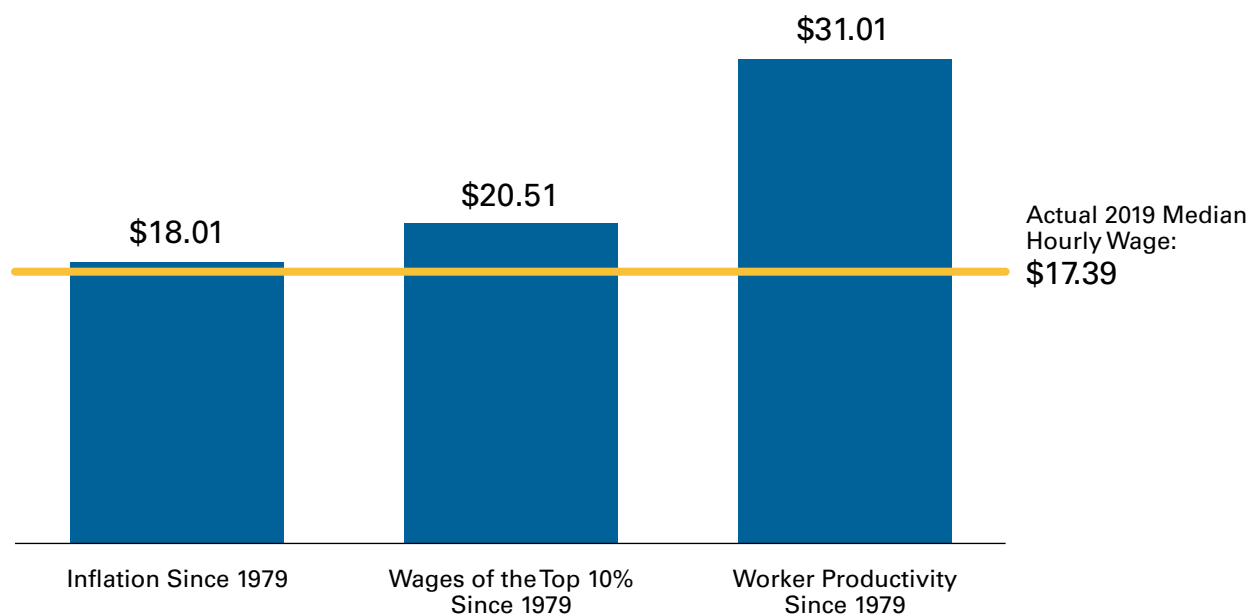


Source: EPI analysis of unpublished Total Economy Productivity data from Bureau of Labor Statistics (BLS) Labor Productivity and Costs program, wage data from the BLS Current Employment Statistics, BLS Employment Cost Trends, BLS Consumer Price Index, and Bureau of Economic Analysis National Income and Product Accounts

Wages in West Virginia for the typical worker would be substantially higher if they had grown along with productivity over the past four decades, as they had in the past. If middle-class wages in West Virginia had simply kept pace with inflation, they would be \$0.62/hour higher. And if they had grown at the same rate as wage growth for the top 10 percent, they would be \$20.51/hour. Further, if wage increases had corresponded with worker productivity increases, they would be \$31.01/hour (**Figure 6**).

Figure 6

The Median Hourly Wage for West Virginia in 2019 if it had Grown at the Same Rate as:



Source: Economic Policy Institute analysis of Current Population Survey and BLS data.

IV. Changing Jobs

West Virginia's decline in wages over the past four decades occurred alongside an economic transition away from goods-producing jobs and toward service-providing jobs. In the late 1970s, the state had a higher share of workers in industries that paid living wages, like manufacturing, construction, and mining.

In 1979, the state's largest private-sector industry was manufacturing, with over 131,000 workers or 21 percent of the state's private sector workforce (**Table 2**). In 2019, less than seven percent of private sector employment, or about 49,600 workers, was in manufacturing. And the jobs falling into the largest category of the private sector workforce — health care and social assistance, with over 127,000 workers — pay almost \$13,000 less on average compared to manufacturing jobs.

This shift to lower paying service jobs drove down average wages in West Virginia, even as both the economy and worker productivity grew. Between 1979 and 2019, the state's private sector gross domestic product (GDP) increased by 20.5 percent, adjusting for inflation. Private sector employment during that time increased by only 14.1 percent, meaning that private sector GDP per worker increased by 5.6 percent during that time. But while the economy grew and workers grew more productive, average private sector wages in 2019 were nearly \$5,130 less than they were in 1979, after adjusting for inflation, as the state failed to adapt its economy to more knowledge-based professions.

Table 2

Top Five Private West Virginia Industries in 1979 and 2019

	Employment	Average Salary (inflation-adjusted 2019 dollars)	Percent of Total Private Employment
1979 Private Nonfarm Employment	630,182	\$41,808	
Manufacturing	131,828	\$58,552	20.9%
Retail Trade	121,216	\$23,010	19.2%
Mining	65,853	\$71,022	10.4%
Construction	50,100	\$47,555	8.0%
Transportation and Public Utilities	47,661	\$57,485	7.6%
2019 Private Nonfarm Employment	719,028	\$36,678	
Health Care and Social Assistance	127,135	\$45,227	17.7%
Retail Trade	98,583	\$23,363	13.7%
Accommodation and Food Services	71,416	\$19,633	9.9%
Manufacturing	49,611	\$57,878	6.9%
Construction	49,004	\$47,757	6.8%

Source: U.S. Bureau of Economic Analysis

V. The Decline of Unions

It wasn't just the change in the type of jobs that led to stagnating wages and growing income inequality in West Virginia. As employment in the state transitioned from goods-producing to service-providing jobs, the share of workers belonging to a union declined. And that decline in unionization has been a major factor contributing to both the depressed wage growth for the middle class and the growth of income inequality over the past few decades.

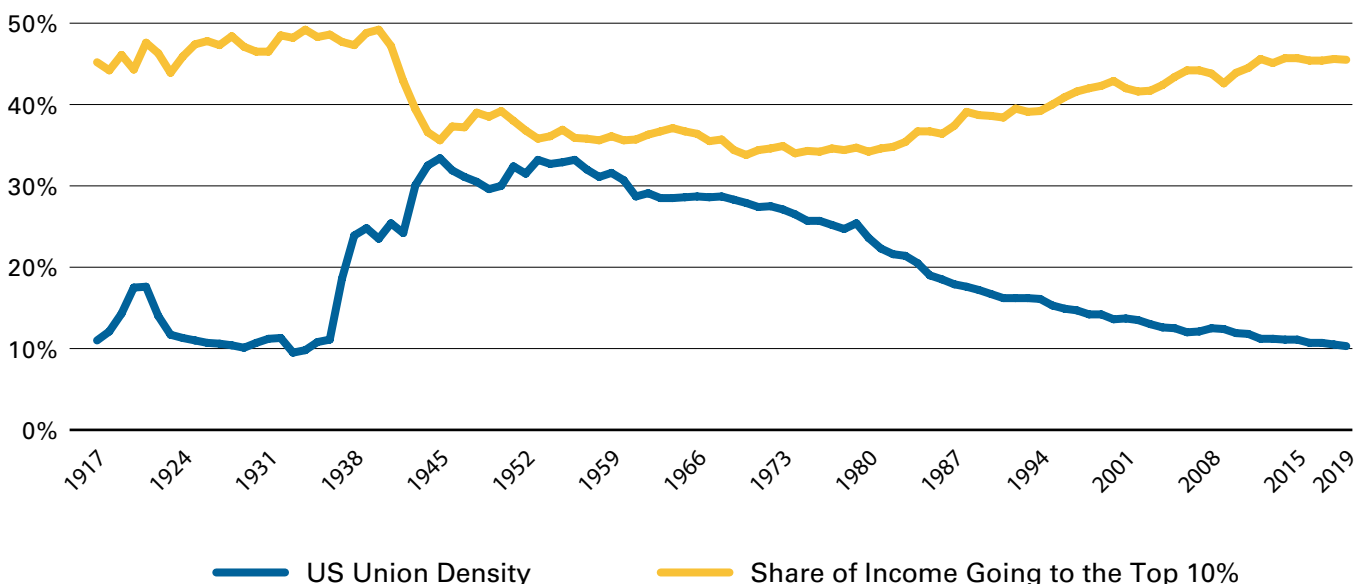
Unions play a significant role in bargaining for higher wages and better benefits for workers.⁹ It is no coincidence that the era of shared prosperity from the 1940s to the late 1970s — where incomes at all levels grew together — occurred during a time when unions were at their strongest, covering nearly one-third of workers in the United States. Unionization declined slowly over the 1950s and 1960s, and the decline accelerated in the late 1970s. The share of workers nationwide belonging to a union fell from a high of 33.4 percent in 1945 to 25.4 percent in 1979, before dipping all the way below 11 percent in the 2010s. The drop in unionization put downward pressure on wages, not only by reducing the number of workers receiving higher union wages but also by decreasing pressure on nonunion employers to raise wages.

Instead, income flowed up. As unions declined, the share of income going to the top grew. Between 1945 and 1979, when an average of 30.0 percent of workers in the United States belonged to a union, the top 10 percent of income earners nationwide received 35.6 percent of total income. From the 1980s through the mid-1990s, as union density dropped from 30 percent to 15 percent, the share of income going to the top 10 percent grew from 35 percent to 40 percent. And by the 2010s, as unionization dropped below 11 percent, the share of income going to the top 10 percent had grown to over 45 percent (**Figure 7**).

Figure 7

The Decline of Unions Played a Role in the Rise of Income Inequality

Union density and share of income going to the top 10 percent, United States, 1917-2019



Source: Keystone Research Center analysis of income inequality data from the World Inequality database and union density data from Historical Statistics of the United States, updated from unionstats.com

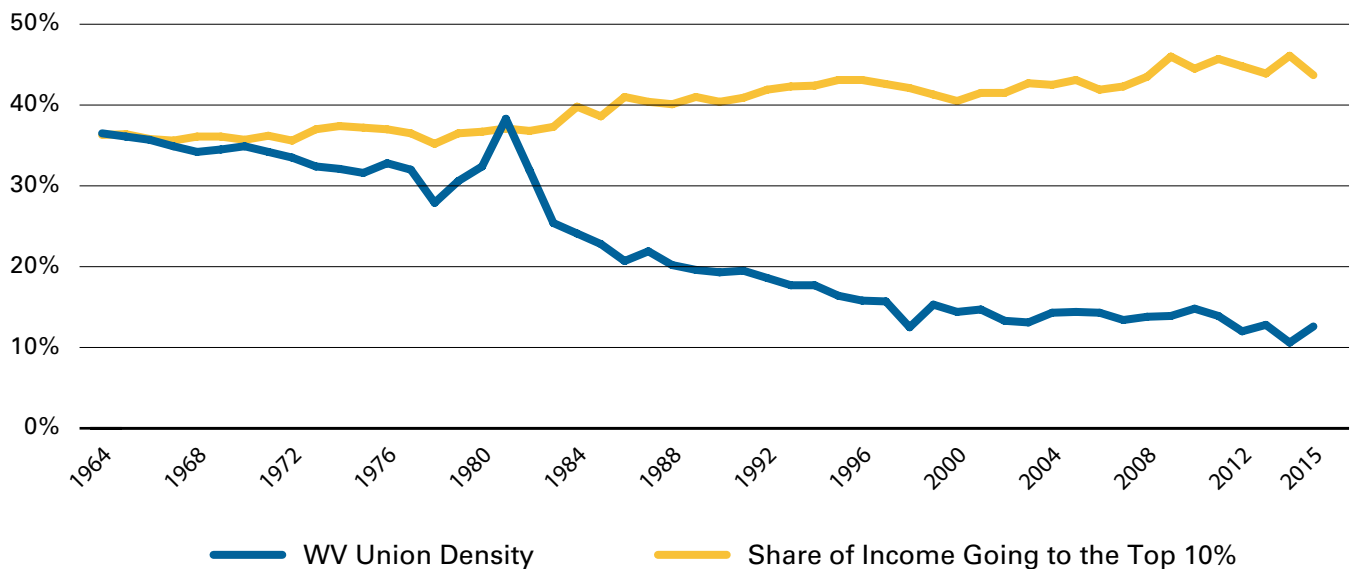
9 P. Chintrakarn (2011), "Labor Unions and Income Inequality: Evidence from US States," *Journal of Applied Sciences*, 11: 3530-3533.

The story is largely the same in West Virginia. For much of the past 60 years, West Virginia had much higher rates of union membership than in other states. The time in the late 1970s when West Virginia had higher than average median wages overlapped with the time when the state also had greater unionization rates. But similar to the pattern nationally, unionization rates in West Virginia have dropped sharply, and as they have, wages have stagnated and income inequality has increased. In 1981, 38.3 percent of West Virginia workers were in a union, but by 2015, that figure had dropped to less than 13 percent. At the same time, the share of income going to the top 10 percent of income earners in West Virginia grew from 36 percent to over 45 percent, while the share of income going to the top one percent grew from 10 percent to nearly 15 percent (**Figure 8**).

Figure 8

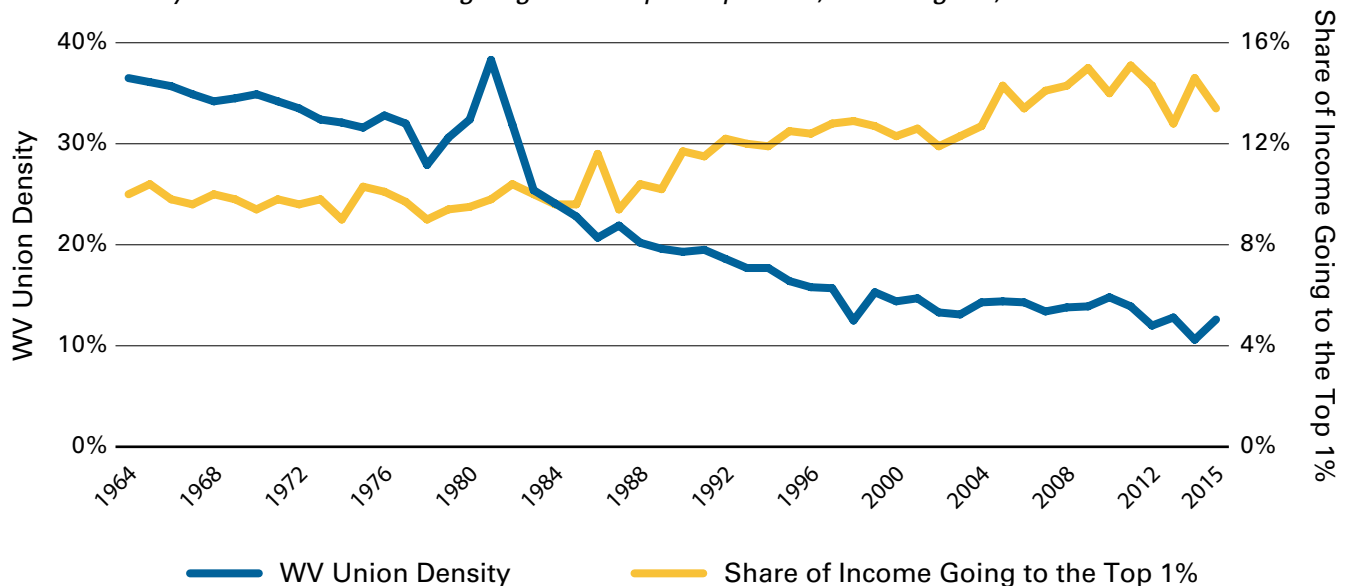
As Unions Declined in West Virginia, Income Inequality Grew

Union density and share of income going to the top 10 percent, West Virginia, 1964-2015



Source: WVCBP analysis of Sommeiller and Price (2018) and unionstats.com

Union density and share of income going to the top one percent, West Virginia, 1964-2015



Source: WVCBP analysis of Sommeiller and Price (2018) and unionstats.com

Research has shown that unions and collective bargaining were a strong force for wage equality and equalizing the income distribution in the middle of the 20th century, while the erosion of unions and collective bargaining has been the single largest factor driving a wedge between middle- and high-wage earners.¹⁰

There was a time in West Virginia when most working people earned a living wage, working hard at good-paying jobs that provided excellent benefits and that were strengthened by the presence of unions. This economic foundation enabled many, if not all, families and communities to thrive. Unfortunately, those relatively good times for many West Virginia working families did not last.

For the past four decades, as unions have weakened, West Virginia workers have seen the value of their wages stay flat or decline, even as they are working harder to make ends meet and improve their lives and those of their family members. Most workers are seeing less and less of the benefits of their labor. Instead, West Virginia's wealthiest are enjoying a greater share of the state's economic prosperity. The era of declining unions and stagnating wages can also be characterized as a time of rising income inequality, as the benefits of the state's economic growth have begun to concentrate in the hands of the wealthy few.

The lack of economic progress shared with working families in West Virginia is damaging to the state's overall economy. A strong middle class has a positive effect on economic growth and security by promoting human capital and education, by creating a stable source of demand for goods and services, by nurturing entrepreneurs, and by encouraging participation in political and economic institutions that support economic growth.¹¹ West Virginia was home to that robust middle class when unions were strong.

The next section of this report explores the history of unions and the labor movement in West Virginia, from the state's birth during the Civil War, to the present-day enactment of the state's Right-to-Work and Paycheck Protection laws. West Virginia's workers and its labor movement have shaped the state's history, and will shape its future.

10 Lawrence Mishel and Josh Bivens, "Identifying the policy levers generating wage suppression and wage inequality" (Economic Policy Institute, May 2021).

11 Heather Boushey and Adam S. Hersh, "The American Middle Class, Income Inequality, and the Strength of Our Economy: New Evidence in Economics" (Center for American Progress, May 2012).

PART 2

Mining Solidarity

By Myya Helm

I. Keep a Man Hungry, and He'll Work

Upon its secession from Virginia and entry to the Union on June 20, 1863, West Virginia accepted the abolition of slavery. Although the original plan was to gradually phase out enslaved labor, the West Virginia Legislature voted for complete abolition in 1865.¹² This increased the need for both skilled and unskilled workers during the Reconstruction era. New systems of work quickly began to emerge such as sharecropping and wage labor. Formerly enslaved Black Americans, with their newfound rights, were now encouraged to economically contribute to society. They equated freedom with economic autonomy, and the phrase “forty acres and a mule” became a clear assertion of their first desired payment following years of unpaid labor. However, many white Americans were more than reluctant to accept them and the promise of “forty acres and a mule” never came to be.

With the economic lives of Black and white Americans forever changed, so followed changes within the American workforce. The United States’ population tripled between 1860 and 1910, adding three times the supply of laborers actively looking for work. Demand was high, and heightened immigration meant more and more individuals were looking to take advantage of any opportunity to put food on the table.

After the Civil War, many Black people came to West Virginia to work in the coal mines, and large numbers of immigrants from Europe arrived between the late 1800s and early 1900s. Eager workers were greeted by even more eager employers, readily in control of far from ideal industries. Many companies made their profits through exploitative means. The coal and steel industries particularly maintained dominance through unfair tactics such as underpaying workers, implementing extremely long hours, providing inhumane housing, or permitting dangerous and unhealthy working conditions.

Not only did this environment force West Virginians to endure some of the poorest working conditions in the country, but it trapped many in a cycle of abuse. Deceptive recruitment methods tricked workers into less than desirable positions before companies further manipulated them into debt. With no ability to leave and the human impulse to avoid hunger, a man had no other choice but to work.

Unethical and coercive forms of labor led to the formation of American trade unions during early Reconstruction.

Segregation Hinders Solidarity

Both Black and white workers showed an equal interest in unionization, but preexisting racial divides meant that Black people were often excluded.¹³ More recently, Herbert Hill, former National Association for the Advancement of Colored People (NAACP) labor secretary, described the American labor movement as having a “race problem.”¹⁴ He repeatedly denounced unions as racist “white job trusts.” As an academic, Hill

12 *Encyclopedia Virginia*, s.v. “The Abolition of Slavery in Virginia,” <https://encyclopediaofvirginia.org/entries/the-abolition-of-slavery-in-virginia/>.

13 James Gilbert Cassedy, “African Americans and the American Labor Movement,” *Federal Records and African American History*, vol. 29, no. 2 (1997).

14 Eric Arnesen, “Up From Exclusion: Black and White Workers, Race, and the State of Labor History,” *Reviews in American History*, vol. 26, no. 1 (March 1998): 146-147.

criticized the movement for excluding Black, Asian, and other workers of color, as well as historians' failure to acknowledge the centrality of race in labor history. Black laborers have been systematically disenfranchised for centuries by progressive organizations like unions, making it that much more important to note the Black worker associations and organizations that took collective action before the Emancipation Proclamation and Reconstruction.¹⁵

Early efforts responding to union exclusion included those of Frederick Douglass, an abolitionist and orator who gave one of his most famous speeches at Harper's Ferry, who helped organize one of the United States' first Black labor unions in 1850. Known as the American League of Colored Laborers, the collective offered an alternative for Black laborers but soon ceased to exist because of the small number of free Black men in cities at the time.¹⁶ Douglass later served as the president of the Colored National Labor Union, the first nationwide Black union and counterpart to the white National Labor Union, in 1872.

Segregated unionism continued into the 20th century, wherein separate unions for Black and white laborers served to protect their own members and advance their own agendas.

Employers capitalized on racial and ethnic divisions, and these divides were often used to turn employees against one another. Black workers were paid less, and overwhelmingly white and hostile workforces resisted their entry into better jobs due to the fear of being replaced. Because of this reality, few Black unions aimed for integration and instead fought for the equality of status. Many white workers of western European origin in West Virginia also felt hostile toward immigrants from southern and eastern Europe. Black Americans and southern and eastern European immigrants were recruited by coal companies and began migrating en masse to southern West Virginia – indeed, McDowell County's Black population alone increased from 0.1 percent in 1880 to 30.7 percent in 1910.¹⁷ Unsurprisingly, these marginalized groups were not met with open arms by their western European counterparts. Racism and prejudice were commonplace, and some laborers' lower than average earnings suggested discrimination both inside and outside of work.¹⁸

Company Profits and Powers

Without any significant union representation in West Virginia, working conditions continued to deteriorate for all workers as companies sought larger profits. Rank-and-file steelworkers in northern West Virginia, including many Polish and Slavic immigrants, were underpaid, overworked, and had little to no job security. Their class-based oppression promoted the language of "Americanism," or their mutual allegiance to the ideals and rights of the United States, bringing many of them together regardless of their differing nationalities. Despite this growing solidarity amongst white laborers, an increasing number of steelworkers viewed Black migrants as a threat. With racial tensions on the rise, some even claimed, "It takes about five of them to do one good white man's work in the mills."¹⁹

Although white workers gained a "psychological wage" through their white privilege which somewhat compensated for the oppression they suffered at the hands of their employers, this was not always enough to combat growing working-class militancy and discontent.²⁰ Contracts over every worker established an

15 Andrea Flynn, "Disenfranchisement: A Historical Tool of Racial Exclusion," *Cambridge University Press*, July 6, 2017, <http://www.cambridgeblog.org/2017/07/disenfranchisement-a-historical-tool-of-racial-exclusion/>.

16 Jonathan Bradley, "American League of Colored Laborers (1850-?)," *Black Past*, January 4, 2011, <https://www.blackpast.org/african-american-history/american-league-colored-laborers-1850/>.

17 "West Virginia's Mine Wars," West Virginia Department of Arts, Culture and History, <http://www.wvculture.org/history/archives/minewars.html>.

18 Joe Trotter, *Coal, Class, and Color: Blacks in Southern West Virginia* (Urbana: University of Illinois Press, 1990), 26.

19 William Hal Gorby, *Wheeling's Polonia: Reconstructing Polish Community in a West Virginia Steel Town* (Morgantown: West Virginia University Press, 2015), 149-161.

20 Arnesen, "Up From Exclusion," 163.

oppressive “master and servant” relationship in the coalfields. For possibly the first time in history, white people measuring their status against that of formerly enslaved Black people became less important as coal companies gained almost total control over everyone’s life and labor.²¹

Nevertheless, it remains important to note that prejudice and racism still divided the state’s miners.

In what was referred to as “the last remains of industrial autocracy in America,” coal companies owned practically all of the land, housing, and services surrounding West Virginia’s coal mines.²² Many companies built and rented homes to their employees under strict contracts, allowing employers broad powers of search, seizure, and eviction without notice.²³ All mail was overseen by representatives that removed anything pro-union. Workers were paid in “scrip,” a cash alternative that could only be used in company localities and spent at company stores which adjusted prices based on employees’ wages and raises. Even worse, mining towns were ruled as police states through the use of armed guards with the power to hinder rights such as free speech and assembly.²⁴ These rights were initially forfeited as a condition of employment, and guards had a national reputation for harassing and beating workers and their loved ones if they disobeyed. When miners joined unions, they risked being discharged, evicted, blacklisted, or even killed.²⁵

These circumstances led to the Great Coal Strike of 1902. Typically associated with eastern Pennsylvania, coal miners in West Virginia went on strike at the same time to keep West Virginia coal from capturing the eastern markets. The poor working conditions, long hours, low pay, and refusal of management to recognize the United Mine Workers of America (UMWA) also encouraged the miners to walk out in protest. Only a couple of years prior, the UMWA had called for a nationwide coal strike to halt a series of wage reductions, but their failure to suspend work in West Virginia broke their efforts. Accordingly, they became acutely aware of the importance of organizing throughout the state afterward.²⁶

With West Virginia on board, President Theodore Roosevelt’s precedent-shattering involvement in facilitating an agreement between striking miners and coal bosses meant some gains were made for the miners, but the UMWA still did not gain recognition from management. Because of this failure, “many of the more active union miners” left for “areas that would be considered safer grounds.”²⁷ These were typically British miners, whom the UMWA was founded by.

Consequently, the call for unionization died down.

Many West Virginia miners in the early 1900s showed little interest in the union that the UMWA offered. They felt as if the issues and goals of the miners’ union did not represent their needs because they didn’t intend on making a career out of mining coal. During the 1902 strike, many natives simply returned home and farmed. Having a less than decent place to live and work was only a short-term situation, so they were easily subdued by coal companies. Most immigrant miners were either too determined to earn their daily bread or planned to get rich and move on.²⁸ An absence of British miners meant that the coalfields lacked any substantial union activity, or even a sense of solidarity, for roughly a decade.

The union tradition and spirit that eventually developed out of a workforce without union experience, though, was inevitable.

Despite persistent inequality between Black and white Americans, the worsening situation in coal towns began fostering substantial solidarity among all coal miners, no matter their race, ethnicity, or nationality.

21 Trotter, *Coal, Class, and Color*, 15.

22 David Corbin, *Life, Work, and Rebellion in the Coal Fields: The Southern West Virginia Miners, 1880-1922* (Morgantown: West Virginia University Press, 2015), xvii.

23 Trotter, *Coal, Class, and Color*, 15.

24 Charles Keeney, “The Battle of Blair Mountain Is Still Being Waged,” The Cultural Landscape Foundation, February 26, 2018, <https://tclf.org/battle-blair-mountain-still-being-waged>.

25 Corbin, *Life, Work, and Rebellion in the Coal Fields*, 15.

26 Corbin, *Life, Work, and Rebellion in the Coal Fields*, 43.

27 Corbin, *Life, Work, and Rebellion in the Coal Fields*, 28.

28 Corbin, *Life, Work, and Rebellion in the Coal Fields*, 26-31.

Even when Mingo, Logan, and McDowell counties had become known as anti-union strongholds, mutual struggle helped to create a class consciousness and pique workers' interest in unionism.²⁹ Ironically, the companies themselves made unionism relevant, forcing miners to question their authority from the state.³⁰ Unions promised to abolish the system that held them all as workers in forced labor. Actively challenging the social, economic, and political power held by coal companies, they focused on shared issues of exploitation and oppression that could only be fixed through working-class organization. Class solidarity became of larger importance than workers' racial and ethnic differences, and West Virginia miners' union consciousness grew as they yearned for a better livelihood for themselves and their families.

29 Trotter, *Coal, Class, and Color*, 112.

30 Corbin, *Life, Work, and Rebellion in the Coal Fields*, 52.

II. “So, It Is with West Virginia”

It is no question that West Virginia is the birthplace of the modern American labor movement. As a result of the continued unsafe working conditions in the early 20th century, working-class discontent accelerated throughout the state. In 1907, an explosion at a Fairmont Coal Company mine in Monongah killed 361 miners.³¹ Arguably the worst mining disaster in American history, many men were killed in an instant, and a considerable amount of damage followed. One historian later noted that a U.S. soldier had a better statistical chance of surviving World War I than coal miners did working in West Virginia. Due to the shockingly high accident rate in West Virginia’s coal mines, the federal government no longer considered them safe and stopped recommending them to immigrants looking for work.³²

By 1909, Black miners made up more than a quarter of West Virginia’s mining workforce.³³ Stable family structures were extremely important to Black migrants in the area, and the dangers of working in the mines meant making it home to your family was never a guarantee.³⁴ At the time, many unionists felt that married men made the best miners, as well as the best union men. They couldn’t leave their jobs as easily, increasing their personal stake in wanting to improve their working conditions.

This evolution of a working-class with urgent needs in the coalfields meant that all miners needed a collective voice — one that would fight back against their mutual exploitation and oppression.

What began as a confrontation in Paint Creek over miners wanting a pay increase quickly turned into the Paint Creek–Cabin Creek Strike of 1912, the first major attempt to bring unionism into southern West Virginia.³⁵ Unionism had been maturing for decades prior in the Kanawha and New River coal fields.³⁶ The initial contract dispute led to the walkout of both union and nonunion miners. Soon enough, though, an increase in pay became less high of a priority as they brought forth multiple concerns of justice and freedom.

Many issues existed in the coalfields. Although some of the Paint Creek mines were already unionized, the UMWA wasn’t recognized by coal operators.³⁷ As such, the union’s only leverage was to pull miners off the job.³⁸ This meant that they could potentially organize to shut down the mines, but they still couldn’t appropriately represent or protect miners. The union had no official say in day-to-day activities. Over time, the mine-guard system became increasingly ruthless when punishing union activity and guards often harassed union organizers. The docking system, used by check weighmen to determine a miner’s pay, was frequently misused.³⁹ Workers were docked pay for slate and rock mixed in with the coal, and check weighmen hired by the company frequently cheated miners out of an entire day’s work. Miners were also routinely denied their proper pay through cribbing. Since each mine car supposedly held a specific amount of coal, they would get paid based on how much it held. However, some cars were altered to hold more coal than the previously agreed upon, specified amount. Even when miners were paid appropriately, they still received scrip which could only be used at the company store. When wages increased, coal companies simply increased the company stores’ prices to make up for what money they lost.

Due to these indignities, the miners presented additional demands: (1) recognition of the UMWA; (2) abolition of the mine-guard system; (3) reform of the docking system; (4) a check weighman representing the miners; (5) alternatives to company stores; and (6) cash wages; these demands emerged along with the

31 “West Virginia’s Mine Wars.”

32 Corbin, *Life, Work, and Rebellion in the Coal Fields*, 29.

33 “Coal Miner,” New River Gorge National Park and Preserve, National Park Service, <https://www.nps.gov/media/photo/view.htm?id=db04cd13-3763-40af-a914-f4df1b561a6f>.

34 Corbin, *Life, Work, and Rebellion in the Coal Fields*, 66.

35 Corbin, *Life, Work, and Rebellion in the Coal Fields*, 32.

36 Corbin, *Life, Work, and Rebellion in the Coal Fields*, 87.

37 “Paint Creek and Cabin Creek Strikes,” West Virginia Mine Wars, National Park Service, <https://www.nps.gov/articles/000/paint-creek-and-cabin-creek-strikes.htm>.

38 “United Mine Workers,” National Coal Heritage Area & Coal Heritage Trail, https://coalheritage.wv.gov/coal_history/Pages/United-Mine-Workers.aspx.

39 “West Virginia’s Mine Wars.”

previously mentioned demand for an increase in pay.⁴⁰ After establishing these demands, the Paint Creek miners were joined by the Cabin Creek miners in their fight for not only themselves, but their children.⁴¹ Miners often emphasized the need to fight for their families and the younger generation, and any victory they claimed was also that of their families.

Race and Class Consciousness

As the dispute continued, the company town served as a force conducive to building class consciousness and racial harmony.

While it is important to recognize that Black workers did not have a monolithic experience, Black and white miners in southern West Virginia achieved a “remarkable degree of class unity.”⁴² Black miners still encountered prejudice, racism, and employment discrimination but continued to work together with white miners to fight for an institution that offered solidarity, power, and an escape from bondage. The UMW in West Virginia was the first major industrial union to include Black men as unionists and organizers.⁴³ Their egalitarian policies even helped to recruit strikebreakers, who were often Black migrants or European immigrants hired and brought into West Virginia by coal companies.⁴⁴

The Paint Creek–Cabin Creek Strike soon became one of the bloodiest labor conflicts in American history.⁴⁵ As southern miners discovered the power of collective action, operators doubled down and increased the number of mine guards from the Baldwin-Felts Detective Agency in the area.⁴⁶ Their main responsibility was to break the strike, whether that be through intimidation, eviction, property destruction, or physical violence.⁴⁷ Some even murdered in an effort to kill the union. The guards constructed several concrete forts with machine guns throughout the strike area. They destroyed \$40,000 worth of personal property and beat anyone traveling through on trains. In response, Black organizers like Dan Chain, also known as “Few Clothes Johnson,” led commando brigades to attack mine guards and destroy company property.⁴⁸

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The most infamous tactic the mine guards used to quell strikers was the Bull Moose Special, a train car reinforced with iron plating and machine guns, that drove through a tent colony established by the UMWA and constructed for the miners and their families. Because coal companies owned practically all of the land, housing, and stores around the mines, the union held the sole responsibility for feeding, clothing, and

40 Corbin, *Life, Work, and Rebellion in the Coal Fields*, 33.

41 Corbin, *Life, Work, and Rebellion in the Coal Fields*, 94.

42 Arnesen, “Up From Exclusion,” 151.

43 Nick Musgrave, “Black Coal: The African-American Miners of West Virginia’s Southern Coalfields,” *Expatalachians*, <http://expatalachians.com/black-coal-the-african-american-miners-of-west-virginias-southern-coalfields>.

44 Charles A. Zappia, “Labor, Race, and Ethnicity in the West Virginia Mines: Matewan,” *Journal of American Ethnic History*, vol. 30, no. 4 (Summer 2011): 44-50.

45 Corbin, *Life, Work, and Rebellion in the Coal Fields*, 87.

46 “West Virginia’s Mine Wars.”

47 “Paint Creek and Cabin Creek Strikes.”

48 “Miner,” 8th Grade Lesson Character Handouts, West Virginia Mine Wars Museum, <https://static1.squarespace.com/static/54cbff1ae4b083ce027bcb31/t/5b5b2f1b03ce64814a476e67/1532702491274/8th+Grade+Lesson+Character+Handouts.pdf>.

housing strikers.⁴⁹ The Bull Moose Special was used to fire into homes and tents, and even killed an Italian miner named Francis Estep while he was protecting his pregnant wife.⁵⁰

With labor leaders and coal miners enraged, West Virginia's governor declared martial law.⁵¹ The state militia was sent to break the strike. Renowned organizer and orator Mary "Mother" Jones, who fearlessly advocated on behalf of the miners, once said, "There is never peace in West Virginia because there is never justice. Injunctions and guns, like morphia, produce a temporary quiet. Then the pain, agonizing and more severe, comes again. So, it is with West Virginia."⁵² She was later arrested when she was at least sixty-eight years old and suffering from pneumonia along with other strikers and leaders.⁵³ The coal company and mine guards paid no consequences for their actions that led to multiple senseless deaths. By the end of the strike, the only improvement for the miners was the removal of Baldwin-Felts detectives as guards in Paint Creek and Cabin Creek, kicking off the West Virginia Mine Wars.

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— Mary "Mother" Jones

In 1919, the largest non-unionized coal region in the eastern United States included Logan County and Mingo County.⁵⁴ The UMWA marked the region as their highest priority, determined to unionize West Virginia's miners. While the UMWA accelerated their organizing activities, coal companies intensified their recruitment efforts of Black Americans.⁵⁵ George Edmunds, a Black organizer, played a key role in organizing West Virginia's Black miners.⁵⁶

At the time, anyone suspected of being a part of organized labor was harassed, beaten, and arrested by local deputies.⁵⁷ Coal operators continued lowering wages and eventually, the Baldwin-Felts detectives returned to the town of Matewan, West Virginia. As they evicted families from their homes, the chief of police encouraged miners to begin arming themselves. Gunfire quickly followed, and coal miners began to strike once again. At this point, over 90 percent of miners in Mingo County were unionized. Mines were blown up, tent colonies were attacked, and numerous people died on both sides of the conflict.

Violence reigned over three major coal-mining counties — Mingo, McDowell, and Logan — until 1921, culminating in the Battle of Blair Mountain.⁵⁸ In August of that year, thousands of union miners, many of whom were World War I veterans, marched to Mingo County to free strikers that had been arrested.⁵⁹ The march included roughly 2,000 Black miners.⁶⁰ However, in order to get to their destination, they were forced to cross Blair Mountain, which was defended by an anti-union citizen army.

49 Corbin, *Life, Work, and Rebellion in the Coal Fields*, 89.

50 "Paint Creek and Cabin Creek Strikes."

51 "Paint Creek and Cabin Creek Strikes."

52 Mary Harris Jones & Mary Field Parton, *Autobiography of Mother Jones* (Courier Corporation, 2004), 144-145.

53 "West Virginia's Mine Wars."

54 "West Virginia's Mine Wars."

55 Trotter, *Coal, Class, and Color*, 83.

56 Trotter, *Coal, Class, and Color*, 112.

57 "West Virginia's Mine Wars."

58 "Introduction to the West Virginia Mine Wars," West Virginia Mine Wars, National Park Service, <https://www.nps.gov/articles/000/introduction-to-the-west-virginia-mine-wars.htm>.

59 "The Battle of Blair Mountain," History Stories, HISTORY, <https://www.history.com/news/americas-largest-labor-uprising-the-battle-of-blair-mountain>.

60 Trotter, *Coal, Class, and Color*, 112.

What came next was the largest battle in the history of the labor movement, one of the largest incidents of insurrection since the Civil War, and a complicated blend of class and racial consciousness.⁶¹ Both Black and white miners fired rifles, machine guns, and other weapons along the ridge to cross.⁶² During the second day of fighting, the sheriff ordered for bombs to be dropped from airplanes onto the battlefield. After several more days, the federal government was forced to intervene, quickly ending the miners' efforts. They chose to surrender because they weren't rebelling against the federal government, but their local, anti-union governments. A widely accepted belief at the time was that the coal industry's control over the state government obstructed union success.⁶³

The following year, the State of West Virginia indicted over 500 men on charges of treason, murder, accessory to murder, and conspiracy to commit murder.⁶⁴ The miners' defeat temporarily ended the UMWA's organizing efforts and by 1924, union membership had dropped to about half of its total prior to the deadly battle.⁶⁵ In fact, many miners were required to sign a "Yellow Dog" contract, wherein they pledged not to join a union in order to keep their jobs.⁶⁶

While miners fought for their rights in southern West Virginia, steelworkers called for better working conditions in northern West Virginia.

Wheeling's Great Steel Strike of 1919 serves as another prime example of the struggle toward unionization in West Virginia.⁶⁷ Throughout the city, steelworkers organized a campaign that had been primed by various organizing attempts in the early 1910s. Many Irish, German, Polish, Italian, Slavic, and other immigrant workers made multiple demands: (1) recognition of the union and the right to bargain collectively; (2) an eight-hour day, one day off per week, and the end of 24-hour-long shifts; (3) a living wage, double overtime, and standard wage rates for certain workers; and (4) a check-off system for union dues, seniority lines, and the abolition of company unions and physical examinations.

Most rank-and-file steelworkers were brought together, once again, through the language of "Americanism" because they focused on shared issues of freedom in their communities.⁶⁸ The union, having repeatedly fought for everyone's right to free speech and assembly, claimed to "recognize no race, creed or color." Nevertheless, tactics used by the company were still successful in dividing strikers by race and nationality. Black Americans continued to be perceived as a threat to some employees, and racial tensions over economic competition continued to hinder their full inclusion in steel unionization. Even so, the strike became one of the longest lasting in the region. By the end, escalating tensions resulted in a fatal gun battle that was believed to be the fault of radical unionists. The event suggested that local authorities could no longer contain the situation and after several days of the surrounding community living in fear, employees began returning to work. The shooting stood as the ultimate turning point of the strike, leading to its ultimate failure.

61 "Introduction to the West Virginia Mine Wars."

62 "The Battle of Blair Mountain," West Virginia Mine Wars, National Park Service, <https://www.nps.gov/articles/000/the-battle-of-blair-mountain.htm>.

63 Corbin, *Life, Work, and Rebellion in the Coal Fields*, 26.

64 "Introduction to the West Virginia Mine Wars."

65 "West Virginia's Mine Wars."

66 Corbin, *Life, Work, and Rebellion in the Coal Fields*, 254.

67 Gorby, *Wheeling's Polonia*, 147-170.

68 Gorby, *Wheeling's Polonia*, 147-170.

Rapid Organization and the Right to Unionize

It wasn't until 1933 that the National Industrial Recovery Act (NIRA) finally passed, protecting the rights of unions and allowing for rapid organization in West Virginia.⁶⁹ A few years later in 1935, the National Labor Relations Act (NLRA), also known as the Wagner Act, also passed.

In 1933, there were 17 UMWA members in southern West Virginia, but by 1934, there were 70,000. All but two percent of the 100,000 coal miners belonged to the union in 1938.⁷⁰

West Virginia employers, who often continued to hold traditional notions of labor control, could no longer deny workers access to their unions and collective bargaining. The unionization of West Virginia was in no way an easy, peaceful process, but company towns eventually disappeared along with their housing, mine guards, scrip, and other methods used to keep coalfields non-union.⁷¹

Union consciousness continued to grow amongst many second-generation workers in the 1930s and 1940s. Separate unions for Black and white Americans were still present, but union activists such as A. Philip Randolph fought back repeatedly against them. Randolph founded the Brotherhood of Sleeping Car Porters in 1925, the first predominantly Black labor union to be chartered by the American Federation of Labor (AFL), and was a major leader in both the Civil Rights Movement as well as the wider American labor movement.⁷² In 1941, he announced the creation of a March on Washington Committee. This committee promised to march on Washington and demand an end to segregation if President Roosevelt refused to stop racial discrimination in the hiring processes of both unions and employers.

The Christian American Association, an organization he [Vance Muse] founded to promote Right-to-Work, opposed unions because they were a threat to the system of racial segregation.

Employers across the United States had long used racial and ethnic divisions to divide workers, and West Virginia was no exception. Following the explosion of unionization in the state, coal companies' power severely weakened and they expectedly maintained their hostility towards unions. The drive toward anti-unionism has deep roots in strategic racism. Around the same time as Randolph's efforts, Vance Muse, an openly racist anti-Semite and conservative lobbyist, worked to invent and promote the Right-to-Work (RTW) movement against the unionization of American workers.⁷³ The Christian American Association, an organization he founded to promote Right-to-Work, opposed unions because they were a threat to the system of racial segregation. RTW also worked against the promotion of better wages and supported conditions that exacerbated racial inequality. Soon enough, RTW had a slew of supporters across the United States and began to win major political and legal victories.

As the labor movement began to backtrack once again, the Congress of Industrial Organizations (CIO) planned "Operation Dixie" in 1946. This was a massive effort to organize multiracial labor unions in the southern United States.⁷⁴ Had this effort succeeded, inequality across class, race, and even gender lines could have been reduced, but the plan failed due to Jim Crow laws and racial strife perpetuated by the RTW movement. Because of this, Black workers could not as easily engage in successful union organization. The Taft-Hartley Act served as a fatal blow to the effort, defeating the campaign in 1947 after an unprecedented

69 "West Virginia's Mine Wars."

70 Corbin, *Life, Work, and Rebellion in the Coal Fields*, 255.

71 Corbin, *Life, Work, and Rebellion in the Coal Fields*, 255.

72 Cassedy, "African Americans and the American Labor Movement."

73 Sean O'Leary et al., "The State of Working West Virginia 2020: The State of Racial Inequality," West Virginia Center on Budget and Policy, November 3, 2020, <https://wvpolicy.org/state-of-working-west-virginia-2020-the-state-of-racial-inequality/>.

74 Sean O'Leary et al., "The State of Working West Virginia 2020."

wave of major strikes took place across the country. Further opening the door for RTW legislation, the Taft-Hartley Act amended the NLRA and restricted the activities and power of labor unions nationwide.⁷⁵ Various union practices were prohibited by the law including jurisdictional strikes, wildcat strikes, solidarity or political strikes, secondary boycotts, secondary and mass picketing, closed shops, and monetary donations by unions to federal political campaigns.

But this couldn't stop Black unionists.

Over the next two decades, Black workers loudly and unapologetically demanded the labor rights that they had long been excluded from receiving. Since the 1910s, a large majority of unions used their institutional strength to completely prohibit the employment of Black Americans in certain positions and sharply reduce their numbers in others.⁷⁶ Even though the UMW in West Virginia had a better record on inclusion and diversity than most unions of the time, their acceptance of a segregated job structure drastically hurt Black miners.⁷⁷ As a result, the mining workforce became less Black. Mechanization began to increase and since the more laborious jobs were typically filled by Black employees, they were the first to go. Work overall became cheaper and less arduous, hurting all miners throughout the industry. Southern West Virginia was ready for racial reform.

Black labor unionism soon became a part of the campaign for civil rights in the 1950s and 1960s. After the merger of the AFL and the CIO in 1955, with A. Philip Randolph serving as the AFL-CIO's first vice president, it became clear that there would be a redirection within the labor movement even though racism often created a conflict of interest for labor leadership.

AFL-CIO union delegates from across West Virginia held a supportive view of Black labor unionism. In 1959, they met in Charleston for their second statewide constitutional convention. Charleston, however, was a segregated city.⁷⁸ When G. William Dunn, a Black delegate, attempted to register for the convention at the Daniel Boone Hotel, management refused him. The Federation President, Miles Stanley, anticipated this happening and stood openly as a union voice for racial equality. Stanley refused to tolerate this discrimination, and he gave the hotel an ultimatum: they could either abolish their discriminatory policy or the convention would take place elsewhere. Because the convention generated a sizeable amount of revenue, the hotel had no other choice but to concede to Stanley's demand. They registered Dunn, and Stanley's actions set a precedent for the union's role in promoting social, political, and economic advancements for Black Americans. The calculated attack helped to integrate the city of Charleston, even while segregation remained law throughout much of the American South.

Soon enough, the West Virginia AFL-CIO was fighting racial discrimination in many unionized workplaces, campaigning for civil rights in the West Virginia Legislature, and sponsoring various civil rights organizations.⁷⁹ The union also directly contributed to West Virginia's higher percentage of unionized workers than any state in the nation by the early 1960s.

Following the AFL-CIO's 1961 Resolution on Civil Rights, Stanley helped to establish Civil Rights Committees.⁸⁰ In 1963, he directed all the state's Local Central Bodies to adopt a resolution endorsing civil rights, appointing a Civil Rights Committee, and forming partnerships with branches of the Human Rights Commission. Charlene Marshall, the first Black woman to hold the post of mayor in a West Virginia municipality, recalled that, "If there was any civil rights activity in any part of the state, organized labor would take an active part." Their greatest achievement was the passage of the West Virginia Human Rights Act of 1961. Under Stanley's leadership, racial equality in the Mountain State increased as union members played a more active role in

75 Dale Mineshema-Lowe, "Taft-Hartley Act of 1947 (1947)," *The First Amendment Encyclopedia*, 2009, <https://www.mtsu.edu/first-amendment/article/1050/taft-hartley-act-of-1947>.

76 Arnesen, "Up From Exclusion," 149.

77 Colin T. Fones-Wolf, "A Union Voice for Racial Equality: Miles Stanley and Civil Rights in West Virginia, 1957 - 68," *Journal of Appalachian Studies*, vol. 10, no. 1/2 (2004): 113.

78 Fones-Wolf, "A Union Voice for Racial Equality," 111.

79 Fones-Wolf, "A Union Voice for Racial Equality," 112-114.

80 Fones-Wolf, "A Union Voice for Racial Equality," 117.

the Civil Rights Movement, so much so that the effects of Jim Crow laws had been dropped from almost all social institutions in West Virginia by the end of his tenure.⁸¹

Stanley and other unionists' racial justice efforts culminated in the March on Washington for Jobs and Freedom in 1963, as well as the passage of the Civil Rights Act of 1964. It was then that discrimination based on race, color, religion, sex, or national origin was officially outlawed, providing equal access to employment and ending forced segregation for Black, working Americans and West Virginians.

But as significant as these developments were, the struggle for workers' rights was far from over.

81 Fones-Wolf, "A Union Voice for Racial Equality," 125.

III. Unions Decline, but the Fight Continues

In the years following the Civil Rights Movement, the labor movement placed itself squarely on the side of Black workers in the United States.⁸² From Reconstruction to the 1960s, the record of white unions, for the most part, was largely disappointing when it came to racial equality. Some saw unions as “white job trusts” that worked to exclude Black Americans from desirable jobs, frequently discriminating against minority laborers.⁸³ The end of the 1960s, though, marked a notable shift in labor history, wherein an end to institutionalized racial segregation and discrimination meant securing labor rights for a number of American workers.

Although many gains had been made up to this point, a new issue affecting Black and white coal miners alike appeared. An alarming increase in the number of miners, who by this point had spent a considerable portion of their lives underground, were dying from a chronic respiratory illness.⁸⁴ Their lungs had turned black from ongoing coal dust inhalation. The dust had settled inside of their bodies and progressively weakened their organs over time, leading to various symptoms such as shortness of breath, coughing, and chest tightness. Black lung is so severe that it has served as the primary cause of death for more than 76,000 miners since 1968.⁸⁵ In 1969, West Virginia miners joined together on strike once again in an attempt to get compensation for the job-related illness.⁸⁶ They were led by disabled miners and miners’ widows. Coal companies denied the connection between coal mining and black lung for years, but West Virginians knew the truth. The Black Lung Strike of 1969 forced the West Virginia Legislature to pass a bill aiding victims of the disease. This introduced a decade of similar “wildcat strikes” or strikes that are undertaken without union leadership’s authorization.

While miners of all races continually fought for what they were owed throughout the 1970s, the following decade introduced a sharp decline in unionization.⁸⁷ Soon enough, a sudden drop in membership marked a massive loss for American workers.

Many Black people had only recently saw labor unions welcome them as members. The Coalition of Black Trade Unionists had just been founded in 1972.⁸⁸ When they convened in Chicago, Illinois to discuss the role of Black unionists for the first time, their meeting was one of the largest single gatherings of Black unionists to date. Black West Virginians finally got their foot in the door, but the fight against anti-unionists would prove to be very difficult.

There are many potential reasons for the decline of American unionization.

High inflation in the 1970s led the Chairman of the Federal Reserve, Paul Volcker, to pursue aggressive interest rate increases that devastated American manufacturing.⁸⁹ This facilitated rising unemployment rates, and layoffs meant that 21.2 percent of working-class people lost their jobs between 1981 and 1983. Since the 1970s, the annual tonnage of coal produced in West Virginia has increased, but employment in the industry has declined.⁹⁰ Although mechanization surely played a part in this acceleration, many companies also found workers that would accept lower wages and were more receptive to anti-unionization campaigns.

82 Cassedy, “African Americans and the American Labor Movement.”

83 Arnesen, “Up From Exclusion,” 148.

84 Jessie Wright-Mendoza, “The Militant Miners Who Exposed the Horrors of Black Lung,” *JSTOR Daily*, September 25, 2018, <https://daily.jstor.org/the-militant-miners-who-exposed-the-horrors-of-black-lung/>.

85 “MSHA Issues Final Rule on Lowering Miners’ Exposure to Respirable Coal Dust,” *United States Department of Labor*, April 23, 2014, <https://www.dol.gov/newsroom/releases/msha/msha20140669>.

86 Wright-Mendoza, “The Militant Miners Who Exposed the Horrors of Black Lung.”

87 Myya Helm, “Strong Unions Serve an Essential Role for Black Workers in West Virginia,” *West Virginia Center on Budget and Policy*, July 13, 2021, <https://wvpolicy.org/strong-unions-serve-an-essential-role-for-black-workers-in-west-virginia/>.

88 Eric Arnesen, *Encyclopedia of U.S. Labor and Working-class History, Volume 1* (New York: Routledge, 2007), 267.

89 Dwyer Gunn, “What Caused the Decline of Unions in America?,” *Pacific Standard Magazine*, April 24, 2018, <https://psmag.com/economics/what-caused-the-decline-of-unions-in-america>.

90 *Britannica*, s.v. “Industry of West Virginia,” <https://www.britannica.com/place/West-Virginia/History>.

On top of this, economic policy drastically shifted in the 1970s. Deregulation and free market reforms hurt the role of trade unions, decreasing workers' health, safety, and pay.⁹¹

In West Virginia, this facilitated growing tensions between rank-and-file union members and union leadership. Employers were increasingly on the offensive and often took advantage of these tensions, spurring the 1977-78 strike against the Bituminous Coal Operators Association (BCOA).⁹² BCOA felt they needed to undermine miners' right to strike to increase their profits. They set out to end coalfield militancy, and they capitalized on UMWA divisions at the time to promote disunity. In response, miners who viewed the union's grievance procedures as slow and ineffective went on their own wildcat strike. In addition to the "right to strike," miners had concerns about workplace health and safety issues. Because of the nature of a wildcat strike, the unionists had no central leadership. This hindered their ability to address strike relief efforts such as surviving without an income. Similarly, it was difficult for rank-and-file unionists to stop non-union strikebreakers, leading to some confrontations that resulted in gun fights. To stop this, fifty West Virginia coal miners met in the town of Marmet to organize against the threat posed by nonunion coal mines.

After President Jimmy Carter's failed attempt to invoke the Taft-Hartley Act and break the strike, a local union official recalled the miners' reactions to Carter's involvement as "Taft can mine it, Hartley can haul it, and Carter can shove it."⁹³ They threatened a direct, armed confrontation with the state, an escalation that President Carter wanted to avoid at all costs. Following UMWA and BCOA negotiations, the miners accepted a contract and returned to work unenthusiastically. The agreed upon deal was not what they had hoped for. Although the BCOA would not fire strike instigators or fine workers' health and pension plans for absenteeism, the Miner's Health Fund was dismantled in the final agreement. This left both sides without a clear victory. But from this point on, an overall shift in the labor movement heralded the decline of labor militancy in the 1980s.⁹⁴

Prior to this shift, West Virginia had outperformed the nation in several key economic indicators.

A Suffering State

In West Virginia, workers were once the recipients of higher wages and better benefits, the state had a relatively strong economic output, and there was less income inequality.⁹⁵ But the mid-1980s created somewhat of a perfect storm against West Virginia's workers when the steel industry collapsed. The state's economy rapidly changed with deindustrialization, resulting in a massive drop in coal mining and manufacturing jobs. Mechanization especially impacted Black laborers. Due to this, many workers were either forced to trade more gainful employment for lower-paying positions at multinational corporations, or they had to leave the state altogether. Between 1983 and 1987, a total of 31,000 workers lost or left their jobs in West Virginia. Those that stayed worked longer hours and accrued more debt. Stagnating wages, declining benefits, and fewer work opportunities that were once abundant meant that the state's labor force would suffer for years to come.

91 Celine McNicholas, Heidi Shierholz, and Marni von Wilpert, "Workers' Health, Safety, and Pay Are Among the Casualties of Trump's War on Regulations," Economic Policy Institute, January 29, 2018, <https://www.epi.org/publication/deregulation-year-in-review/>.

92 Adam Turi, "The Miners' Strike Of 1977–78: Resisting the Employers' Offensive," *International Socialist Review*, November 2010, <https://isreview.org/issue/74/miners-strike-1977-78>.

93 Turi, "The Miners' Strike Of 1977–78."

94 Doug Henwood, "The Disappearing Strike," *Jacobin Magazine*, February 12, 2018, <https://jacobinmag.com/2018/02/strike-decline-2017-bureau-labor-statistics>.

95 Rick Wilson et al., "The State of Working West Virginia 2013: From Weirton Steel to Wal-Mart," West Virginia Center on Budget and Policy, 2013, <https://wvpolicy.org/wp-content/uploads/2018/5/SWWV2013.pdf>.

Attacks on unions continued into 1989, when a judge in Virginia jailed three union leaders and fined the UMWA \$3 million for violating a ban on mass picketing.⁹⁶ To protest the excessive punishment, up to 10,000 coal miners failed to show up for work in southern West Virginia during the Pittston Coal Strike. This attracted national attention during a time when even the White House was busting labor unions.⁹⁷ West Virginia's largest coal field employer eventually obtained a back-to-work order after one striker was shot on a picket line, but the overall strike was seen as a victory for the miners. Their primary win was the Coal Act. Introduced by United States Senator Jay Rockefeller of West Virginia, the legislation extended benefits from existing union companies to union miners without existing employers.

One year later, with West Virginia's economy continuing to suffer, the first statewide teachers' strike took place.⁹⁸ In 1990, thousands of West Virginia public school teachers throughout 47 counties participated in an 11-day strike. The work stoppage began because the governor and state legislature failed to agree with teachers on their new pay package. At the time, the average West Virginia teacher's pay was the 49th-lowest in the country, ahead of only Mississippi.⁹⁹ The State Attorney General Roger Tompkins declared the strike illegal and warned teachers that they could face suspension, dismissal, or even be charged with a misdemeanor for their actions. However, the teachers refused to return to work until they reached a suitable settlement. Because they had no collective-bargaining power, the strike was eventually settled by a "good faith" agreement.¹⁰⁰ Legislative leaders agreed to improve the teachers' pay, as well as develop short-term and long-term plans for the state's public education system. The governor also created a series of town-hall-style meetings to discuss the future of education, and the legislature met during a special session to address the problems teachers presented. Even though the teachers were not paid for the days they missed while on strike, their salaries were later increased, faculty senates were established in each school, and new teacher training and support programs were developed to promote better classroom instruction.¹⁰¹

As West Virginia kept moving away from a coal- and industry-based economy and toward a service economy in the late 20th and early 21st centuries, union density continued to sink lower.¹⁰² The consequences of this decline would disproportionately affect Black West Virginians for years to come. What methods were left of the coal mining industry, like mountaintop removal, were heavily automated, resulting in an additional loss of union labor.¹⁰³ The state's labor force peaked in 1999 but since then, it has either remained flat or declined during economic downturns and recessions. Because unions play a significant role in obtaining higher wages and better benefits for workers, it's no surprise that the growth of income inequality coincides with the decline of union membership. In 2014, the average income of West Virginia's top one percent was almost 20 times greater than the average income of the bottom 99 percent.¹⁰⁴ The state's union membership rate stood at 10.6 percent that same year.¹⁰⁵ At one time, West Virginia had higher rates of unionization than most other states. However, union membership between 2000 and 2010 ranged between 10 and 15 percent. Living wages, adequate benefits, and good retirement plans became increasingly rare for workers and their families.

96 "Thousands Walk Off Mining Jobs and Threaten a Wider Coal Strike," *New York Times*, June 13, 1989, <https://www.nytimes.com/1989/06/13/us/thousands-walk-off-mining-jobs-and-threaten-a-wider-coal-strike.html>.

97 Debra Mccown, "1989 Pittston Coal Strike A Battle for Worker's Rights," *Bristol Herald Courier*, September 6, 2009, https://heraldcourier.com/news/1989-pittston-coal-strike-a-battle-for-workers-rights/article_f9bf3c00-3413-5d9c-b787-e52fbb99a07b.html.

98 Bob Powell, "March 7, 1990: Public School Teachers Strike," West Virginia Public Broadcasting, March 7, 2017, <https://www.wvpublic.org/radio/2017-03-07/march-7-1990-public-school-teachers-strike>.

99 "West Virginia Teachers Strike," *New York Times*, March 9, 1990, <https://www.nytimes.com/1990/03/09/us/west-virginia-teachers-strike.html>.

100 Ann Bradley, "Legislative Plan Ends 12-Day West Virginia Teacher Strike," *Education Week*, March 28, 1990, <https://www.edweek.org/teaching-learning/legislative-plan-ends-12-day-west-virginia-teacher-strike/1990/03>.

101 Bob Powell, "March 7, 1990: Public School Teachers Strike."

102 *Britannica*, s.v. "Industry of West Virginia."

103 Rick Wilson et al., "The State of Working West Virginia 2013."

104 Glynis Board, "Income Inequality Between Top 1% and Rest of Working West Virginians Among Nation's Highest," West Virginia Public Broadcasting, February 19, 2014, <https://www.wvpublic.org/news/2014-02-19/income-inequality-between-top-1-and-rest-of-working-west-virginians-among-nations-highest>.

105 "Union Membership by State in 2014," *United State Bureau of Labor Statistics*, February 4, 2015, <https://www.bls.gov/opub/ted/2015/union-membership-by-state-2014.htm>.

These worsening conditions made it perfect for Vance Muse's misleading Right-to-Work (RTW) movement to enter the state around the same time.

RTW proposals have been introduced in the West Virginia Legislature since 2012.¹⁰⁶ It wasn't until 2016 that West Virginia lawmakers succeeded in making West Virginia the 26th RTW state after overriding a veto by Governor Earl Ray Tomblin.¹⁰⁷ This allowed workers in unionized workplaces to opt out of paying union dues but still receive union benefits. The Republican-controlled legislature also repealed the state's prevailing wage law during the same year. Both outcomes were strongly opposed by unionists, and several unions representing the state's working people immediately launched legal challenges against the laws.

This major political and legal victory for RTW meant it would be much harder for workers' organizations to sustain themselves financially in West Virginia. Further, the victory weakened their bargaining strength. RTW laws decrease wages, benefits, workplace protections, and the likelihood that employers will be required to negotiate with their employees.¹⁰⁸ All of this dealt a painful blow to workers in West Virginia. At their core, RTW laws undermine unions' ability to help employees bargain for better working conditions.¹⁰⁹ Both union and nonunion workers in RTW states have lower wages and fewer benefits compared to non-RTW states. RTW has nothing to do with the right to have a job, but everything to do with union-busting.

Teachers Launch a Statewide Strike

West Virginia teachers refused to be thwarted in their efforts to bargain for better wages. In 2018, teachers from all over the state began to protest the inadequate pay raises that Governor Jim Justice signed into law.¹¹⁰ Although he initially described the pay raise as "responsible," it included only a two percent pay increase, followed by one percent increases in both 2020 and 2021. Since 1990, teachers' pay had only moved up by a single rank; they were still among the lowest paid in the nation. Teachers also had qualms with the rising cost of their health insurance and a gamification app called Humana GO365. They were told the app would track teachers' steps so they could earn points to lessen their insurance premiums.¹¹¹ However, it instead penalized them \$500 if they refused to use it or didn't earn enough points.

The strike, called to action by rank-and-file members of the American Federation of Teachers (AFT) and the West Virginia Education Association (WVEA), affected roughly 277,000 students during what became the teachers' first statewide walkout.¹¹² School was suspended throughout all 55 of West Virginia's counties. Laura Lee Modesitt, a Doddridge County High School teacher who visited the State Capitol every day during the strike, recalled that, "Without the union, there would've been no '55 Strong.'" ¹¹³ As protesting began, teachers drew inspiration from the West Virginia Mine Wars, wearing red across the state as an homage

106 "2012 Right-to-Work Legislation," *National Conference of State Legislatures*, 2012, <https://www.ncsl.org/research/labor-and-employment/2012-right-to-work-legislation.aspx>.

107 David Gutman, "WV Right-to-Work, Prevailing Wage Vetoes Overridden," *The Charleston Gazette-Mail*, November 21, 2017, https://www.wvgazettemail.com/news/politics/wv-right-to-work-prevailing-wage-vetoes-overridden/article_4b629921-3c47-505d-acb9-bf0723c6483c.html.

108 "Right to Work," Economic Policy Institute, <https://www.epi.org/research/right-to-work/>.

109 Elise Gould and Will Kimball, "'Right-to-Work' States Still Have Lower Wages," Economic Policy Institute, <https://www.epi.org/publication/right-to-work-states-have-lower-wages/>.

110 Maya Rhodan, "Here's Why West Virginia Teachers Are On Strike," *Time*, February 26, 2018, <https://time.com/5176094/west-virginia-teacher-strike/>.

111 Olivia Kan-Sperling, "Sick Days: Individualized Healthcare and Corporatized Well-Being," *The Indy*, <https://www.theindy.org/article/1366>.

112 Maya Rhodan, "Here's Why West Virginia Teachers Are On Strike."

113 Laura Lee Modesitt (Doddridge County High School teacher) in discussion with Myya Helm (author), June 2021.

to the red bandanas that were worn by coal miners during the Battle of Blair Mountain.¹¹⁴ The strike was immediately deemed as “unlawful” by Attorney General Patrick Morrissey, but still lasted a total of 12 days.

By the time it was over, a five percent pay increase — five times the original amount — went into law and was expanded to cover more than just school employees.¹¹⁵ Public Employees Insurance Agency (PEIA) costs to employees were frozen through mid-2019, and Governor Justice signed an order establishing a PEIA Task Force. Lawmakers also refrained from passing other bills teachers opposed, including legislation which lowered teacher certification requirements and reduced the role of seniority during layoffs and transfers.

Even with these achievements, however, there were no laws enacted that provided long-term funding to avoid cuts to teacher’s PEIA health benefits.¹¹⁶ Most of the concessions made by the governor and legislature were only implemented to put an end to the initial work stoppage, and retaliatory action would soon take place in the following years to punish the teachers for exercising their power as unionized workers. Even so, WVEA President Dale Lee has said that it’s always possible for teachers to take similar statewide actions in the future.¹¹⁷

Unionized strikes are a foundation of both history and culture in West Virginia, and even today, West Virginians will fight for their endowed rights as workers.

114 Adam Gaffney, “The West Virginia Teachers’ Strike Is Over. But the Fight for Healthcare Isn’t,” *The Guardian*, <https://www.theguardian.com/commentisfree/2018/mar/07/west-virginia-teachers-strike-healthcare>.

115 Ryan Quinn, “A Look Back at the 2018 WV Public School Employees Strike,” *The Charleston Gazette-Mail*, March 24, 2018, https://www.wvgazettemail.com/2018_wv_teachers_strike/a-look-back-at-the-2018-wv-public-school-employees-strike/article_c0dcd2db-4017-5bcd-b433-6b3afb6c3d57.html.

116 Quinn, “A Look Back at the 2018 WV Public School Employees Strike.”

117 Dale Lee (WVEA President) in discussion with Myya Helm (author), June 2021.

IV. Moving Unions Forward

After the 2018 teachers' strike, the statewide walkout prompted additional challenges for union organizers, teachers, and school service personnel. During the 2021 state legislative session alone, with Republican supermajorities in both chambers, both the state House and Senate passed bills aimed at teachers and their interests. Teachers' unions called the legislators' efforts retaliatory and passage of some of the legislation has drawn swift criticism from across the state.¹¹⁸

Senate Bill (SB) 11 officially declared any work stoppage or strike by public employees to be unlawful.¹¹⁹ This codified a 1990 decision from the West Virginia Supreme Court of Appeals that stated work stoppages and strikes by public employees are illegal. The decision had done little to stop teachers from striking in 2018, and then again on a smaller scale in 2019. Some Democratic senators noted that teachers would have never received better pay and improved benefits had they not had the right to strike, but this wasn't enough to stop the bill. SB 11 also notes that accrued time cannot be used to cancel days lost to a work stoppage/strike, work stoppages and strikes are grounds for termination, and if an employee is employed by the county board, the board must withhold their pay for each day of participation.

Additionally, SB 14 reduced West Virginia teacher certification requirements.¹²⁰ This created a third option for alternative certification, allowing a person to become a teacher as long as they obtain a bachelor's degree, pass a criminal background test, complete pedagogical training, and pass the Praxis, one of a series of American teacher certification exams written and administered by the Educational Testing Service.¹²¹ Because of SB 14's passage, people without education degrees can become public school teachers even if their degree isn't related to the subject area they want to teach.

House Bill (HB) 2009, dubbed the Paycheck Protection Act, eliminated the right of union members to pay their dues through payroll deduction.¹²² Interfering with the practice of having union dues automatically deducted from employees' paychecks, it states that employers may not withhold or divert any portion of an employee's pay to use for political activity without the employee's written annual request. Withdrawals of union dues are very common where employees are represented by labor unions, making the bill seem especially retaliatory.

Other notable, education-related bills have passed in the state House and Senate as well, with some coming directly from the union-busting playbook, making teachers' lives and union organizing more difficult in West Virginia.¹²³

Nevertheless, some unions have had success in West Virginia, establishing long-term gains for their members. This includes the Service Employees International Union (SEIU)'s District 1199. SEIU's mission is to improve the lives of working people and their families and to achieve greater social and economic justice.¹²⁴ And at Cabell Huntington Hospital in Huntington, West Virginia, they did just that.

In 2019, nurses became increasingly unsatisfied with the working conditions at Cabell Huntington Hospital.¹²⁵ The hospital had recently become a member of Mountain Health Network (MHN), a West Virginia-based not-

118 Dave Mistich, "West Virginia Senate Passes Anti-Strike Bill, Teacher Unions Call It Retaliation," West Virginia Public Broadcasting, February 22, 2021, <https://www.wvpublic.org/government/2021-02-22/west-virginia-senate-passes-anti-strike-bill-teacher-unions-call-it-retaliation>.

119 Senate Bill 11 2021 (WV) §18-5-45a, https://www.wvlegislature.gov/Bill_Status/bills_text.cfm?billdoc=SB11%20SUB1%20ENR.htm&yr=2021&sesstype=RS&billtype=B&houseorig=S&i=11.

120 Senate Bill 14 2021 (WV) §18A-32a, http://www.wvlegislature.gov/Bill_Status/bills_text.cfm?billdoc=SB14%20SUB1%20ENR.htm&yr=2021&sesstype=RS&billtype=B&houseorig=S&i=14.

121 "2021 Legislative Wrap-up," *West Virginia Education Association*, <https://www.wvea.org/WVEALegUpdate>.

122 Paycheck Protection Act 2021 (WV) §7-5-25, §8-5-12, §12-3-13b, §18A-4-9, §21-5-1, §21-5-3, §46A-2-116, https://www.wvlegislature.gov/Bill_Status/bills_text.cfm?billdoc=HB2009%20SUB%20ENR.htm&yr=2021&sesstype=RS&i=2009.

123 "2021 Legislative Wrap-up."

124 "Our Mission & Vision," <http://www.seiu1199.org/about-our-union/our-mission-vision/>.

125 Sherri McKinney (former spokesperson for the Nurses Organizing Campaign at Cabell Huntington Hospital) in discussion with Myya Helm (author), July 2021.

for-profit health delivery system. This had stripped nurses of their workplace benefits and brought significant changes to their health insurance. The nurses also felt that they could no longer provide safe patient care under MHN. Understaffing and mandatory overtime became a serious issue. For the protection of both the nurses' licenses and patients' lives, they knew something had to be done.

Unionization was the answer.

The nurses united and began attending meetings to discuss organizing with SEIU. Of nearly 1,000 nurses at Cabell Huntington Hospital, 200-300 would regularly attend and were committed from the beginning. Former spokesperson for the Nurses Organizing Campaign at Cabell Huntington Hospital, Sherri McKinney, recalled, "From the time we dropped the first [authorization] card until we had enough cards to file, it was a two and a half week period. That's unheard of in 1,000 member units." According to McKinney, the nurses did everything right to form their union and put in an exceptional amount of effort in the fight for their rights as health care workers.

Nevertheless, the road to unionization was not easy. Aggressive, anti-union tactics were used by the hospital's management in a myriad of ways.¹²⁶ Not only did they hire two union-avoidance consultants or "union-busters" that claimed they were previous SEIU organizers to keep the nurses union-free, but they rolled out a campaign of captive audience meetings. These meetings pulled caregivers away from patients while they were working, impeding their ability to do their jobs. Even when working in areas like the ICU and NICU, nurses were forced to instead attend meetings to pledge their allegiance to their employer. Hospital managers repeatedly attempted to persuade them out of organizing for their best interests, endangering the lives of patients in the process. This eventually became so severe that the nurses held a press conference to call on hospital executives and managers to stop their harsh retaliation.

Thankfully, SEIU educated the nurses on what to expect before it happened. When everything they were warned about ultimately took place, they were fully prepared to come together and fight back.

That same year, nurses at Cabell Huntington Hospital successfully voted to organize with SEIU, one of the biggest organizing victories since West Virginia became a RTW state.¹²⁷ They felt that forming a union was the best way to shift the balance of power in their workplace and to address their concerns about their working conditions. The nurses had only worked alongside SEIU members for over 40 years at the hospital. Now, they were all members themselves.

After coming together and organizing their union, they stood united for a fair contract, as well. Many claimed that hospital executives repeatedly resisted and delayed negotiations over the course of a year.¹²⁸ But when workers participated in significant numbers during a two-day contract vote, their union contract was ratified in 2021.¹²⁹ Their work made history at the Cabell Huntington Hospital, showed West Virginia the power of unionization, and paved the way for nurses' rights nationwide.

126 SEIU District 1199, "Disgusted with Distractions from Quality Care, RNs At Cabell Huntington Hospital Call Out Aggressive, Anti-Union Tactics," *SEIU District 1199*, November 6, 2019, <http://www.seiu1199.org/disgusted-with-distractions-from-quality-care-registered-nurses-at-cabell-huntington-hospital-call-out-aggressive-anti-union-tactics/>.

127 Anthony Caldwell, "Breaking News: Nearly 1,000 Nurses Vote to Organize with SEIU at Cabell Huntington Hospital," *SEIU District 1199*, November 13, 2019, <http://www.seiu1199.org/breaking-news-nearly-1000-nurses-vote-to-organize-with-seiu-at-cabell-huntington-hospital/>.

128 SEIU District 1199, "Cabell Huntington Hospital RNs & Technical Workers to Hold Press Conference — Give a Behind the Scenes Update on Negotiations With Hospital Executives," *SEIU District 1199*, June 6, 2020, <http://www.seiu1199.org/cabell-huntington-hospital-rns-and-technical-workers-to-hold-press-conference/>.

129 SEIU District 1199, "Nurses at Cabell Huntington Hospital Vote Overwhelmingly to Ratify Union Contract Amid COVID19 Pandemic," *SEIU District 1199*, January 15, 2021, <http://www.seiu1199.org/breaking-news-nurses-with-cabell-huntington-hospital-vote-overwhelmingly-to-ratify-union-contract-amid-covid19-pandemic/>.

Assessing Union Needs and Priorities

Today, West Virginia's unionists have a range of different needs and priorities that mirror those of workers in the 19th and 20th centuries. More often than not, addressing RTW is at the top of the list. Many workers call for repealing the state's RTW law, which they believe harms both union and non-union workers. Jim Jackson, a Business Representative of the Sheet Metal Workers Union Local 33, argued that RTW didn't contribute to economic growth, offering no positive impact on job creation.¹³⁰

Fighting for collective bargaining protections is also common. Some unions in West Virginia aren't recognized by their employers and thus do not have the right to bargain collectively. This is a reality for many public workers who are not guaranteed the ability to negotiate for additional pay, protections, and benefits. According to Rick Fisher, a firefighter from Beckley, "If we have a voice, [unions are] where it comes from."¹³¹ Many of West Virginia's workers are still fighting for this voice. But, too often, municipalities and cities can refuse to acknowledge local unions and their efforts to create better workplaces and working conditions without the fear of retaliation.

Making a living wage, or the amount of income necessary to provide a decent standard of living for oneself, continues to be relevant, as well. Anthony Snider, an electrician from Lost Creek, believes in "fair wages for a fair day's work."¹³² Decades after steelworkers went on strike for demands such as an increase in pay and standard wage rates, employers still refuse to pay workers what they need to survive. Teachers in West Virginia cite the desire for fair pay and wages, comparable to someone doing the same job in the same industry, as one of the main reasons they join a union. With income inequality and living wage campaigns on the rise, the "prevailing wage" has also become a point of contention. Under West Virginia's recent RTW bill, the requirement that state contractors must pay the "prevailing wage" or a certain hourly minimum wage rate on state projects, has been eliminated.

In the context of the recent passage of the Paycheck Protection Act, many West Virginia unionists still work to protect check-off systems for union dues wherein an employer can regularly deduct a portion of an employee's wages to pay union dues or initiation fees. The check-off system makes it easier for unions to organize since the collection of dues can be costly and time-consuming. The Paycheck Protection Act unnecessarily added an additional barrier to this process, requiring an employee's written annual request to deduct a portion of their wages to pay these union fees. Jim Brueck, an EMT from Weirton, believes the act is "just another union-busting tactic" used to "dwindle [union activity in] what used to be a big union state."¹³³

Unionists from around the state also voiced concerns over certification requirements. Teachers especially worry that reducing teacher certification will hurt the state's educational performance. Employees in other industries believe that lowering requirements will lower opportunities for work, lower standards of quality, and increase the number of out-of-state laborers in West Virginia.

Without strong unions, a lack of respect for seniority systems and less accountability for discrimination troubled union members, as well. Fay Lambert Ezelle, a Black coal miner of 48 years from Fairmont, reminisced on how "unions [were] the greatest thing to happen in the coal mine." He believes their recent decline in power and numbers has contributed to compounding inequalities at work.¹³⁴ As unions become more strained, their ability to protect workers against instances of discrimination like ageism and racism weaken. For Ezelle, this meant younger, white employees would comparatively get offered more job opportunities than older, Black employees like him, and he would struggle to fight this workplace discrimination.

The future of labor unions in West Virginia is uncertain not only because of political efforts to suppress them, but because of their pedagogical oppression.

130 Jim Jackson (Business Representative of the Sheet Metal Workers Union Local 33) in discussion with Myya Helm (author), June 2021.

131 Rick Fisher (Beckley, WV firefighter) in discussion with Myya Helm (author), June 2021.

132 Anthony Snider (Lost Creek, WV electrician) in discussion with Myya Helm (author), June 2021.

133 Jim Brueck (Weirton, WV Emergency Medical Technician) in discussion with Myya Helm (author), June 2021.

134 Fay Lambert Ezelle, (Fairmont, WV coal miner) in discussion with Myya Helm (author), June 2021.

Union members throughout various fields and industries have argued that the generational gaps in labor history — especially Black labor history — have exacerbated the uphill battle for unionization. Mark Walsh, a firefighter from Shinnston, believes, “The younger generation has taken for granted the work that [older unionists] have done.”¹³⁵ This ignorance of labor history, which has been fueled by the American educational system’s exclusion of labor, has over time led to indifference and slowed the overall fight against economic and racial injustice. Because labor history is often distorted in traditional textbooks, younger Americans are unlikely to learn about its importance, much less respect, support, and join unions.¹³⁶ At the same time, much of this historical information is difficult and tedious to access, reducing the likelihood that older Americans, even unionists, may learn from the past.

But strengthening the labor movement means remembering the past. This includes telling the stories of free Black laborers, the Coal Wars, American steel strikes, the Civil Rights Movement, victims of black lung, West Virginia’s statewide teacher walkouts, and so much more. There are valuable lessons on worker power to be gained from past and present unionists. Taking labor history directly to current and future workers helps them in understanding class solidarity, securing the benefits of unionism, and reviving the overall labor movement.

West Virginia’s workers and unions have long shaped American labor history through their strength, endurance, and resilience. They have exerted a broad influence on daily political, economic, and cultural life throughout the country. As the future of unions hangs in the balance, we all have the collective responsibility to share the stories and sacrifices of working West Virginians. Doing so will help ensure that all workers’ rights are protected, and that these workers, their children, and their children’s children have the power to negotiate for more favorable working conditions for decades to come.

135 Mark Walsh (Shinnston, WV firefighter) in discussion with Myya Helm (author), June 2021.

136 Paul Cole et al., “American Labor in U.S. History Textbooks: How Labor’s Story is Distorted in High School History Textbooks,” The Albert Shanker Institute, <http://labor-studies.org/wp-content/uploads/2011/09/AmericanLabor.pdf>.

PART 3

Policy Recommendations

By Sean O'Leary and Myya Helm

The following are 10 policy recommendations to strengthen worker power in West Virginia, which in turn could contribute to improving the state's economic performance.

1. Strengthen Public Sector Unions

Strong public sector unions grant employees a voice and help them bargain for better wages and receive good benefits.¹³⁷ This combats threats to public sector employment, preserves public sector jobs and benefits, and can include expanding defined-benefit pension coverage. Collective bargaining must be instituted for all public employees, as well. Teachers, school service personnel, and government employees require the right to organize.

2. Pass Adequate Wage Protection Laws

Wage protection laws protect an employee's right to be paid. This includes examples such as minimum wage statutes that equal the living wage, guaranteed vacation pay and workers' compensation, and provisions that prioritize workers' pay over creditors in the case of bankruptcy. Passing new statewide laws would enhance workers' abilities to expose wage theft without fear and protect their earnings on the job.

3. Create Workers' Boards

Workers' boards help to establish industry-wide standards especially in industries with low union density or where outsourcing makes it difficult for workers to bargain collectively.¹³⁸ Violations of employment standards are a widespread problem. Workers' boards ensure that workers have a voice in setting high standards that govern their industry.

4. Better Enforce and Strengthen the West Virginia Jobs Act

The West Virginia Jobs Act¹³⁹ deems it necessary for employers contracted to perform construction work on state-funded public improvement projects which equal or exceed \$500,000 in cost to hire 75 percent of their workers from the local labor market. There are certain exclusions to this requirement, such as an exemption for projects that contain any amount of federal funding and an allowance for out-of-state contractors to bring two of their own employees from outside of the local labor market to work on the project. The West Virginia Jobs Act must be strengthened to require out-of-state companies to hire locally whether they use federal funding or not. The legislation should also require state contracts to show preference for union companies.

5. Protect Workers Who Raise Concerns about Violations

In West Virginia, workers face significant risk of retaliation from their employers. Instituting strong whistleblower and anti-retaliation laws will protect employees who speak up about their exploitative and abusive employers through government-imposed fines, monetary damages, recovery of attorney's fees, or a private right of action.¹⁴⁰ Workers require strong protection. At the same time, West Virginians work at-will. This means a worker can generally be fired at any time for any reason, or for no reason at all. "At-will" employment must be ended beyond a probationary period or could even be replaced by

137 Chris Edwards et al., "Cato Institute Tax & Budget Bulletin: Public-Sector Unions," *Cato Institute*, March 2010, https://www.cato.org/sites/cato.org/files/pubs/pdf/tbb_61.pdf.

138 Kate Andrias, et al., "Workers' Boards: A Brief Overview," Center for American Progress, December 11, 2019, <https://www.americanprogress.org/issues/economy/reports/2019/12/11/478577/workers-boards-brief-overview/>.

139 House Bill 205 2017 (WV) §21-1C-2, §21-1C-4, and §21-1C-6, http://www.wvlegislature.gov/Bill_Status/bills_text.cfm?billdoc=hb205%20ENR.htm&yr=2017&sesstype=2X&i=205.

140 "Exposing Wage Theft Without Fear: States Must Protect Workers from Retaliation," *National Employment Law Project*, June 2019, <https://s27147.pcdn.co/wp-content/uploads/Retal-Report-6-26-19.pdf>.

“just cause” laws which require employers to demonstrate a good reason for disciplining or terminating an employee.

6. Eliminate “Right-to-Work”

West Virginia’s “Right-to-Work” (RTW) law should be eliminated. RTW laws do not confer any right to a job and RTW states typically have lower wages, lower union density, and higher income inequality.¹⁴¹ RTW does not improve business conditions in states, nor is it a deciding factor in where businesses locate.¹⁴² RTW harms all working West Virginians and weakens their ability to bargain for their rights statewide. Every worker deserves the benefit of union representation without the hindrance of “free riders.” Everyone must pitch in their fair share for representation.

7. Repeal the “Paycheck Protection” Act

The “Paycheck Protection” Act¹⁴³ disadvantages public employees and their unions. When selectively prohibiting paycheck deductions, it becomes more difficult for unionists to pay their dues. Forbidding employers from diverting earnings for political use unless employees provide their annual consent violates their basic right of equal protection. It also discriminates against them for holding specific political beliefs.

8. Repeal Senate Bill 11 (Anti-Strike Law)

Senate Bill 11¹⁴⁴ confirms the illegality of public employees striking and specifies that the action could result in termination or losing pay for days missed. It also prohibits school superintendents from “closing a school in anticipation of or to facilitate a concerted work stoppage or strike.” Use of accrued and equivalent instructional time to cancel days lost due to a concerted work stoppage or strike is prohibited, as well. This directly inhibits workers’ right to strike or engage in concerted activities for the purpose of collective bargaining.

9. Restore the Prevailing Wage

Workers employed under a public work contract must be compensated fairly. Prevailing wage laws set wage and benefit rates based on market conditions which are frequently higher than minimum standards.¹⁴⁵ They ensure that government spending incentivizes all employers to provide good wages and benefits, uphold industry standards, and not undercut union wages.

10. Expand the National Labor Relations Act (NLRA)

The NLRA was enacted in 1935 and is intended “to protect the rights of employees and employers, to encourage collective bargaining, and to curtail certain private sector labor and management practices, which can harm the general welfare of workers, businesses and the U.S. economy.”¹⁴⁶ However, the legislation currently excludes millions of workers, such as domestic workers and independent contractors. Under federal law, they do not have the right to bargain collectively. Of note, unlike the policy recommendations above, expanding the NLRA would need to be done at the federal level. All of West Virginia’s workers must be allowed to unionize and collectively bargain. This would advance the NLRA’s original purpose, include those in nontraditional work arrangements, and increase overall worker power throughout the state.

141 Elise Gould and Will Kimball, “‘Right-to-Work’ States Still Have Lower Wages,” Economic Policy Institute, <https://www.epi.org/publication/right-to-work-states-have-lower-wages/>.

142 Ted Boettner, “‘Right-to-Work’ Won’t Boost West Virginia’s Economy,” West Virginia Center on Budget and Policy, <https://wvpolicy.org/wp-content/uploads/2018/5/Fast-Facts-RTW1.pdf>.

143 Paycheck Protection Act 2021 (WV) §7-5-25, §8-5-12, §12-3-13b, §18A-4-9, §21-5-1, §21-5-3, §46A-2-116, https://www.wvlegislature.gov/Bill_Status/bills_text.cfm?billdoc=HB2009%20SUB%20ENR.htm&yr=2021&sesstype=RS&i=2009.

144 Senate Bill 11 2021 (WV) §18-5-45a, https://www.wvlegislature.gov/Bill_Status/bills_text.cfm?billdoc=SB11%20SUB1%20ENR.htm&yr=2021&sesstype=RS&billtype=B&houseorig=S&i=11.

145 Sean O’Leary, “West Virginia’s Prevailing Wage: Good for Business, Good for Workers,” West Virginia Center on Budget and Policy, January 2015, <https://wvpolicy.org/wp-content/uploads/2018/5/prevailing-wage-brief.pdf>.

146 “National Labor Relations Act,” National Labor Relations Board, <https://www.nlrb.gov/guidance/key-reference-materials/national-labor-relations-act>.

About the Authors



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