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"IN THE PUBLIC INTEREST?" ED BALL AND THE FEC RAILWAY WAR

by BURTON ALTMAN

HISTORIANS describe the Florida East Coast Railway strike of the 1960s as one of the longest labor disputes in United States history. It was also one of the most violent episodes in recent American labor history.¹ Expected to last only a few weeks, it began in January 1963, when 1,640 workers walked out, and did not end until late 1974. The early years of the strike were punctuated by numerous violent acts, particularly derailments and dynamitings of FEC railway freight trains. On October 20, 1963, four diesel locomotives and fifty-two cars piled up just south of New Smyrna Beach, Florida.² Forty-nine of the cars overturned, causing an estimated \$250,000 damage. In February 1964, an explosion blew a freight train off its tracks and set fire to liquid petroleum in a tank car.³ Woods in the vicinity caught fire, but no one was hurt.

On February 9, 1964, several dynamite blasts derailed thirty-three cars of a ninety-three car train in metropolitan Miami only yards from heavily traveled U. S. 1.⁴ No deaths were reported, but Albert Nitti, a Miami freelance photographer, received severe electrical burns when he touched an object in contact with a fallen power line. Damage was estimated at \$250,000. On the same day that President Lyndon Johnson was attending groundbreaking ceremonies for the Cross-Florida Barge Canal near Ocala, two explosions occurred nearby.⁵ A charge of dynamite exploded under an engine, and a second explosion detonated

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1. Alexander R. Stoesen, "Road from Receivership: Claude Pepper, the duPont Trust, and the Florida East Coast Railway" *Florida Historical Quarterly*, XL11 (October 1973), 132.
2. Jacksonville *Florida Times-Union*, October 20, 1963.
3. *Ibid.*, February 15, 1964.
4. *Ibid.*, February 10, 1964.
5. *Ibid.*, February 28, 1964.

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about 120 cars back. An engineer was cut by flying glass, but no other crew members were injured.

In addition to the bombings, there were shootings of both union and non-union railroad employees. In August 1963, a special FEC railroad agent wounded a union picket in an altercation near the New Smyrna Beach station.⁶ In early 1964, an FEC guard was shot from a passing car by an unidentified assailant, and the following year there were shootings into the homes of three FEC employees in the Miami area.⁷

In the early 1960s, the FEC's non-operating unions wanted the same wage increases recently granted to national railroad unions, but in Florida, the FEC was under the control of financier and industrialist Edward Ball who administered the duPont Trust. Ball, while professing to act in the best interest of all Floridians, actually pursued policies during the strike that threatened the safety and livelihood of the railroad employees, Florida citizens, and the general business community.

Ball's close association with Alfred I. duPont, a member of one of America's wealthiest families, ultimately led to confrontation with the railroad unions. Ball's sister, Jessie, married duPont in 1921, and Ball began working for his brother-in-law as his financial adviser. He handled the industrialist's business affairs both in Delaware and Florida.⁸

In 1926, duPont, following Ball's advice, purchased 95,081 acres of land in Bay, Franklin, and Walton counties. Thus began the establishment of the duPont empire in northwest Florida. At the time of duPont's death in 1935, most of his fortune was invested in Florida, with Ball as the dominant trustee of the estate.⁹

After duPont's death, Ball became interested in acquiring the Florida East Coast Railroad. Built between 1885 and 1911 by Henry M. Flagler, the FEC spurred the growth of south Florida and the state's east coast. During the 1920s land boom, the carrier brought in large numbers of new settlers and vacationers, supplied building materials for construction, and

6. *Ibid.*, August 8, 1963.

7. *Ibid.*, April 22, 1964; January 14, 1965.

8. Leon Odell Griffith, *Ed Ball: Confusion to the Enemy* (Tampa, 1975), 25.

9. *Ibid.*, 20, 27; Stoesen, "Road from Receivership," 134.

transported Florida's agricultural produce to northern markets.¹⁰

Through the St. Joe Paper Company, another duPont operation, Ball began buying the carrier's bonds. In 1942, the Interstate Commerce Commission proposed a plan of FEC operations under which three managers would be named by the estate. In 1944, a group of bondholders suggested that the FEC be placed under the control of the Atlantic Coast Line Railroad, contending that the public interest would best be served by making the FEC part of an existing major railway system. Both plans were denied by the courts, and Ball continued to acquire FEC bonds.¹¹

When it appeared that Ball had the FEC within his grasp, United States Senator Claude Pepper from Florida tried to mount strong opposition to the duPont estate's attempt to take over the carrier. From the beginning of his national career in 1936, Pepper was identified as a liberal and a supporter of Franklin Roosevelt's New Deal, a program of social change that ran counter to Ball's conservative business philosophy. As one writer noted, "Claude Pepper and Ed Ball are about as far apart in outlook as any two men could be. Ball, the old-school conservative, and Pepper, the radical New Dealer, could not be expected to see anything eye-to-eye."¹² These philosophical differences were at the heart of the Ball-Pepper controversy. Pepper, who believed that Ball had helped defeat him in the 1950 Senate race, opposed awarding the FEC to the duPont Trust and said, "I took the position that the railroad should not be awarded to a banking group such as the duPonts, who were inexperienced in the operation of a major railroad."¹³ Pepper also considered Ball and the duPont interests "a menace to the state . . . not [to] be trusted with a great public utility like this railroad."¹⁴

In 1946, at an ICC hearing in Washington, the Ball-Pepper feud erupted. Pepper called the duPont Trust an "octopus," and termed Ball, "an autocratic power in Florida, an expert

10. *Report of the Transportation Committee on Railways*, Florida State Planning Board (Tallahassee, April 1, 1935), 1.

11. Stoesen, "Road from Receivership," 137.

12. Freeman Lincoln, "The Terrible-Tempered Mr. Ball," *Fortune*, XLVI (November 1952), 156.

13. Griffith, Ed Ball, 34.

14. Stoesen, "Road from Receivership," 144.

propagandist and a financial and industrial emperor unfit to control the Florida East Coast Railway because his grasp for power bodes ill for the people of Florida.¹⁵ Pepper warned Florida's unions that if the carrier was put in Ball's hands, railroad workers would regret it.¹⁶ He later would be proved correct.

By 1959, after further attempts to wrest control of the FEC from the duPont interests failed, the district court approved a plan favoring the duPont Trust, declaring that "public interest would best be served by maintaining the line as an independent carrier under a Florida-based corporation." In 1960 the receivership ended with Ball in total control of the FEC.¹⁷

While there may have been initial euphoria on the part of the unions, which had stood by Ball throughout these embattled years, it quickly dissipated by the early 1960s. Ball, in firm control of the carrier, was determined to run the FEC for profit. The action he took incurred the wrath of the employees and set the stage for the strike.

The eleven non-operating unions (those workers who did not man the trains) which struck the FEC served a notice on all major carriers in September 1961, proposing a twenty-five cents per hour wage increase and certain rule changes. Ed Ball broke away from these negotiations and announced that the FEC would bargain by and for itself. In March 1962, President Kennedy established a special emergency board to mediate the dispute. In June, when the board recommended a 10.28 cents per hour wage hike, the unions and 192 railroads accepted, but Ball did not. Subsequently, the National Mediation Board tried to mediate the dispute with Ball and the FEC without success.¹⁸ According to Ball, the FEC was not showing a profit, and therefore the carrier could not afford to raise salaries ten cents an hour. He also argued that since the FEC operated only in Florida, the carrier was not bound by the national settlement.

Ball's explanation that the railroad could not afford to raise wages was questionable. At a meeting of Florida officials and

15. *Ibid.*, 145.

16. *Ibid.*, 141.

17. *Ibid.*, 153.

18. *Miami Herald*, May 3, 1964; *Twenty-Ninth Annual Report*, National Mediation Board (Washington, 1963), 11-12.

others concerned about the safety of the trains, William H. Roden, an FEC employee, contended that Ball's remarks were contradictory. According to Roden, "The news media put out the propaganda issued to them by the Florida East Coast Railroad that the strike was because [the FEC] . . . could not afford to pay the wages as demanded. After they got through with all that, they come over here and say the real issue is not the question of wages, the real issue is whether the FEC or any railroad can negotiate with its employees. It is wages in one and wages is not the question in the other."¹⁹ Roden also stated that the FEC "has invested millions in this railroad and we all know that this railroad was practically given to them in 1961 by the Interstate Commerce Commission."²⁰

While union officials in St. Augustine continued to demand the 10.28 cents per hour increase negotiated at the national level, Ball remained adamant, arguing that he would never accept a contract arranged by interests outside Florida. As a result, at six o'clock on the morning of January 23, 1963, 1,200 non-operators walked off the job, and soon five operating unions honored the picket lines.²¹

In response, the FEC halted operations and abolished the strikers' jobs. Ball gradually restored freight service by running the trains on a limited basis using non-union members who worked by the hour rather than by the mile. With only 800 persons to run the trains as compared to the previous 3,000, Ball effectively eliminated "featherbedding." His actions paid off; FEC stock increased two dollars a share on the New York Stock Exchange.²²

Ball also defied federal mediation efforts to end the strike. In the first weeks of the strike, the National Mediation Board sent two negotiators, Frances A. O'Neill and James Holaren, to St. Augustine to determine whether management and strikers

19. "Transcript of Proceedings of a Meeting Regarding the Florida East Coast Railway Held at the Governor's Club Hotel, Fort Lauderdale," October 15, 1963, 10, Box 77, Folder 2, Cecil Farris Bryant Papers, Florida State Archives, Tallahassee (hereinafter Bryant Papers).

20. *Ibid.*

21. Griffith, *Ed Ball*, 41.

22. *Ibid.* Featherbedding, a well-established railroad work practice, authorized a fireman in the cab, even though the engine was diesel and there was no fire to stoke.

could be brought together. Believing that mediation sessions should be confidential to allow for free discussion, they departed shortly after arriving because Ball was insisting that a verbatim record of the meeting be made. Proposed talks between Ball, Assistant Secretary of Labor James J. Reynolds, and George E. Leighty, chairman of the eleven striking unions, also failed because Ball wanted a court reporter present. In May 1963, Secretary of Labor Willard Wirtz asked Ball and his workers to submit to binding arbitration. Ball replied, "The railroad does not desire to submit the issue to non-interested parties to settle the question in dispute."²³

After Ball refused to accept arbitration, President Kennedy signed Executive Order 11127, appointing a special emergency board composed of Derek Bok of Harvard, Paul N. Guthrie of the University of North Carolina, and Harry H. Platt, a Detroit attorney. The board felt it was inappropriate for it to express an opinion on the legal question of whether the carrier was obligated by Section 10 of the Railway Labor Act to reinstate the striking employees, noting that the Department of Justice had brought action against the FEC and that the district judge had declined to order reinstatement of the workers. It also concluded that the number of jobs required to operate the railroad should be left to negotiations between the parties. The board recommended to Ball that the carrier pay the 10.28 cents wage increase in conformance with the 1962 national agreement, but without retroactive application. Ball refused.²⁴ This was the first of several important victories he realized during the strike.

Ball also achieved some impressive gains in his battle against the unions. For example, the FEC had a spur built to provide freight service for Cape Kennedy, where the National Aeronautics and Space Administration had constructed facilities. On two occasions, strikers picketed the Cape Kennedy line, and were joined by building trades workers who honored the picket lines. Ball went to court, insisting that pickets on government property constituted an illegal secondary boycott, and he obtained orders prohibiting the action. Ball also achieved success in the United

23. *Thirtieth Annual Report*, National Mediation Board (Washington, 1964), 47-48.

24. Griffith, *Ed Ball*, 43-44; *Miami Herald*, February 19, 1964.

States Supreme Court when it ruled in 1966 that a carrier legally could hire non-union workers to continue its operations when union employees went on strike.²⁵

As the climate of hostility increased between Ball and the workers, violence struck the FEC. With the resumption of freight service, engines and cars were derailed and dynamited off the tracks. Before the violence ended, nearly 300 incidents took place. Union spokesmen maintained that many of the derailments were caused by the run-down conditions of the road, but as the dynamitings took a sharp increase during 1963-1964, management blamed the incidents on deliberate attempts by strikers to sabotage the trains and halt freight shipments. Ball posted \$410,000 in reward money to discourage the sabotage and vandalism, placed guards on trains, and set ahead of each train a station wagon with special flanged wheels to clear the line for the trailing engine and its cars.²⁶

How true were Ball's accusations that the striking workers were responsible for sabotaging and vandalizing the trains? Various Florida newspapers, notably the Jacksonville *Florida Times-Union* – considered a "railroad" newspaper– reported during these years that several union officials and FEC employees were arrested and charged with crimes.

In one case, a forty-year-old union local official and three other workers were arrested and charged with trying to dynamite an FEC freight train. The three FEC employees were members of the operating unions that observed the picket lines set up by the non-operating locals. All four pleaded innocent to the charges. However, an FBI informer, Floyd Becker, testified in federal court that he had helped the four union members derail a switch engine before they tried to blow up an FEC railroad bridge. A defense attorney sought to show entrapment of the four employees, but did not succeed. Two of the workers were found guilty on counts of conspiracy and of placing a bomb on a trestle near Vero Beach. One was sentenced to five years on the conspiracy conviction and to two ten-year terms to run concurrently for placing dynamite beneath the tracks. The other worker was sentenced to a five-year term on the conspiracy con-

25. Griffith, *Ed Ball*, 44.

26. *Ibid.*, 43.

viction and to only one ten-year term on the other charge. The other two defendants were found guilty of attempting to wreck a freight train. They were sentenced to five years for placing a bomb beneath the track, but only six months would be served; the remainder was spent on probation. According to John Katsikos, the union local official was charged and found guilty of attempting to wreck a freight train. The case went to the Appellate Court, and all four men eventually were exonerated.²⁷

Testimony against the accused in some of these cases was weak. For example, it was reported that Harold V. Thompson of New Smyrna Beach, an FEC employee since 1952, was arrested by FBI agents on charges of willfully damaging rolling stock. Several FEC employees testified against Thompson at preliminary hearings, all of who were in the vicinity when the alleged sabotage occurred. When questioned by Thompson's defense attorney, Lacy Mahon of Jacksonville, witnesses Milo Parker, the FEC superintendent of transportation in New Smyrna Beach, and G. B. McCray, the engineer on duty at the time of the accident, refused to say that a turned angle cock—which Thompson allegedly turned on a refrigerator car—would definitely result in a train wreck.²⁸

There is also evidence that some strikers were arrested for assaults on non-union railroad employees, but none of the available materials researched indicate the outcome of these arrests. The papers of Governor Farris Bryant, for example, cite the names of W. C. Deans and Ozzie McGee, arrested in Fort Pierce for assaulting an employee. "Deans had previously made the statement that he could get the dynamite necessary to blow up the railroad," and various people were interviewed from a list of trouble-makers supplied by the FEC.²⁹ What happened following these arrests remains a mystery.

After the two explosions near the site of the Cross-Florida Barge Canal ground-breaking, the federal government intervened to stem the escalating violence. President Johnson or-

27. Jacksonville *Florida Times-Union*, March 26, April 4, July 15, 16, July 23, August 15, 1964; interview with John Katsikos, February 12, 1985.

28. Jacksonville *Florida Times-Union*, May 7, 1963; Daytona Beach *Morning Journal*, May 23, 1963.

29. L. J. Van Buskirk to T. A. Buchanan, March 5, 1964, Box 77, Folder 1, Bryant Papers.

dered thirty FBI agents to investigate the bombings, and he asked Secretary Wirtz to talk with Governor Bryant about recommendations to end the strike.³⁰

Because of Bryant's friendship and loyalty to Ball, the governor was unwilling to act decisively in the public's interest to end the strike. Roy Bohr, a former FEC employee, who worked for the carrier from 1955 to 1963 tried to show a tie between Ball and Bryant, when he stated, "The FEC always did pay their taxes when they were in the hands of receivers . . . but when Mr. Ball legally took over . . . he didn't pay his taxes. I would like to know how Mr. Ed Ball gets away with all this stuff. I think the reason he does is that he has Mr. Bryant, Governor of Florida and Mr. Smathers of Florida . . . on his side. He has got all the crooked politicians and all the money in Florida on his side. You said that one man can't tell the government of the U. S. what to do, well, Mr. Ball of the duPont interests of Florida is doing it."³¹

Governor Bryant was not the only public official who resisted a strike settlement. Haydon Burns, longtime mayor of Jacksonville and from 1965 to 1967, governor of Florida, was reportedly also loyal to Ball. During his gubernatorial administration, for example, Burns initiated a \$300,000,000 highway bond program—later defeated by the voters—which would have authorized a highway along U. S. 98 between Apalachicola and Medart in northwest Florida. This proposed road would run through land owned by the DuPont estate.³²

In 1964, after many years, the FEC showed a profit. Union workers who were willing to return to their jobs at wages determined by Ball were rehired when vacancies occurred. Despite promises of employment, some Florida officials, like Claude Pepper, who had returned to Washington as a congressman, believed that Ball's policies produced devastating effects on the economic well-being of the striking employees. In a desperate appeal to Pepper, one striking union worker stated "there are several hundred men out there that are too old to go to work

30. Jacksonville *Florida Times-Union*, February 28, 1964.

31. Roy H. Bohr to Claude Pepper, February 20, 1964, Box 57, Folder 6, Claude Pepper Papers, Florida State University, Tallahassee (hereinafter Pepper Papers).

32. Griffith, *Ed Ball*, 85.

elsewhere and several more too young to retire, who are losing their homes and everything they have worked for all their life [sic]."³³ Pepper told striking workers in 1966, "you gentlemen have been up against an exercise of tyrannical economic power which cost you your jobs and your livelihood."³⁴ In a letter to Governor Bryant, Herbert D. Zeigler, American Legion commander in New Smyrna, wrote that "as a result of management and labor not being able to come to a satisfactory settlement, we find that many of our local citizens are losing their most valued possessions, such as their homes, their automobiles, and the privilege of having a decent standard of living."³⁵ Early in the strike, a constituent wrote to Pepper: "This is a public utility very much needed for the economy and employment of many thousands of men and women, in East and South Florida . . . many shippers are already closing their factories and warehouses. In my opinion, the railroad is defying the public. The meager increase in wages was awarded by federal negotiation and all class I railroads are paying it except the FEC."³⁶

Other Florida political leaders, such as Miami Mayor Robert King High, expressed great concern for the public's safety at railroad crossings. In October 1963, he called a meeting of Florida municipal officials to demand safety improvements on the FEC. At the meeting, held at the Governor's Club Hotel in Fort Lauderdale, High noted that since passenger service had been eliminated, the strike had produced adverse effects on tourism. He also claimed that safety equipment had been allowed to deteriorate at various railroad intersections in Miami.³⁷ At a later hearing, High testified that the FEC had responded to efforts to obtain rail crossing signals with a "combination of dawdle and diversion and delay," and complained that he had tried for years to have Ball remove the old wooden FEC station in the center of Miami and replace it with a modern structure.³⁸

33. C. H. Grant to Pepper, August 11, 1966, Box 57, Folder 7, Pepper Papers.

34. *Miami Herald*, July 14, 1966.

35. Herbert D. Ziegler to Farris Bryant, May 4, 1963, Box 76, Folder 3, Bryant Papers.

36. W. M. Cain to Pepper, February 14, 1963, Box 57, Folder 5, Pepper Papers.

37. "Transcript of Proceedings of a Meeting Regarding the Florida East Coast Railway Held at the Governor's Club Hotel, Fort Lauderdale," October 15, 1963, 6, Bryant Papers, Box 77, Folder 2, 6.

38. Griffith, *Ed Ball*, 85.

Miami citizen Jackson Flowers testified at this meeting that there were "inadequate crossing devices, undergrowth obstructing views at crossings, and defective lights and bells that had not been corrected in quite some time."³⁹ Union spokesman J. H. Hadley claimed that recent derailments were caused by "the deplorable safety conditions on the railroad," and said that there has been "virtually no maintenance work done since the strike began." He added, "Ed Ball has had the choice of using his men to maintain safety standards or to make money using freight. He has chosen to do the latter— even at the cost of risking the lives of every Florida motorist who ever drives through a railroad crossing."⁴⁰

There was even more concern for public safety when the Florida Public Utilities Commission ordered the FEC to resume full passenger service in 1965, despite pleas by the carrier that customers would be endangered.⁴¹ Although it was reported that Ball was "sympathetic to those who did not wish to risk their lives in light of recent incidents of violence," his plan to operate the FEC purely as a profit-making enterprise— to the detriment of the railroad workers, the economy, and the people of Florida— created this tense climate which threatened passenger safety.⁴² Mayor High, while traveling northbound from Miami to West Palm Beach, noted signs warning passengers that they traveled at their own risk. Other signs read, "the FEC has not operated passenger trains because of violence and sustained sabotage." The mayor commented, "it's unbelievable that they would try to scare passengers that way."⁴³ Fortunately, despite these warnings and several derailments, there were no reports of rider injuries or fatalities cited in the materials researched.

39. "Transcript of Proceedings of a Meeting Regarding the Florida East Coast Railway Held at the Governor's Club Hotel, Fort Lauderdale." October 15, 1963, 18, 20, Bryant Papers, Box 77, Folder 2.

40. Jacksonville *Florida Times-Union*, October 2 1, 1963.

41. *New York Times*, January 15, 1965. This ruling took place at the same time that a petition was filed by the city of Miami requesting the federal courts to transfer control of the FEC from the duPont Trust and place it in receivership, because the line was not operating according to rules and regulations set up when it came out of receivership in 1961. This effort to wrest power from Ed Ball did not succeed.

42. *Ibid.*

43. *Ibid.*, August 3, 1965.

In agricultural areas on Florida's east coast where the FEC was the primary means of transporting vegetables to the nation's markets, business suffered. Resolutions and telegrams sent to Governor Bryant from county commissioners, the Florida Cabinet, and Florida fruit and vegetable growers noted the strike's severity. In its resolution, the Florida Cabinet petitioned the President of the United States, Secretary of Commerce, Secretary of the ICC, the Florida congressional delegation, and FEC officials to take immediate steps to end the strike, since its continuation would severely hurt agriculture due to loss of time, money and quality in shipping goods to market.⁴⁴ L. R. Weston, a businessman from Coral Gables, wrote to Pepper that, "in those areas where agriculture is the predominant industry, I found great apprehension about the transportation facilities which would be available, if any, at the time of harvest. Many of these people think that they may be facing financial ruin if they go ahead and plant as extensively as they normally would under conditions of the prior existing service."⁴⁵

Shipping and other Florida business dependent on the FEC experienced losses. Individuals, such as William Green, an attorney from Miami, wrote to Pepper, "personally, I have relatives, clients, and good friends who are seriously affected by this transportation tie-up and the increased cost of moving material. With the season coming on, many of them have expressed to me even greater anxiety because of the greatly increased demand for such transportation."⁴⁶

C. J. Henderson, president of the Northside Civic Association of New Smyrna Beach, wrote to Governor Bryant, "This deplorable condition is causing much hardship . . . both to private business and to the wasting of taxpayers' money for rebates on public works projects where material has to be expensively hauled in by trucks."⁴⁷ Henderson felt that a federal probe of the FEC's entire operation and management should be made, and believed that the ICC should "remedy this situation with a

44. "Resolution by Florida Cabinet to Take Immediate Steps to End the Strike," typed copy, Box 76, Folder 3, Bryant Papers.

45. L. R. Weston to Pepper, October 7, 1963, Box 57, Folder 5, Pepper Papers.

46. William Clinton Green to Pepper, September 27, 1963, Box 57, Folder 5, Pepper Papers.

47. C. J. Henderson to Bryant, July 1, 1963, Box 76, Folder 3, Bryant Papers.

new management if management and ownership are not operating efficiently and in the public interest."⁴⁸ Henderson's hopes did not materialize because Ball's policies prevailed.

More than any other sector of the public, the FEC's employees rapidly became disillusioned with Ball and his methods of operating the road. One striker remarked, "unionism shall survive the crucifixion and dictates of such men as Hitler and Ed Ball. But we who are being sacrificed on the FEC aren't faring so well either. In our modern day and time such crucifixion cannot and must not be allowed."⁴⁹ In a letter to Pepper, an FEC employee who had worked for the company since the 1940s and had opposed the congressman's proposal to merge the FEC with the Atlantic Coast Line, now regretted her decision. She wrote, "During the time when the ACL and the St. Joe Paper Company were fighting to get control over the Railway and you advised that we should go with the ACL, many of the railway employees felt that you had sold us down the river. I must admit that I was one of the stupid nuts that felt that way, but my father told me at the time that you were one friend that labor could count on and if you felt that it would be best for us to go along with the ACL, then we should do that. He stuck up for you through thick and thin and when you were defeated, he said that he knew there would come a time when all of the union men who had voted against you would be sorry. I would like to take this opportunity to tell you we reached that stage just shortly after Mr. Ball took over the railroad."⁵⁰

Other laborers voiced similar disappointment and protest against Ball's policies. Orval D. Hinman, who had been a train conductor in 1926, served as a labor representative for the conductors both on the local and national levels, and supported the strike of the non-operating unions. In a letter to Governor Bryant in 1964, Hinman wrote that from 1946 until the time the duPont Trust acquired the FEC, the employees of the railway and their labor unions supported Ball, on the assurance that "mutually satisfactory labor relations would be maintained

48. *Ibid.*

49. W. J. Ortegas to Pepper, August 11, 1966, Box 57, Folder 7, Pepper Papers.

50. Cora Stowe McCarthy to Pepper, August 26, 1963, Box 57, Folder 5, Pepper Papers.

by the management." But once Ball was in charge he "honored none of the promises and commitments he made," and he used the unions to gain his objectives. "He has employed in management what is probably the largest group of trained labor baiters found in management since the sweatshop and child labor days of decades ago."⁵¹

FEC employees also opposed Governor Bryant's proposed use of the National Guard to stifle the violence. But clearly, Ball was the target of those outbursts. Hinman, in another letter to Bryant, urged him not to use the National Guard as a means of settling the dispute, believing that it "could add nothing to the safety of the train movement." He observed, "This appears to be another attempt by Mr. Edward Ball to get free police protection for his property, in a situation of which he is the principal author. Use of the National Guard . . . would place you and your administration squarely on the side of the strike breakers presently partially operating it."⁵²

Patrick T. Clancy, chairman of the "Area Two Strike Committee" in St. Augustine, contended that the governor's use of the Florida Sheriff's Bureau (in addition to possible use of the National Guard) to track down the violent perpetrators was a violation of civil rights. In a telegram to the governor, Clancy wrote that his "pledge of cooperation did not imply abject submission to police state tactics of harassment and subversion of the legal rights of our people." It should "require the assurance of strict impartiality by a law enforcement officer."⁵³

The FEC strike did not ease until 1971 when an agreement was reached between labor and management. The settlement surprised many people because the FEC had been maintaining cost-saving operations using non-union labor. However, the carrier found it advantageous to settle now because it saw the possibility of being sued for heavier damages—perhaps as high as \$15,000,000— if it lost pending lawsuits. Furthermore, the FEC had difficulty maintaining its work force. Because of its low wages, the turnover of non-union employees was very high; this

51. Orval D. Hinman to Bryant, February 25, 1964, Box 77, Folder 1, Bryant Papers.

52. *Ibid.*, March 7, 1964.

53. Patrick T. Clancy to Bryant, March 21, 1964, Box 77, Folder 1, Bryant Papers.

was costly to the company and undermined its claims of savings. At one point, the FEC asked the unions for permission to raise the non-strikers' pay by twenty-five per cent. Predictably, the unions refused, and the query led eventually to resumed talks and the settlement.

The railroad agreed to pay the eleven non-operating unions \$1,500,000 in damages. Strikers' salaries were raised thirty-one per cent effective January 1, 1972. They gained an additional six per cent on January 1, 1973, and again in 1974. Workers employed before 1970 received a twenty-five per cent raise retroactive to January 1, 1971. There was also a guarantee that no employee would be required to cross craft lines.⁵⁴ Two operating unions— the United Transportation Union and the Brotherhood of Locomotive Engineers— did not accept the terms because they wanted standardized work rules and pay scales that had been accepted by all other railroads in the United States. They stayed on strike until March 1, 1974, when a court order ended the strike.⁵⁵

Despite these few gains, the unions' losses far outweighed any benefits they secured. After the settlement, workers were earning at least one dollar an hour less than their counterparts on other railroads. Wages were well below the industry's scale and the work force had been cut in half. When the strike began, 1,600 walked out. In time, 900 went back to work on the company's terms; others found employment elsewhere. Only about 100 stayed out until the end, and many of them could not return to work because they could no longer pass the required physical examinations or were too old to work. The end of the strike also ended their meager benefits that had enabled members to survive. Furthermore, after several years of court litigation, unions did not obtain much of their lost-pay claims.⁵⁶

In the eyes of most people, Ed Ball had emerged as the winner of the strike. In spite of substantial legal costs and a high employee turn-over rate, the FEC's operating earnings increased by six-fold over the early 1960s a success achieved largely by hiring workers unaffected by work rules. The cost of

54. *Wall Street Journal*, December 20, 1971.

55. *Jacksonville Florida Times-Union*, December 24, 1971.

56. *Wall Street Journal*, December 20, 1971; July 3, 1972.

paying a crew to run a freight train from Jacksonville to Miami was slashed by seventy-eight per cent. After years of delay and protest, miles of track and equipment were rejuvenated.⁵⁷ The *Wall Street Journal* described Ball as "very satisfied," and as one worker put it, "God knows, he ought to be, he ran the unions off. And that's what he set out to do so he could run the railroad the way he wanted to."⁵⁸

Ed Ball had maintained that his railroad would best serve the public interest if it was managed by a Florida-based corporation. His viewpoint was not unlike the industrialists of the New South in the late nineteenth century, who believed they were "public benefactors, even when they made higher profits, paid lower wages, and maintained poorer working conditions than their non-southern competitors."⁵⁹ But in the 1960s, Ball's policy proved to be detrimental to the safety and economic well-being of the striking trainmen and to all Floridians.

57. *Ibid.*, July 3, 1972.

58. *Ibid.*

59. F. Ray Marshall, *Labor in the South* (Cambridge, 1967), viii.