

Guide to the Sam Kagel Collection

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Labor Archives and Research Center
San Francisco State University
San Francisco, California

Processed by:

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Descriptive Summary

Title: Sam Kagel collection

Dates: 1949-1997

Accession number: Consult repository

Creator: Kagel, Sam.

Collection Size: 609 record cartons and 10 archives boxes

Repository: San Francisco State University. Labor Archives and Research Center.

San Francisco, California 94132

Abstract: This collection contains the case files for over 4000 labor arbitrations and mediations heard by Sam Kagel, his son John Kagel, and others during the years 1949 to 1997. The cases involve unions and companies in the San Francisco Bay Area, California, and the West Coast primarily.

Physical location: For current information on the location of these materials, please consult the Center's online catalog.

Languages: Languages represented in the collection: English

Access

Collection is open for research.

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Preferred Citation

[Identification of item], Sam Kagel collection, Consult repository, Labor Archives and Research Center, San Francisco State University.

Acquisition Information

The Sam Kagel collection was donated to the Labor Archives and Research Center by Sam Kagel in 1998. In 2003, the University of San Francisco also gave its collection of Kagel materials to the Labor Archives, the donation including a set of Kagel's decisions, card file indices, and books. In total, the collection filled more than 950 boxes.

Processing Information

The collection was processed by Michael Griffith, working under NHPRC grant no. 2002-091 (February 2003-May 2006). This processing involved evaluating each file for its research value and discarding those which did not have historic value, approximately 40 percent of the collection. A description was prepared for each case retained, listing the parties involved, the issues, the file contents, and other information.

The collection remains stored at Iron Mountain facilities. While the collection has been reboxed in part, the case files remain in their original envelopes. Duplicative material has been disposed of but the cases have not been otherwise internally organized. Photographs have been removed from the files and are stored separately at the Labor Archives.

Biography / Administrative History

Sam Kagel emerged from humble beginnings in an immigrant family to become America's leading figure in the field of labor arbitration and mediation. Born in 1909 to Jewish parents who fled the Russian Empire for greener pastures in the United States, Kagel was raised in Jack London's old working-class neighborhood near the Oakland, California waterfront. As a young produce employee, he slipped watermelons to itinerant Wobblies, as the rebels of the Industrial Workers of the World (IWW) were known, and read deeply in the writings of London, Frank Norris, Emile Zola, Anatole France and Upton Sinclair.

In the mid-1920s, Kagel attended the University of California, Berkeley. He worked his way through school giving out towels in the university's gymnasium until he was invited to read examination papers in economics during his senior year. Kagel graduated from Cal in 1929 and then became an economics graduate student and a teaching fellow there. When the labor economist Paul S. Taylor got him an initially temporary job advocating for unions with the Pacific Coast Labor Bureau (PCLB), the direction of Kagel's life was set for what would become an extraordinarily long and brilliant career.

The San Francisco office of the PCLB had been recently established under the direction of Henry Melnikow when Kagel went to work there in 1932. The bureau represented unions in negotiation, mediation and arbitration proceedings. Melnikow proved a mentor to Kagel, who stayed with the PCLB for ten years. He arrived, it turned out, just in time to be a participant in the labor upsurge of the mid-1930s, which started regionally with the West Coast maritime and San Francisco general strikes of 1934.

During the great 1934 strike, Kagel became an advisor to Harry Bridges, the celebrated leader of the Pacific Coast longshore union, and worked closely with Randolph Meriwether of the Marine Engineers' Beneficial Association (MEBA). Appointed an honorary MEBA member in June 1934, Kagel represented that organization on the Joint Marine Strike Committee. He also argued the workers' case before federal officials who were trying to mediate the strike.

Kagel was an eyewitness to the violence of Blood Thursday, July 5, 1934, when San Francisco police killed two workers and wounded scores of others. Then he watched the famous San Francisco general strike of July 16-19 that followed. When the coast-wide maritime strike was finally over, Kagel counseled Bridges while the latter prepared to testify before the National Longshoremen's Board, which arbitrated the dispute and handed down a landmark decision in favor of the waterfront unions.

In the aftermath of what has been known ever since as the Big Strike, Kagel became widely prominent in Northern California as the representative of a broad variety of unions. To cite one prominent example, from 1934 through 1939 he helped plan organizing drives and negotiated for the longshore union during its dramatic "march inland" into the San Francisco Bay Area warehouse, distribution, and production industries.

When the city's employers locked out all of their newly-unionized warehouse workers in 1938, Kagel played a central role as usual. Throughout the crisis, he consulted daily with Eugene Paton, the president of Warehouse Local 6, International Longshoremen's and Warehousemen's Union (ILWU). Ultimately the summer-long lockout was settled on terms satisfactory to both sides.

Shortly after the United States entered World War II in December 1941, Kagel was invited to join the federal government's War Manpower Commission (WMC) for the duration of the conflict. The WMC recruited labor for ship yards, war plants, and other production facilities essential to the military effort. As assistant director and then director of the WMC for Northern California, Kagel remained a high profile public official throughout the war years.

In 1945 when the war ended, Kagel decided to attend law school. At the same time he was engaged by the International Ladies Garment Workers Union (ILGWU) and San Francisco's clothing employers to act as Mr. Impartial Chairman, the name adopted for the apparel industry's neutral arbitrator. This appointment was another pivotal development in Kagel's life. He was now a labor arbitrator. By 1948 when he finished law school, he was taking arbitration cases on a regular basis.

That same year there was another major coast-wide longshore strike. In its wake the ship owners committed to a new bargaining agency, the Pacific Maritime Association (PMA). The PMA and the ILWU asked Kagel to become their coast arbitrator for the longshore industry. This was an important position that Kagel would keep from 1948 to 2002. Kagel, of course, was already well-known in labor circles by 1948. But in his new post he would become a living legend along the waterfronts of the entire Pacific Coast.

Over the next five decades Kagel's arbitration practice outside of the waterfront expanded exponentially. He would eventually handle thousands of labor cases in dozens of diverse fields such as nursing, the soft drink industry, pulp and paper manufacturing and the airline business. Kagel arbitrated important early agricultural cases involving the United Farm Workers (UFW) and mediated the ending of the 1971 West Coast longshore strike. He even evaluated the grievances of famous professional athletes and ultimately became the chief arbitrator for the National Football League (NFL).

In 2004 two years after Kagel retired as coast arbitrator for the longshore industry, Longshore Local 10 of the ILWU made him an honorary members at its yearly July 5 memorial honoring the martyrs of Bloody Thursday. It seemed a fitting tribute

to a man who had spent 54 years on the job and seven decades in all working for justice in the turbulent world of labor relations.

Scope and Content of Collection

The Sam Kagel collection contains arbitrations and mediations heard by Sam Kagel and other members of the firm of Kagel and Kagel from the late 1940s until the mid-1990s.

The arbitration cases involve disputes over the interpretation and/or application of an existing labor contract. They can involve a wide range of issues, including pay, promotion, lay-offs, and discharges, among other matters. The files vary in size from one-eighth or one-quarter inch to several inches thickness. Typically, an arbitration file will include the decision in the case, the transcript of the hearing over the dispute, and some exhibits, usually documents related to the dispute, such as notices of discipline, correspondence, and company forms. Often the file also will contain a copy of the labor agreement and briefs, arguments by the attorneys representing each side for their position. Less often, the file includes photographs related to the controversy.

The mediation cases involve efforts to settle a dispute between parties by assisting them in resolving or compromising their differences. The mediator does not rule on the dispute or make any decisions regarding it. These cases are more common later in the collection. Typically they contain statements of position by each side with accompanying documents. If an agreement is reached, it is usually contained in the file.

Sam Kagel arbitrated over 9000 cases involving many different industries during his career, and as a result, the collection contains significant documentation on many areas and industries. Geographically, the collection is strongest for the Bay Area, for California, and for the Pacific Coast, but it contains arbitrations from other states, including Nevada, Arizona, Utah, Texas, and Ohio. The collection provides in-depth documentation on a wide variety of industries and businesses. Its strengths include a nearly complete collection of Kagel's decisions as permanent arbitrator between the shipping industry (Pacific Maritime Association) and the International Longshoremen's and Warehousemen's Union (ILWU), covering a period of 54 years. For the Bay Area, the collection contains important collections relating to area newspapers, hospitals, BART, and the soft drink industry. It also contains arbitrations involving Bay Area city and county governments, including police and fire department cases, local universities, and many other local businesses. For California, the collection includes a number of highly significant United Farm Worker cases. For the Pacific Coast, the collection is especially rich in cases involving the pulp and paper industries, for which the Kagel firm heard a very large number of cases. On a national level, there are a significant number of aerospace cases and an important collection of National Football League arbitrations.

The nature of the disputes Kagel heard varied greatly. Discharge and discipline cases constituted the largest single category. These cases involved suspensions and terminations for a wide variety of reasons, including alleged incompetence, theft, fighting, and insubordination. An important subset of these cases involves discharges for drinking or for drug use, and these files illuminate changes in industrial policy about substance abuse. Significant groups of cases exist for many other topics, however. Particularly starting in the 1980s, the collection includes cases involving discrimination and sexual harassment; some of these cases are mediations, typically involving white-collar businesses. Other important topics include picket line behavior during strikes, plant closings, and hiring and promotion decisions. Several large cases involve efforts by Kagel and his son John to mediate contract negotiations, including for bay area hospitals, for police, and for fire departments.

The photographs contained in the Kagel collection vary widely in subject matter and significance. Among the more valuable are aerial views of plants and pictures of factory interiors, with workers present. Other photographs include pictures of individual machines or parts, photographs submitted as evidence in discharge cases, and pictures of vehicle accidents

Arrangement

The Sam Kagel collection contains approximately 6000 arbitration and mediation case files. Each case is in its own envelope or envelopes, with a case number assigned by the Kagel office. The Kagel office used inconsistent and changing numbering systems until the mid-1950s. After that period, a simple system of sequential numbering was followed, and the cases are numbered in rough, but not precise, chronological order.

Indexing Terms

The following terms have been used to index the description of this collection in the library's online public access catalog.

Labor California

Labor California--San Francisco History

Labor California--Los Angeles Metropolitan Area

Labor Washington (State)

Labor Unions--California History--20th century

Labor Unions--California--San Francisco Bay Area History--20th century

Other Finding Aids

The initial cataloging of the Kagel collection was done in a WordPerfect data file. That data file is maintained at the Labor Archives. It is separated into decades and may be searched by using text strings. The information recorded for each case includes case number, the arbitrator for the case, the parties, their attorneys or other representatives, and the dates of hearing and decision. Additional data about each case includes the location of the case, the gender and ethnicity of the worker involved (if known), the nature and the substance of the dispute, possible research topics, and other notes about the file. Also recorded is whether or not the file contains a decision, transcript, labor agreement, legal briefs, exhibits, and photographs. Among the searches that can be done are those by name of union, name of company, location, industry, and issue.

The WordPerfect data file will be loaded into a database maintained by San Francisco State University. That database will be accessible through a link noted here. All data fields will be searchable on-line except for the name of the worker, which must be searched by Labor Archives staff.

In addition to the data file and database, there are two other finding aids which may be useful. The Kagel law office maintained card files of the cases by party. There are two sets of these files, the first covering from the 1950s through the 1970s, and the second, from the 1980s until the mid-1990s. In addition, the office maintained binders which listed the cases in case number order. Each entry gives the case number, the names of the parties, a brief statement of the issue, and the decision date. The binders begin with case 1145, dated February 7, 1969 and continue until the end of the Kagel law practice.

Also helpful are the files of Kagel decisions, which fill 29 boxes. They consist of a copy of each Kagel decision, arranged in numerical order. These files include decisions for cases which were disposed.
