

JAILBIRDS

I. Introduction

In the summer of 1846, Henry David Thoreau spent a night in jail for refusing to pay his poll tax to protest slavery and the Mexican War. Three years later, Thoreau wrote his famous essay, “On Civil Disobedience,” in which he argued that those who believe in justice have a fundamental *duty* to disobey unjust or immoral laws. Mahatma Gandhi, Martin Luther King, Jr., Nelson Mandela, and Dietrich Bonhoeffer risked their freedom and lives, rather than remain bystanders to the horrors and injustices of their time.

The subject of this essay is Powers Hapgood. Powers was born in Indianapolis in 1899 into an affluent, highly educated family. In 1903 Powers’ father, **William** (1872-1960), and William’s two brothers, each Harvard graduates, purchased and

began operating a small canning plant on the south side of Indianapolis, known as the Columbia Conserve Company. William believed that the solution to economic and other inequalities in the workplace was to permit employees to participate equally in managing the business. By 1929, the Hapgoods' experiment in industrial democracy was flourishing, and workers collectively owned a controlling interest in the company, which was earning what William called an embarrassingly large profit.¹

William's only child, **Powers**, attended Shortridge High School and graduated from Harvard in 1921. Despite his

¹After struggling during the Great Depression and a brief wartime closure caused by a poultry shortage, the factory reopened with nearly all new employees. This time, they organized an AFL local and demanded all the benefits of the old cooperative plan along with union protections. The experiment ended in 1942 when workers, who owned a majority of the Company's stock, went on strike over wage issues. In 1953 William sold Columbia to a Chicago wholesale chain.

family's elite status and wealth, Powers was determined to join the ranks of the working class and work in mines. Unlike his father, Powers believed socialism and unions were the best way to curb private greed and instill democratic and civic virtues in the working class.

II. Violence increases in mining communities (1914-1920).

The decade before Powers' graduation from Harvard was tumultuous, with increasingly violent and bitter clashes between owners and miners. In 1914, a mining company owned by the Rockefeller family employed heavily armed private detectives, from the notorious Baldwin-Felts Detective Agency, to break a strike by thousands of Colorado miners seeking union recognition, shorter hours, and higher wages. By the time management had violently crushed the strike, 69 men, women,

and children lay dead in what historians now call the Ludlow Massacre.

Six years later, in an event brought to life by John Sayles in his powerful 1987 film, *Matewan*, a bitter labor dispute between miners and owners in a small West Virginia town ended in a shootout on Matewan's main street that resulted in the deaths of two miners, seven detectives (including both Baldwin and Felts), and Matewan's mayor, who was sympathetic to the local miners' cause.

III. Powers joins the UMWA

Soon after graduating, Powers began working in mines. He joined the UMWA, and quickly rose to become a union organizer in southwest Pennsylvania. In the Spring of 1922, UMW president **John L. Lewis** called a nationwide mining strike. In his role as a strike coordinator, Powers was repeatedly

arrested by local authorities and threatened with physical violence by agents hired by owners.

In the early months of the strike, Powers relished the high drama of picket lines, strike meetings, and confrontations with the authorities. He particularly enjoyed developing relationships with militant miners. However, he rejected the violent tactics espoused by the IWW and the American Communist Party, preferring instead to work within existing laws even though heavily tilted in the owners' favor.

IV. Powers becomes a dissident within the UMWA

Powers' enthusiasm for the strike soon came face-to-face with the harsh realities of union politics. Frustrated by the Harding administration's favoritism toward mine owners, Lewis brokered a deal with owners that maintained the old wage scale but didn't require them to sign contracts covering their nonunion

subsidiaries. This settlement was repugnant to progressive unionists like Powers and his mentor, District 2 leader, **John Brophy**, who regarded Lewis's deal as a bitter betrayal of striking miners. This led to a prolonged hostility between Harvard-educated Powers and the hardscrabble Lewis, who lacked even a high school education and viewed union democracy as a luxury his union could ill afford.

V. Powers crosses swords with John L. Lewis

In direct defiance of Lewis's settlement, Brophy vowed to continue the strike in District 2. Lewis was furious with Brophy, Powers, and their fellow insurgents for ignoring his order that they return to work, and he deployed the full force of the Union's might to punish and coerce them to follow his directives. Months later, with the Somerset strike nearing collapse, Powers forged an expedient alliance with William Z.

Foster, the American Communist Party's leader. Powers accepted Foster's support, but he failed to foresee the pain that decision would later cause him.

Under the weight of Lewis's pressure, Brophy eventually called off the dissident District 2 strike in July 1923. After witnessing the immense strength and lawlessness of corporate power, as well as his own union's betrayal, Powers refocused his attention to the crucial role of affiliated *local* unions in organizing, and as an antidote to the centralized bureaucracies of both corporations and the UMW. This also coincided with his belief that progressive change should begin at the bottom and be free from any hint of paternalism.

VI. World tour (1924-26).

After defying Lewis, Powers knew that his desire to rise within UMW ranks would have to be deferred. So, using family

wealth to finance his travels, he embarked on a two-year world tour to explore mining conditions and the state of unions in Europe and the Far East. He came to admire the camaraderie Welsh miners were able to forge while working underground in inherently dangerous conditions. He was impressed by Germany's social welfare system, exemplified by its state-mandated pensions and benefits for injured miners. He described himself to Japanese labor leaders as a moderate, "neither as reactionary as most AFL officials, nor as revolutionary as the [Bolsheviks]" in Russia or the IWW.

Even in his mid-20s, Powers understood how corporate capitalists used race and nationalism to undermine worker solidarity. It was thus not surprising that he staunchly opposed the Immigration Act of 1924, which banned all immigration from Japan.

VII. Powers returns to the U.S. and takes on Lewis

Returning from his world travels in early 1926, Powers encountered an America far different than the one he'd left two years earlier. Falling prices caused by overproduction had further stiffened owners' resistance to higher wages. Owners also had begun use propaganda campaigns to undermine community support for striking miners. He was particularly distressed to learn that some miners had joined the ranks of the revived Ku Klux Klan, and succumbed to its scapegoating of Catholic immigrants from Ireland and Eastern Europe.

When Brophy decided to mount an insurgent campaign against Lewis for UMW president, Powers eagerly became Brophy's campaign manager. In that capacity, he sought to unite the disparate elements of the anti-Lewis forces, which included members of the ACP.

Powers' experiment to see if a privileged Harvard graduate could rise to UMWA leadership presumably came to an end when Lewis was re-elected in 1926 by a wide margin. Lewis did not forget or forgive Powers' disloyalty. During the 1927 UMW convention at Tomlinson Hall in Indianapolis, he labeled Powers a subversive and sent thugs to harass and physically assault him in his hotel room and on the convention floor.

VIII. Powers becomes a freelance agitator (1927-1930)

After his exile from the UMW, Powers looked for new ways to advocate for progressive change. From 1927 to 1930, he operated outside the labor movement as what he called a "freelance agitator," challenging perceived injustices wherever he encountered them. He became passionately involved in the case of two Italian immigrants, **Nicola Sacco and Bartolomeo Vanzetti**, who'd been convicted six years earlier of killing two

guards during an armed robbery outside Boston. As their executions approached, protests erupted in every major city in North America and Europe. Powers was arrested 4 times in a single week while protesting. Despite a worldwide outcry, Sacco and Vanzetti were each electrocuted on August 23, 1927, but Powers's passionate advocacy for the Italians cemented his national reputation as a crusader for justice.

On December 28, 1927, to his parents' chagrin, Powers married **Mary Donovan**, the daughter of working-class parents, whom he'd met during the Sacco-Vanzetti protests.

Powers eventually found work in a union mine in Colorado, working for an enlightened owner. However, Lewis revoked his union card as soon as he found out.

IX. Powers returns to Indianapolis

Denied the opportunity to work in union mines, in July 1930, Powers reluctantly decided to join his father's company in Indianapolis. His biographer, Robert Bussel, surmises that, after spending nearly a decade charting his own path, Powers must have felt ambivalent about returning to Indiana and re-entering his father's orbit.²

By this time, the Depression had begun to cause a steep decline in the demand for canned soup, and Columbia had begun to lose market share to its larger rivals, such as Campbell Soup. Also exiled from the UMW, Brophy became a salesman for Columbia Conserve. In his new role as Columbia's publicist, Powers began spreading the word that his father's company was a pragmatic alternative to a bankrupt capitalistic system, and he made more than 50 speeches to local Indianapolis churches,

² Bussel, Robert, *From Harvard to the Ranks of Labor*, 1999, at 112-113.

women's groups, unions, and student organizations, extolling the company's fidelity to democratic and egalitarian principles. This caused a rift with Brophy, who remained an ardent socialist and believed the company's publicity campaign was being financed on the back of its workers.

As the effects of the Depression spread, Columbia's workers were forced to accept pay cuts and other belt-tightening measures. In a letter to his father, Powers warned that if the company failed to maintain the benefits and worker protections necessary to keep it an egalitarian organization, he might have to abandon his support for his father's experiment.³

³ Despite a brief rebound, the split between Columbia's workers and management reemerged. The AF L refused to take the workers into membership, believing they were all employers. This led to the employees organizing a CIO local, but the membership eventually dropped so low that the charter was revoked. In 1942, much to the amusement of William's business friends, his workers went on strike. The workers returned to work after a week and sued for their lost wages, leading a Marion County superior court judge to dissolve the trust between the

X. Powers runs for Indiana governor as a Socialist

In the summer of 1932, Powers took a leave of absence from the family business to run on the Socialist Party ticket for Indiana governor against Democrat Paul McNutt and a Republican. Despite sympathy for socialism's goals, most workers feared that voting for a Socialist Party candidate would siphon off support for FDR and permit the hated Hoover to win reelection. Powers' foray into electoral politics failed, as he lost the election to McNutt, receiving only about half the votes Gene Debs had received from Indiana voters when he had run for President while imprisoned in 1920.

workers and management, destroying the cooperative and returning the company to a fully capitalistic enterprise.

XI. Powers leaves Columbia and resumes organizing, this time outside the UMWA

On March 17, 1933, Powers resigned his position at his father's company to reestablish his connections with workers encouraged by FDR's more union-friendly policies. Over the next two years, he worked in traditional organizing capacities for several different unions. One, the Amalgamated Clothing Workers, dispatched him to Mayfield, Kentucky, to organize a large shirt factory. There, he encountered docile, uneducated, and frightened workers, lacking any knowledge of the labor movement, and who had been influenced by the intense opposition from local churches.

XII. The Terre Haute general strike

Powers again returned to Indianapolis in June of 1935, this time to work as an hourly employee for his father's company. But he was soon drawn to a general strike in Terre Haute in

support of 600 striking workers at Columbian Enameling in that city. On July 22, 1935, Gov. McNutt declared martial law and dispatched over 1,000-armed National Guardsmen, who made nearly 200 arrests among the 2,000 union sympathy strikers. The general strike paralyzed local commerce for two days. Powers was arrested several times for defying McNutt's martial law order. Despite harsh criticism from Powers and fellow Socialist Norman Thomas, martial law continued for several months, finally ending in February 1936. Ultimately, the U.S. Supreme Court affirmed numerous unfair labor practice charges against Columbian, but the acrimony between organized labor and local business owners would last for more than a generation.

Powers would soon find his next position from the most unlikely of places: his archenemy, John L. Lewis.

XIII. Powers returns to organizing-- for the new CIO

In a dramatic turnabout at the October 1935 AFL convention in Atlantic City, Lewis challenged hidebound AFL leadership to rethink their traditional views about organizing, urging them to organize workers based on industry rather than along lines of craft or skill. To implement this new organizing strategy, Lewis created the Committee for Industrial Organizations (CIO) to focus on organizing unskilled or semi-skilled workers in core industries such as steel, auto, electrical appliances, meat packing, and tires. Lewis shrewdly hired his old adversary, Powers Hapgood, to lead those efforts and, in exchange, extracted a promise that Powers would never again seek office in the UMW. With the increased centralization of industry and cautious optimism over New Deal labor reforms, Powers by this time was convinced that only a large, disciplined organization could effectively organize the masses of unskilled

and semiskilled workers, including minorities. The CIO would prove to be that organization.

XIV. Akron 1936

In 1936, Lewis dispatched Powers to Akron to assist rubber workers during their sit-down strike at Goodyear Tire.

Recognizing that the outcome in Akron was critical to the CIO's future success, Powers was forced to balance his militancy with the broader responsibilities of union leadership. His prominent role in the eventual settlement of the Great Goodyear Strike on terms favorable to the workers established his reputation as one of Lewis's most trusted lieutenants.

Powers' time in Akron also led to a romantic entanglement with a fellow CIO organizer, **Rose Pesotta**. This relationship was a sharp departure from Powers's reputation and self-image

of personal rectitude, and it likely contributed to his declining health and excessive drinking.

After Akron, Powers continued to experience success in organizing. In Camden, New Jersey, he assisted a CIO affiliate in the successful recognition strike by 9,000 workers at the RCA plant there. During that strike, Powers was arrested several times.

XV. Flint 1937

Lewis next assigned Powers to Flint in January 1937 to assist auto workers striking over GM's refusal to recognize the UAW. Following a 6-week sit-down strike⁴ and FDR's refusal to send in federal troops, GM agreed to recognize the UAW, a success that led to its instant legitimacy and unionization of

⁴ In 1939, the U.S. Supreme Court ruled that the NLRA did not protect sit-down strikers fired after a sit-down strike, even if the employer's illegal actions triggered that strike. *NLRB v. Fansteel Metallurgical*, 306 U.S. 240

nearly the entire domestic automobile industry, quickly swelling its ranks from 30,000 to half a million members. During that campaign, Powers and the UAW made deliberate appeals to ethnic and African American workers, an effort that would transform America's future political landscape.

XVI. Maine 1937

Powers' successes in Camden, Akron, and Flint had moved him to the center of the working-class struggle. He was next dispatched to coordinate a strike by Maine shoe workers, one which would rival the militancy and drama of his earlier organizing efforts but without the same success. There, he directed special appeal to female shoe workers, who complained that their assignments often depended on the amount of attention they gave to their boss. When the owners rejected the union's demand for recognition, 5,000 shoe workers struck. In response,

the owners unilaterally—and illegally--offered workers a 10% raise and established a company-dominated union, in clear contravention of the new NLRA, the constitutionality of which the U.S. Supreme Court had upheld just a week earlier. *NLRB v. Jones & Laughlin Steel*, 301 U.S. 1 (1937).

At a hearing in May 1937 before a Maine Supreme Court justice who had earlier entered an injunction against the strike, Powers and seven other strike leaders were found guilty of contempt, and each was sentenced to six months in jail. Faced with the owners' intransigence and legal setbacks, Powers decided to end the strike on June 28, 1937. Just days later, the full Maine Supreme Court vacated the unlawful injunction and Powers, the strike leaders' contempt citations were vacated, and each was released after serving two months behind bars.

XVII. Powers is assigned to Indiana as CIO regional director

In 1942, Powers was dispatched to his home state as a **regional director for the CIO**. Like most socialists of his era, Powers initially opposed US involvement in the war in Europe but later changed his mind. In a speech before the Indiana Industrial Union convention in September of 1942, he denounced Hitler's destruction of the German trade union movement, having concluded that American involvement in Europe was essential to the labor movement's survival.

At age 42, Powers attempted to enlist, a reflection of his lifelong impulse to demonstrate his patriotism and courage. His enlistment was squelched by J. Edgar Hoover, who had branded him a security risk due to his Socialist politics and lengthy arrest record.

Having been denied the opportunity to fight for his country, Powers rededicated himself to organizing and matters of racial inclusion. At a Food Workers Union convention in 1943, he praised the presence of Black, Latino, and Filipino delegates, which was consistent with his view that CIO affiliates should represent the entire working class, not just white males. His outspoken public advocacy established him as a leading progressive voice for racial equality and justice in Indiana, a state not exactly known for its tolerance of diversity.

Powers remained tormented by old demons. Ongoing disputes with his parents, along with his unrequited love for fellow organizer Rose Pesotta, contributed to his increasing depression. His past dalliances with Communists also made him easy prey for red-baiting by the American Legion and Gene Pulliam's *Indianapolis Star*, though by 1948, the FBI had

conclusively determined that Powers had never been a member of the Communist Party.

XVIII. Powers meets Kurt Vonnegut

After he returned to Indianapolis from the War, Kurt Vonnegut met Powers Hapgood at a meeting arranged by Powers' father, William. Kurt was intrigued that Powers, like himself, had come from an elite, upper-class family in Indianapolis, but had chosen to work in coal mines and as a union organizer. Vonnegut was curious what had motivated this Harvard-educated man to subject himself to repeated arrests and jailings while assisting striking workers or protesting injustices.

Powers responded to Vonnegut's inquiry by recounting a story about the time he had been asked by a judge in a contempt

hearing why he had chosen to devote so much of himself to people who were not of his social status. Powers, like Vonnegut an admirer of Jesus Christ but not a religious person, told Vonnegut that he had replied to the judge, “The Sermon on the Mount, sir.”

Vonnegut immortalized that response in his 1979 novel, *Jailbird*,⁵ in which he created a minor character, Kenneth Whistler, channeling the real-life Powers Hapgood. Vonnegut portrays Whistler as a spellbinding socialist orator and visionary union organizer who advocated for free healthcare, guaranteed affordable housing, and free public education for everyone.

XIX. Epilogue

⁵ *Jailbird* is now considered one of Vonnegut’s most notable novels whose popularity continues among readers.

In March 1948, Powers was removed from his position as CIO regional director due to his failing health, and he returned to the family farm. On February 4, 1949, he suffered a fatal heart attack, just shy of 50. After his death, even Gene Pulliam praised him as a “good, loyal American.”

Powers Hapgood utilized his education, intellect, and energy to bring about progressive policies that improved the lives of workers in America. This was no easy task, for as labor historian and Indianapolis Leon Fink explains,⁶ even the most well-intentioned progressive intellectuals in the early 20th century “had trouble dislodging themselves from their sheltered perches to make effective contact with the world of ordinary citizens.”

⁶ Progressive Intellectuals and the Dilemmas of Democratic Commitment, Harvard University Press (1997), at 285.

Hapgood was a key figure in shaping the labor movement and progressive politics before, during, and after FDR's New Deal. Like his fellow Hoosier, Gene Debs, he was a forceful and passionate advocate for workers in a rapidly changing economy and political environment, who believed, somewhat naively perhaps, that workers, through their collective efforts and solidarity, could offset the vast power of corporations and achieve a measure of dignity, self-respect, and economic self-sufficiency. He was a worthy successor to Debs and deserves to be remembered for his pivotal contributions to American workers and unions in the first half of the 20th century.

Presented to the Indianapolis Literary Club on February 2, 2026, by William Groth

This essay is dedicated to Val Fillenwarth, widow of my late law partner Ed Fillenwarth, Jr., who was arrested in 2006 at Fort Benning, GA, while demonstrating peacefully against a US Army school she and other Catholic peace activists believed had trained soldiers from Latin America to torture and kill political opponents. After trespassing on federal property, Val was tried, convicted, and served 6 months in a federal penitentiary in Rhode Island, far removed from her husband, 7 children, and 17 grandchildren.