

5-1-2012

The Price of Labor Peace: Popular Unrest and the National Labor Relations Act

Andrew Brooks
University of New Orleans

Follow this and additional works at: http://scholarworks.uno.edu/honors_theses

Recommended Citation

Brooks, Andrew, "The Price of Labor Peace: Popular Unrest and the National Labor Relations Act" (2012). *Senior Honors Theses*. Paper 10.

This Honors Thesis-Unrestricted is brought to you for free and open access by the Undergraduate Showcase at ScholarWorks@UNO. It has been accepted for inclusion in Senior Honors Theses by an authorized administrator of ScholarWorks@UNO. For more information, please contact scholarworks@uno.edu.

The Price of Labor Peace:

Popular Unrest and the National Labor Relations Act

An Honors Thesis

Presented to

the Department of History

of The University of New Orleans

In Partial Fulfillment

Of the Requirements for the Degree of

Bachelor of Arts, with University Honors

and Honors in History

by

Andrew Brooks

Table of Contents

Abstract.....	iii
Introduction.....	iv
A New Deal for Labor?.....	5
An Autonomous State.....	8
A Competing Model.....	11
A Broader Front.....	18
Photo I.....	22
Creeping Radicalism.....	25
Photo II.....	27
Marginalized Communities, Magnified Threat.....	30
Yonnondio!- unlimn'd they disappear.....	38
Bibliography.....	47

Abstract

The National Labor Relations Act stands as one of the most influential pieces of labor legislation in the history of the United States. The Act defines the rights and responsibilities of both employers and employees. Furthermore, the National Labor Relations Act makes the State into the chief judicial body regarding labor disputes through the National Labor Relations Board. Chiefly concerned with the circumstances that led to the passage and affected the shaping of the Act, factors such as Communist organizing, racial politics of the Deep South, and internal division within the labor movement in the 1920s are examined. Specific case studies include the Auto-Lite Strike in Toledo, Ohio (1934), the Minneapolis Teamster Strike (1934), and the West Coast Longshoremen Strike (1934).

Keywords: National Labor Relations Act, National Labor Relations Board, organized labor, communism, racial politics of the Great Depression

Introduction

No single factor, be it a person, a political party, or a piece of legislation affect widespread social change. The political, cultural, and societal atmosphere must be conducive to change before any kind of re-imagining of exiting power dynamics can occur. The 1930s saw the intersection of racial, class, political, and economic tension on a scale never before seen in the United States. The exponential growth of the State during this period remains one of the defining features of the era. Specifically, the introduction of the State as the chief adjudicating body in matters of labor disputes fundamentally changed the dynamic of labor relations to no clear advantage for either employers or employees. Senator Robert Wagner (D-NY) and others were able to pass the National Labor Relations Act, the largest piece of federal labor legislation passed up to that point, within the only a few months. What had been previously private matters, labor disputes, from unfair organizing practices to illegal interference with organizing campaigns, became a public matter in which the State through the National Labor Relations Board held sole authority. However the significance of the Act goes beyond the implications for labor. Examining the factors behind the passage of the Act illuminates the complex relationships between various social, political, and cultural influences of the era. From organizing the unemployed to racial politics of the Deep South, the National Labor Relations Act was a compromise between competing parties. Exposing the interplay between those parties which were allowed at the bargaining table as well noting the exclusion of those who were not provides a more complex picture not only of labor relations in the United States but also of the Great Depression as a whole.

A New Deal for Labor?

The National Labor Relations Act is perhaps the single most important piece of labor legislation in the history of the United States. Passed in 1935 in the midst of the Roosevelt administration's New Deal, the Labor Relations Act represented a fundamental shift in federal policy towards organized labor. For the first time in American history, the Act gave workers the legal right to form unions and barred employers from interfering on a national level. Prior to the Act, workers who sought to form a union in their workplace had virtually no legal right to do so and often faced a hostile judiciary. The guarantee of the right to collectively bargain with employers as established through law in the Act is a large part of what made it unprecedented.

Acknowledging both the hostile court system and the unique problems involved in labor disputes, the National Labor Relations Act also established the National Labor Relations Board. The Board has the authority to issue binding arbitration decisions in labor disputes as well as conduct more formal cases and investigate charges of misconduct. In an effort to maintain its independence from the Executive, the Board exists as a separate entity from the Labor Department. The predecessor to the National Labor Relations Board was the National Labor Board (NLB) which was established through the National Industrial Recovery Act. Some of the members of the NLB were called upon to help create the new National Labor Relations Board.¹ The NLRB carried a number of structural similarities to that of the NLB and was expanded in order to operate more effectively within the parameters of the National Labor Relations Act. The new Board acted as a "Supreme Court" to adjudicate labor disputes and as a "quasi-judicial" agency in order to aid in enforcing the Board's decisions.²

¹ Irving Berstein, *The Turbulent Years A History of the American Worker, 1933-1940* (Chicago: Haymarket Books, 1969) 318-319.

² Berstein, *Turbulent Years*, 323-324.

Proposed by Senator Robert Wagner of New York, the National Labor Relations Act was the direct successor to the National Industrial Recovery Act (NIRA) passed in 1933. NIRA was immediately controversial and ultimately was declared unconstitutional by the US Supreme Court.³ However, Wagner in drafting the Labor Relations Act, kept Section 7(a) of NIRA which guaranteed the right of workers to organize, banned company unions, and outlawed employer interference with the unionization process.⁴ Wagner and Roosevelt are arguably the two chief actors behind the passage of the Act and rightfully so. However neither Wagner nor Roosevelt acted separate from events transpiring around them on a national level.

One of the most stunning facts about the Act was that it took only two months from the time it left the Senate Committee on Education and Labor and was signed into law.⁵ The quickness with which the Act was passed can serve to mask a much more complex picture. Indeed its very swiftness can shroud the fact that the Act is perhaps the most controversial piece of legislation to emerge from the New Deal. The combination of the speed with which it was passed, its significance, and the degree of controversy sparked over its content merit further study.

Specifically an examination of *why* the act was passed as well as of *who* was pushing for it to pass is a revealing one. While progressive political leaders and a majority Democratic Congress were both helpful in the passage of the Wagner Act, neither fully explains the

³ *Schechter Poultry Corp. v. United States*. 295 U.S. 495 (1935). The Supreme Court specifically ruled the use of the Interstate Commerce Clause to be unconstitutional as applied in the National Industrial Recovery Act. While *Schechter* was the case that ultimately determined the fate of NIRA, many other cases were pending before Federal District Courts across the country.

⁴ Bernstein, *Turbulent Years*, 333. The use of “company unions” was a practice common in pre-National Labor Relations Act union avoidance whereby the company itself would create a “union” for its employees in order to exclude non-company controlled union representation. Company unions were seen as “negat[ing] freedom of association,” providing “direct employer intervention” in company union matters, and facilitating “discriminatory practices” that “threatened employees who refused to participate and favored those who sought to get into the employer’s good graces.”

⁵ Christopher L Tomlins, *The State and the Unions Labor Relations, Law, and the Organized Labor Movement in America 1880-1960* (Cambridge: Cambridge University Press, 1985), 140-141.

circumstances in which the Act was created. Moreover, while the National Labor Relations Act passed in the span of little over two months, the legislation that preceded it went back several years, mainly at the state legislative level. Theories regarding for whom and why the Act was passed are varied but an examination of two of these theories can provide insight not only into the origins and motivations for the passage of the National Labor Relations Act but also into the political culture of the United States during a period of profound upheaval.

An Autonomous State?

The National Labor Relations Act was put forth by Senator Robert Wagner of New York, but he was not the only actor on the stage. For the sake of convenience, historians often distill entire historical eras into a select few individuals and events. The Great Depression brings to mind President Roosevelt, organizations like the Civilian Conservation Corps, and people like Senator Wagner. Such perspectives ignore both the countless millions of others who lived and acted of their own accord and the *zeitgeist* of the era. Rather than seeing cultural and societal forces as spinning around a select few individuals or even around the state itself, examining the era as though both the state and the political leadership were swept up in the events of the time gives a more multi-dimensional view.

One view contrary to the notion that those in power acted in response to calls for reform states that actions taken by the State are largely separate from societal forces.⁶ In this case, it would be to say that Senator Wagner was more or less in the right place at the right time to act and was not pushed to act by any outside force. The conflict between viewing Senator Wagner as relatively separate from the events taking place across the nation and depicting not only Senator Wagner but the entirety of the State as being enveloped in them is not simply a matter of interest for political and social theorists. Such a conflict brings into question the role of mass organizations such as unions, unemployment leagues, radical and reactionary political organizations, farmers, and others in our system of governance.

⁶ Leon Fink notes that, "Thus, both the success of the New Deal legislation and labor's new institutional clout may be seen to reflect popular transformations, centered on the grassroots stirring within the working class." Thus, Fink, along with other labor historians, can be seen as part of the opposition to Skocpol and Finegold's interpretations of the era.

Leon Fink, "American Labor History" in *The New American History*, ed. Eric Foner. (Philadelphia: Temple University Press, 1997) 346.

State autonomy theorists Theda Skocpol and Kenneth Finegold argue that the role of mass organizations and the effect of societal unrest are over-emphasized in examinations of the Great Depression. The vacuum created by the removal of the National Industrial Recovery Act combined with favorable political conditions in Congress as a result of the 1934 elections alone led to the passage of the NLRA, not societal pressure from mass unrest.⁷ For example, Skocpol and Finegold interpret the rise in union membership as an example of how State action facilitated union strength, not vice versa.⁸ For Skocpol and Finegold, the NLRA, “embodied the culmination of the New Deal’s break with the officially repressive, antiunion policies of the 1920s”.⁹ They go on to argue that the State’s “*administrative will to intervene*” in the context of the Agricultural Adjustment Act and the National Recovery Act were efforts to “diagnose, and use state intervention to act upon, socioeconomic problems.”¹⁰ For Skocpol and Finegold, the chief political actors are largely within the State which is itself “potentially autonomous”.¹¹

From this perspective, the chief political actors in context of the National Labor Relations Act would be Senator Wagner and his staff. To use the imagery of a hurricane, it would be as if Senator Wagner and other political insiders were able to view the storm from a top-down view rather than finding themselves swept up by it. Understanding this view is necessary in grasping the possible political dynamics of the National Labor Relation Act’s passage. For state autonomists, the power dichotomy is between those within the structures of the state which control the means to affect a change of governmental course alone and those outside the state who are too disorganized or too few to affect political change one way or another. Going back to

⁷ Theda Skocpol, Kenneth Finegold, and Michael Goldfield, “Explaining New Deal Labor Policy,” *American Political Science Review* Vol. 84 No. 4 (1990):1300-1301

⁸ Skocpol, Finegold, and Goldfield, “Explaining,” 1303.

⁹ Skocpol, Finegold, and Goldfield, “Explaining,” 1297.

¹⁰ Theda Skocpol and Kenneth Finegold, “State Capacity and Economic Intervention in the Early New Deal,” *Political Science Quarterly* Vol. 97 No. 2 (1982) 275-276.

¹¹ Michael Goldfield, “Worker Insurgency, Radical Organization, and New Deal Labor Legislation,” *Political Science Review* Vol. 83 No. 4 (1989) 1259.

the example of union membership, in Skocpol and Finegold's interpretation, New Deal labor legislation such as the Norris-LaGuardia Act and others were the driving force behind increased union membership, not necessarily the work of organizers.¹²

Labor unrest of the 1930's was about more than unionization campaigns however. Rather, contests in places such as Minneapolis, Toledo, docks up and down the West Coast, and textile mills from the Northeast to the Deep South represented a battle over how wealth and power would be allocated in society more generally. At times, the "administrative will to intervene" would be manifested through the use of state National Guard, armed militias, and the threat of federal soldiers. Skocpol and Finegold present an image of the State as insulated from "societal" forces. To argue that the government of the United States, or that any government for that matter, could be "autonomous" from the degree of unrest seen in the years leading up to the NLRA is to make the fatal mistake of viewing the past through the strictly analytical terms which hindsight affords us. For example, Skocpol and Finegold minimize the influence of radical elements such as Communist organizers working in traditional unions due to their small numbers. What cannot be calculated however, but which can be documented, is the ever present, violent fear of the spread of radical, specifically Communist, influence. During the turmoil in Minneapolis, a prominent business leader is recorded as saying with a pale face of shock that, "This, this – is *revolution!*"¹³ The fear of a spreading radical influence across the nation during the 1930's cannot easily be dismissed in any examination of the conditions surrounding the passage of the Wagner Act.

¹² Skocpol, Finegold, and Goldfield, "Explaining," 1302.

¹³ Bernstein, *Turbulent Years*, 217.

A Competing Model

In contrast to state autonomy, another view holds that it was essentially working class militancy and organization that drove the state to action. This differs from state autonomy in several distinct ways. Michael Goldfield focuses on the “important effects of the interaction between labor militancy, social movements, and organized radicalism in the policy process.”¹⁴ In Goldfield’s model, the passage of the National Labor Relations Act was due to large scale social and political unrest. This unrest served to push progressive liberals in the state to action as well as create new opportunities for such action to take place. The distinction between pushing actors to move and creating space for movement itself is important to recognize. In Goldfield’s model, societal pressure created these two distinct conditions through wide spread, militant unrest.

The idea that societal forces could create political pressure on liberal and progressive elites within the government to act is one component separating Goldfield’s model from that of state autonomists. Evidence of such pressure to come to any agreement that would bring about labor peace can be seen in the increasingly desperate tone and actions taken by states as well as by the federal government. A prime example was the seemingly inevitable series of events where the deployment of state National Guardsmen followed labor unrest. That is not to say, however, that the pressure amounted to what has been described as a “working class conquest” narrative.¹⁵ The National Labor Relations Act was by no means a one-sided victory for the labor movement. In order to understand what the “labor movement” was in the 1930s, one would have to look beyond union organizing. That is to say, the “labor movement” can and should be seen as comprised of a wide spectrum of socioeconomic groups. These range from the masses of the

¹⁴ Goldfield, “Worker Insurgency,” 1266.

¹⁵ David Plotke, “The Wagner Act, Again: Politics and Labor, 1935-37,” *Studies in American Political Development*, 3 (1989): 111. The “working class conquest” narrative argues that it was worker insurgency alone which forced the hand of the federal government to intervene on its behalf. Goldfield argues that worker insurgency was in part responsible for creating the conditions necessary for its passage but was not the only factor.

unemployed who would play a critical role in places like Toledo, Ohio, to truly radicalized elements such as Communist organizers in Minneapolis, to farmers, and African American communities across the nation.¹⁶

Creating space for progressive political actors within the state to move meant not only working to elect the Senators and Representatives who would act on their behalf but also changing the national conversation so that it was amenable to such an agenda. A distinct split in rhetoric can be seen between the officially Communist elements of the labor movement and virtually everyone else. An example of this is the fact that the Communists were forcefully against the Wagner Act as they believed it would undermine the strength of the working classes while American Federation of Labor leadership supported it.¹⁷ Even traditional organized labor was ideologically divided between the conservative American Federation of Labor and the more radical Congress of Industrial Organizations. The tension between the AFL and the CIO would eventually rupture into open conflict. With this in mind, it is important to note that there was no “labor movement” in the 1930’s that conforms to our understanding of the “labor movement” today.

The matter of who was getting whom into power when it came to elections illustrates a difference in opinion between Goldfield and state autonomists. Specifically the 1934 election in which progressive Democrats not only gained a majority in both houses but also expelled some

¹⁶ Goldfield, “Worker Insurgency,” 1270-1271.

¹⁷ Plotke, Wagner, Again, 113. The Communist Trade Union Unity League was particularly hostile to the Act. Bernstein notes that TUUL’s hostility towards the National Labor Relations Act was fundamentally ideological as

Marxist analysis posed an irremediable struggle between capitalist and working classes with the government serving as the instrument for the dominant class... In capitalist America government intervention in Labor relations was *ipso facto* a means to oppress the workers and deprive them of their right to strike... The bill’s real purpose... was ... to salvage capitalism, depress labor standards, and promote company unionism.

See Bernstein, *Turbulent Years*, 195.

of the more vociferous of their opponents shows the contrast. State autonomists would hold that the 1934 election was more about the impact of redistricting in 1932 that

...created more urban seats in Congress, and working-class ethnic voters were increasingly turning out for the Democratic Party. Shifts in electoral politics, not increases in workplace militancy, were thus what heightened, “labor influence”- and liberal influence more generally- between 1934 and 1935.¹⁸

Understanding the 1934 election in this way is at the very least an oversimplification and at worst, obfuscation of the complexities of electoral politics, particularly during a national crisis. Part of the flaw lies in the very explanation itself. What was driving the “working-class ethnic” voters to turn out for Democratic candidates? The 1934 election can seem to be much more important if one ignores the fact that not all of the progressive liberal political leaders were even Democrats. The efforts of the “urban unemployed, farmers, Afro-Americans, and others” resulted in a “new composition of Congress”.¹⁹ This “new composition” was more of a coalition of local, state, and national organizations ranging from traditional Democratic Congressional candidates to “unorthodox social movements, including Huey Long’s Share the Wealth movement.”²⁰ While Congress itself remained dominated by the Democratic and Republican parties, the powerbase which placed many of the Democratic congressmen was more diverse and powerful than state autonomists acknowledge.

When comparing Goldfield’s model with that of the state autonomists, one can see problematic oversimplifications in both. State autonomists however seem to posit a power structure that is largely dichotomous between those who have power and those who do not. Such an understanding is not simply outmoded; it represents an ideological position which relies on the idea that the state operates within a vacuum and is largely insulated from the ramifications of

¹⁸ Skocpol, Finegold, and Goldfield, “Explaining,” 1300.

¹⁹ Skocpol, Finegold, and Goldfield, “Explaining,” 1305-1306.

²⁰ Skocpol, Finegold, and Goldfield, “Explaining,” 1306.

its choices. The 1930s were a time when traditional bastions of social and economic stability were shaken if not broken down entirely.

State autonomists' understanding of who does and does not have power can also be contradictory. Skocpol and Finegold disagree with Goldfield's assertion that federal troops could not have been deployed to settle labor unrest in 1934 and 1935 by stating that they *could* have been deployed but were not as a political choice which was "congruent with the nature of the coalitions that elected and reelected Roosevelt in 1932 and 1936."²¹ This statement reveals some of the fundamental shortcomings not only of state autonomists but of our present day understanding of the political environment of the 1930's more generally. That is to say, federal troops could have been deployed but were not due to an understanding that the political blowback would be too severe, not out of some detached choice not to do so. Skocpol and Finegold are correct in noting the absence of federal troops however they neglect the fact that regular Army units had been deployed to quell labor unrest prior to the Roosevelt administration.²² The deployment of state National Guard units often went hand in hand with labor unrest across the nation. The larger issue, one that frames an entire paradigm of thought regarding labor unrest in the Great Depression, is the misunderstanding of what the state *can* and *cannot* do.

In this case, the point at issue is why Federal troops were not deployed to suppress labor unrest. Federal troops had previously been deployed to quell unrest under the Hoover

²¹ Skocpol, Finegold, and Goldfield, "Explaining," 1299.

²² The deployment of regular U.S. Army in quelling labor unrest prior to the Roosevelt administration is well documented. During the 1877 Railroad Strikes federal troops were deployed to places such as St. Louis in response to the inability of state National Guards and militias to suppress labor unrest. In 1894, U.S. Marshalls were sent to followers of Jacob Coxey in Montana in 1894. The use of federal power in the form of legislative measures such as the Espionage Act and the Immigration Act of 1918 were also used in conjunction with F.B.I. raids to exert federal pressure on radical labor groups. The Roosevelt administration's show of restraint in using federal power is a remarkable shift.

Philip Dray, *There is Power in a Union The Epic Story of Labor in America* (New York: Doubleday, 2010) 118, 194, 360-363.

Administration during the Bonus March in 1932. Skocpol and Finegold argue “political choice” led to the decision by the Roosevelt administration that federal troops not be used²³ This, of course, begs the question of what motivated that particular choice. Herein lies the problem not only with state autonomists but with retrospective examinations of the Great Depression more generally. Connecting the pieces between the “coalitions” and the “political choice” draws a conclusion that there is a causal relationship between the two. Federal troops either *could* or *could not* be deployed, Skocpol and Finegold however try to walk the line between the two arguing that they *could* have been deployed but were not due to “political choice” solely on the part of the Administration. This ignores political conditions created by mass unrest in which the deployment of federal troops was too costly an option. Seeing the use of federal troops as a “choice” solely in the hands of those in power ignores the political atmosphere in which those in power acted. The “coalitions” aforementioned are not composed of some separate political consciousness within the State. Rather, the “coalitions” are the societal forces influencing political action. The state is no more an isolated island than any other entity that is drawn from society itself.

The flaw does not fall with that single loophole but rather with making the mistake of examining the labor history of the United States through a modern lens of retrospective knowledge. The *post hoc* analysis of the influence of Communist organizers, for example, can easily be tainted by solely examining their numerical strength over time. We know now that a communist revolution was not going to be the resolution of the nation’s unrest. Such hindsight, however, is useless in gaining a deeper understanding of the *zeitgeist* of the labor movement during the 1930s. The fear and uncertainty of the times and the degree of unrest cannot be captured by examining strike frequency and noting dates and places. The scale of unrest in the

²³ Ibid.

1930s was truly unprecedented. The image of the American people as idly waiting in submission in the bread line is woefully misleading. The entire country seemed to be coming apart at the seams as traditional distributions of power across economic, gender, racial, and ideological lines broke down.

With these pitfalls in mind, an examination of three specific events all of which occurred in 1934 can help establish the context in which the NLRA was created and identify the reasons for its passage. These sections will focus on certain strikes that characterize the nuances of labor unrest seen in the 1930s throughout the United States: the Auto-Lite Strike in Toledo, Ohio in 1934; the Teamster Strike in Minneapolis in 1934; and influence of radical labor organizing of longshoremen on the West Coast and throughout the textile industry whose 1934 strike spanned from Maine to Alabama.

The Auto-Lite Strike is no simple labor strike. Rather, it is an example of how the largely organized labor centric “labor movement” of today is not the “labor movement” of the 1930s. Understanding the difference is vital to grasping how the “labor movement” was able to leverage as much political pressure as it did. In a similar vein, the Teamster Strike in Minneapolis demonstrates the danger of underestimating both the influence and the power behind the fear of Communist organizing. The misunderstanding and misinterpretation of the role of the Communists in the decade leading up to World War II cannot be discussed without looking at the impact of organizing in historically marginalized communities such as those of Black Americans. The San Francisco Longshoremen Strike demonstrates the shortcomings of more conservative union bodies in the face of an increasingly radical rank and file. Creating a more complex and representational narrative behind the passage of the National Labor Relations Act is not a matter of pointing to a single person or group but instead involves recognizing the various,

sometimes competing groups that created the circumstances for its passage and the climate of political and social upheaval that characterized the era

A Broader Front

Toledo, Ohio, exemplified the idea that the “labor movement” in the United States during the Great Depression was far more than the unions themselves. Indeed the term “organized labor” itself is often misconstrued to mean that to be “organized” is to be unionized. Rather, the notion of “organized labor” should be expanded to include entities beyond unions. Toledo demonstrates that a broad alliance between the “labor movement” and unionized labor that made the Electric Auto-Lite Strike possible. Understanding the diversity and strength of these coalitions is necessary to understanding both how labor possessed the leverage needed when it came time to push for the passage of the National Labor Relations Act and how the general climate of social and political unrest as a result of labor strikes created the conditions necessary for the passage of the Act.

Toledo, Ohio, had a population of roughly 290,000 in 1930.²⁴ By 1934, heavy industry dominated the economy of Toledo, specifically automobile part manufacturing. Like the rest of heavy manufacturing, the auto industry was hit hard during the economic collapse and so too were the feeder industries such as those which fueled the Toledo economy. The events leading up to, during, and after the strike are well documented and will not be discussed at length here. In April, 1934 the American Federation of Labor Number 18384, the union which sought to represent the Auto-Lite workers, voted to strike due to low wages and Auto-Lite’s refusal to recognize the union as the bargaining authority for the workers. The decision to strike met with popular support (a topic which will be discussed in depth later) and quickly turned violent. On May 24, Adjutant General Frank D. Henderson sent in an Ohio National Guard contingent consisting of eight rifle companies, three machine gun companies, and a medical unit to quell

²⁴ *U.S. Census of Population and Housing, 1930: Summary Population and Housing Characteristics: Ohio.* Washington: Government Printing Office, 1932.

unrest in the city, a force numbering around 900 armed troops.²⁵ The arrival of the guardsmen only served to further anger the demonstrators; the confrontation reached a peak with two demonstrators killed and fifteen more injured when guardsmen opened fire into a crowd outside the Auto-Lite factory. Four more companies deployed to reinforce the garrison at the factory, resulting in the largest deployment of troops within Ohio during peacetime in the history of the state.²⁶

One could write off Toledo's story as a normal "strike turns violent" narrative with no larger sense of context or content. Upon closer examination however, the "Battle of Toledo" was neither settled by the unilateral intervention of the state, nor by the power of the employers, nor even by the union alone. Instead, labor won in Toledo through a broad based coalition of organized labor that existed outside the union proper. This coalition included the American Workers Party and the Lucas County Unemployment League.

Unemployment Leagues are prime examples of how "organized labor" extended well beyond unions. The origins of the Lucas County League lie with the American Workers Party, but Unemployment Leagues themselves go back to the late 1920s where organizing efforts by Communist Party USA (CPUSA) resulted in the first "Unemployed Councils."²⁷ These councils began the waves of rent strikes, eviction resistance, so-called bread marches, and other demonstrations demanding jobs and relief for the unemployed.²⁸ Councils began to appear across the country. In 1930 CPUSA convened to create the Unemployed Council of the United States and in 1931 sent a delegation, which was never received, to Congress to lobby on behalf of the

²⁵ Bernstein, *Turbulent Years*, 223.

²⁶ Bernstein, *Turbulent Years*, 224.

²⁷ Dray, *There is Power*, 422.

²⁸ Dray, *There is Power*, 428.

unemployed.²⁹ These efforts by CPUSA created something largely outside our understanding of the labor movement.

The dichotomy between “organized” and “unorganized” labor is often misguidedly defined as the difference between unionized and non-unionized labor. The Unemployed Councils and Unemployment Leagues are two of many examples of organized labor movements that existed outside this dichotomy. The so-called “Populist” movements of the era are frequently separated from “labor” movements of the same time but this too is largely a false division. Throughout the Gilded Age and the Great Depression, populist movements chiefly focused on issues that can be seen as part of a larger body of organized labor. For a wide variety of “populist” movements from the Greenback Party, also known as the Greenback Labor Party, to the Share the Wealth movement of Governor Huey P. Long to the Bonus Army to the Unemployed Councils, labor issues and issues concerning the distribution of wealth in society were their chief focus and *raison d'être*.

In Toledo, the participation of the Lucas County Unemployment League and of the American Workers Party made the entire strike possible. It is important to note that the second vote to strike, the vote which began the sequence of events culminating with military occupation, resulted in no more than half and perhaps as few as one quarter of the workers at Electric Auto-Lite actually going on strike.³⁰ Furthermore, Auto-Lite received an injunction barring the union from picketing the factory. The strike could not have been salvaged were it not for participation of the Lucas County Unemployment League who sent roughly 6,000 protestors who surrounded the factory. Auto-Lite responded by obtaining an injunction against both the League and the

²⁹ Dray, *There is Power*, 424.

³⁰ Dray, *There is Power*, 428. Bernstein notes that “only a minority of the employees responded [to the decision to strike after the second vote in April 1934], perhaps as few as one fourth.” See Bernstein, *Turbulent Years*, 220.

Union; an injunction with which the union complied. The Lucas County League, however, refused to recognize the legitimacy of the court order and announced their intent to “deliberately and specifically violate the injunction enjoining us from sympathetically picketing peacefully in support of the striking auto workers’ federal union.”³¹ It was at this juncture that violence erupted. Ultimately, the union won recognition at Auto-Lite by the end of 1934.

Toledo was no isolated event, nor was the alliance between traditional unionized labor and other groups such as the Unemployment Leagues. Toledo is an important event to dissect in understanding the National Labor Relations Act in several ways. First, the scale of participation in the unrest by the population in Toledo was substantial. At one point, a crowd of nearly 10,000 threatened to storm the factory to remove the scab workers inside while fighting raged in the streets between “special deputies” and the demonstrators.³² Such large scale participation in the unrest can help explain the national context in which the drafters of the NLRA found themselves. Furthermore, the discord seen in Toledo, while unique perhaps due to the severity of the violence, was not the only place experiencing mass labor strife. The “Uprising of ‘34” in the textile industry resulted in nearly half a million textile workers from the Northeast to the Deep South going on strike.³³

Second, the Toledo strike is about more than union recognition. For example, the participation of the American Workers Party, a Marxist entity, which backed the Lucas County Unemployment League on behalf of the more traditional and conservative American Federation of Labor created a peculiar alliance. The “populist movements” of the time were a part of the “labor movement” just as the “labor movement” was a part of the “populist movement.” An

³¹ Bernstein, *Turbulent Years*, 222.

³² *Ibid.*

³³ “True Lives The Uprising of ’34.” American Documentary Inc. , accessed February 18, 2012. http://www.amdoc.org/projects/truelives/pg_uprising.html

AS GAS AND BAYONETS MET TOLEDO STRIKERS



With choking clouds of gas billowing up on their flank, Ohio national guardsmen here are shown with bayonets fixed, awaiting a renewal of attack by strikers at the Electric Auto-Lite plant in Toledo, where two spectators were killed and more than a score of strikers and soldiers wounded in riots. Troopers fired into the crowd after a savage battle in which their attackers hurled bricks and stones and finally loosed a gas barrage, matching shell for shell with the militiamen.

Ohio National Guardsmen clad in World War I era equipment and weapons gas protestors in an effort to break up crowds of demonstrators. Acts of violence were perpetrated by both sides. The caption reads,

*With choking clouds of gas billowing up on their flank, Ohio national guardsmen here are shown with bayonets fixed, awaiting a renewal of attack by strikers at the Electric Auto-Lite plant in Toledo, where two spectators were killed and more than a score of strikers and soldiers wounded in riots. Troops fired into the crowd after a savage battle in which their attackers hurled bricks and stones and finally loosed a gas barrage, matching shell for shell with the militiamen.*³⁴

³⁴ Photo I taken from the May 29, 1934 issue of the *Advocate*, published as the *Morning Advocate*, from Baton Rouge, LA. Accessed through America's Historical Newspapers online database.

example of this melding of “labor” and “populism” can be seen in the Minnesota Farmer-Labor Party formed in 1918.³⁵ The Toledo strike and others were part of a larger social outcry demanding changes in the role of government and limits on the power of business. The NLRA then can be seen as part of the answer to that demand.

The final point is one that Toledo, Minneapolis, and the West Coast Longshoremen strike all share. The distinction between the radical elements of labor such as CPUSA and the Industrial Workers of the World and more conservative factions such as the American Federation of Labor is an important one to make. Labor is no homogenous group united for the betterment of the working class nor was it in the 1930’s. The National Labor Relations Act can be seen as partially motivated by a drive to deradicalize the left more generally, specifically the labor movement. Leon Keyserling, one of Senator Wagner’s legislative assistants who helped write the National Labor Relations Act, was “adamant” that the “twofold purpose of the Wagner Act was (1) to advance social justice and (2) to channel protest and defuse potential rebellion.”³⁶ Some reject this interpretation, arguing instead that the Act supported union growth and thus was not a “deradicalizing response to a mobilized working class.”³⁷ This defense, however, assumes that the promotion of unionization is not itself a deradicalizing force. Rather, promoting unionization was in fact deradicalizing.

By establishing the state as the deciding body in labor disputes, the National Labor Relations Act sought to gain increased control over the entire process itself. Labor historian Christopher Tomlins cites Louis Jaffe’s 1937 article in the *Harvard Law Review* where Jaffe, a noted editorial writer, described the “radical disparity between the distribution of power

³⁵ The Minnesota Farmer-Labor Party is the forerunner to the modern Minnesota Democratic Party officially known as the Minnesota Farmer-Labor Democratic Party.

³⁶ Theodore J. St. Antoine, “How the Wagner Act came to be: a prospectus (later known as National Labor Relations Act; sponsored by Sen Robert F. Wagner in 1935),” *Michigan Law Review* (1998) 2.

³⁷ Skocpol, Finegold, and Goldfield, “Explaining,” 1298.

described in America's 'official' political philosophies ... and the reality of contemporary political practice."³⁸ Tomlins writes:

Rather than treat groups and government as discrete and unrelated institutional phenomena, in short, Jaffe sought a widened concept of the state into which hitherto private groups [i.e. unions and businesses] might be absorbed and their activities made an essential element in the process of defining, and protecting, the public interest.³⁹

This expansion of the state as described by Jaffe fits in perfectly with the policies of the New Deal. The 1930s marked the beginning of a new era in the evolution of the American State. From the Civilian Conservation Corps to the Securities and Exchange Commission, the apparatus of the State saw a swift and dramatic expansion during the Roosevelt Administration. The National Labor Relations Act was part of that expansion. A change in political philosophy alone cannot account for such a vast undertaking.

The degree of actual radicalization is difficult to interpret if one only examines the limited memberships of groups such as the Industrial Workers of the World (IWW) and CPUSA. One must examine the outsized role that radical groups played in the labor movement more broadly. Examining this piece of the story requires moving on to Minneapolis during the Teamster Strike which paralyzed the city. There, the Dunne brothers, self-described Trotskyites, led a revolt that would shake the foundations of the city itself. Here too, the split between the more conservative and radical branches of labor can be clearly seen.

³⁸ Tomlins, *The State and the Unions*, 146.

³⁹ *Ibid.*

Creeping Radicalism

Minneapolis in 1934 stood as not only a major commercial hub but also as a bastion of anti-union sentiment. Without a heavy manufacturing base, the economy of Minneapolis depended on the swift, and cheap, transfer of commercial goods through a network of truck drivers and warehouse workers. The intensity of anti-union sentiment in Minneapolis was markedly different from the rest of the country in two key ways which ultimately affect the tone and nature of employer resistance. First was the presence of a relatively unified and organized anti-union front in the form of the Citizens' Alliance. Second was the degree of militancy seen in the Citizens' Alliance as evidenced by their willingness to use a range of ethically questionable acts ranging from planting stool pigeons to infiltrating meetings to hiring of enforcers to shake down organizers.⁴⁰ Union leadership had to adapt to these adverse conditions.

Internal union politics would also affect the trajectory of events in Minneapolis in 1934. A brief digression from issues immediately related to Minneapolis is in order to discuss the differences between trade and industrial unionism. Prior to the assembly lines of industrial labor, unions were more frequently known as "trade" unions due to their concentration within a specific tradecraft such as coopering, carpentering, and so on. The transition from small shops with a single journeyman and a handful of apprentices to what I will refer to as the "mass workplace" brought with it new modes of thought regarding the organization and role of the union. Some unions such as the United Autoworkers of America saw the new mass workplace as a single work unit rather than as discrete parts giving rise to the idea of "industrial unionism." The difference can be best illustrated by an example. In a craft union model, an automobile plant's workers would be divided by their trade skill into their respective union. Electricians would be represented by the International Brotherhood of Electrical Workers, machinists by the

⁴⁰ Bernstein, *Turbulent Years*, 231.

International Association of Machinists and so forth, all within the same factory. Industrial unionists held that everyone within the factory who was not a part of management should be represented by the same union. The International Brotherhood of Teamsters and its President Dan Tobin were strong proponents of craft unionism but due to an anomaly in the charter of Local 574 of Minneapolis, the local could adapt an industrial model of organization. This fact would play a key role in the kind of leadership talent they would ultimately attract.

In addition to the militancy of the anti-union Citizens' Alliance and the difference between craft and industrial unionism, the influence of radical organizing must be considered in order to more fully understand the dynamics of the conflict in Minneapolis. While radical organizing dates back to the origins of industrialization itself, 20th century US examples include the Industrial Workers of the World and the CPUSA. The history of the Wobblies, the moniker by which IWW members were known, is both relevant and necessary to understanding the evolution of the US labor movement and the origins of anti-communist sentiment in the United State but will not be discussed here. The efforts of the Communist Party USA splinter faction, the Trotskyite Communist League of America, are the focus of discussion when examining the events in Minneapolis. Communist organizing is while innovative and possessing an outsized degree of influence sometimes dismissed as "less the source than the beneficiary of labor legislation and union mobilization in the 1930s."⁴¹ This interpretation sees the relatively low volume of official recruitment into the Party and the Party's failure to create a lasting movement within the national political framework as evidence to support marginalizing it. Upon closer inspection though, it would appear that the Communists may not be getting the credit they are due.

⁴¹ Skocpol, Finegold, and Goldfield, "Explaining," 1303.

Strikers Clubbed Down in Minneapolis Street Riots



—Photo by The Associated Press
Policemen and strikers alike were clubbed down as riots continued in connection with the walkout of Minneapolis truck drivers. Above shows a truck driver who fell under an attack of police clubs. The toll of wounded in two days' battling stood at 56, with 36 of these injured during the renewal of fighting on May 21. Most of the hurt were strikers.

Minneapolis Police and the Citizens' Alliance at times overtly coordinated efforts to violently put down labor unrest through the strike. Their efforts were met with equal ferocity and determination on the part of labor. The caption reads,

*Policemen and strikers alike were clubbed down as riots continued in connection with the walkout of Minneapolis truck drivers. Above shows a truck driver who fell under an attack of police clubs. The toll of wounded in two days' battling stood at 56, with 36 of these injured during the renewal of fighting on May 21. Most of the hurt were strikers.*⁴²

⁴² Photo II taken from the May 24, 1934 issue of the *Times-Picayune*, published as the *Times-Picayune*, from New Orleans, LA. Accessed through America's Historical Newspapers online database.

From early May to mid-July 1934, Minneapolis was split between two armed, organized, and determined camps. Under the leadership of four of the self-avowed Trotskyite Dunne brothers, Vincent, Grant, Ray, and Miles, Teamsters Local 574 led the city of Minneapolis into open warfare against the reactionary Citizens' Alliance. Similar to Toledo, the labor front encompassed a broad coalition. Sympathy strikes were carried out by 25,000 unionized workers mainly in the building trades. This was supplemented by strikes by taxi drivers, ineligible for union representation, local farmers, and hosts of others ranging from the disaffected unemployed to high level Communist League leadership elements.⁴³ A call for a general strike issued July 29, 1934 had printed at the bottom, "Issued by Communist Party of the USA."⁴⁴ After street battles where combatants numbered in the hundreds on both sides, the demands of the union were met and the Citizens' Alliance lay vanquished. The focus here is not on the grand narrative, but rather on the minute details which help in understanding how a small group of radicals were able to organize, and to some extent terrorize, the city of Minneapolis.

Statements such as the claim that the unrest in Minneapolis was not a strike but a revolution were commonplace from groups such as the Citizens' Alliance.⁴⁵ Handbills from the Alliance "denounced 'Communists capturing our streets.'"⁴⁶ Red-baiting is frequently dismissed as incendiary reactionary rhetoric but it is worthwhile to examine whether a grain of truth may exist in the claim that Communists were indeed capturing the streets. Communist League President James P. Cannon declared the League's willingness to work within the American

⁴³ Bernstein, *Turbulent Years*, 235-240. Further firsthand narration and documentation can be found transcribed at, <http://www.marxists.org/history/usa/date/1934/1934-mpls/index.htm>.

The Minnesota Historical Society also has in its possession pictures of the strike and of strike material available, <http://collections.mnhs.org/VisualResources/Results.cfm?Page=1&Location=HG3%2E18T%2A&CFID=14212930&CFTOKEN=91891269>

⁴⁴ "Visual Resources Database," Minnesota Historical Society. Last accessed 22 February, 2012.

<http://collections.mnhs.org/VisualResources/image.cfm?imageid=122170&Page=1&Location=HG3%2E18T%2A>

⁴⁵ Bernstein, *Turbulent Years*, 217.

⁴⁶ Bernstein, *Turbulent Years*, 236.

Federation of Labor, thus explaining the presence of self-avowed Communists like the Dunne brothers in the leadership of the Minneapolis teamster strike.⁴⁷ The American Workers Party and the Lucas County Unemployment League which played such a critical role in the success of the Toledo Auto-Lite Strike were Communist Party affiliates. Was it possible that the radical left, including the communists, had a larger role to play in the passage of the National Labor Relations Act and indeed in the reshaping of American culture than often thought? Labor historian James Green points out that

Working-class militancy exploded across the country in 1934, when, 1,470,000 workers engaged in a variety of protests, from general strikes in Minneapolis, Toledo, and San Francisco to a national walkout of nearly 500,000 textile workers from South Carolina to Maine. These strikes reflected increased combativeness among unorganized workers, a growing influence of the left, and widespread antagonism toward the NRA (National Recovery Administration) and its pro-business codes.

When Democratic governors in twelve states used militia to break the textile workers' desperate strike, strikers became politicized and labor party sentiment grew... Roosevelt and the Democrats were clearly noticing the growing importance of the labor vote.⁴⁸

The Minneapolis Teamster strike, like Toledo, aided in creating the conditions that would indirectly force the passage of the National Labor Relations Act. The large scale of civil unrest led by openly radical leadership makes Minneapolis a notable but not uncommon example of the rising influence of radical labor. This influence profoundly affected the National Labor Relations Act.

⁴⁷ Bernstein, *Turbulent Years*, 233.

⁴⁸ James R. Green, "Labor and the New Deal," in *Working for Democracy American Workers from the Revolution to the Present*, ed. Paul Buhle and Alan Dawley. (Urbana and Chicago: University of Illinois Press, 1985) 86.

Marginalized Communities, Magnified Threat

Up to this point, the focus has largely been on conventional unionization efforts and the radical organizations that affiliated with them in mutual struggle. This chapter turns the tables and examines the degree to which radical left organizing affected the perception of unions. I would suggest here that the terminology of “radical” and “reactionary” is much more relative than absolute. Specifically, while the message of the traditional trade unions may seem “radical,” it pales in comparison to that of the communists. I would also suggest that it is important to separate the more common “communist” from the more official “Communists” with the former representing adherents to a particular ideology while the latter refers to official Communist Party members. The notion that the Communist Party’s influence in the United States must have not been substantial due to their low membership completely ignores the fact that Party membership was itself not central to the social and political identification of a communist and that quite a few radical communists were never members of the Communist Party proper at all.⁴⁹ The spread of radicalism be it by Communists or others is clearly seen in San Francisco. It was there that the growing divide between more conservative trade unions and their more radical competitors came to a head.

The Longshoremen Strike in San Francisco also demonstrates the increasing gap between the rank and file union membership and the national leadership. In 1919 the International Longshoremen Association (ILA) chartered union was effectively dismantled after a failed strike leaving a gap of representation for most of the longshoremen. To fill the void, the Maritime Workers International Union (MWIU), whose membership included former Wobblies, began

⁴⁹ Michael Denning, *The Cultural Front* (London: Verso 1997) xvii.

their campaign in 1932 with the goal of succeeding the failed ILA local.⁵⁰ Through a series of parliamentary maneuvers however, the more conventional minded ILA leadership dredged up their old charter and the ILA received representation rights to the West Coast longshoremen, reviving the previously defunct ILA Local 38-79. MWIU leadership folded itself into the new ILA charter and became a driving force behind the militancy of the strike which would see San Francisco wracked by military occupation, street fighting, and the increasingly evident and wide-scale presence of radicalism.

Harry Renton Bridges and Harry Hines, former MWIU organizers, took the reins of power during the tumultuous strike. After negotiating an agreement that failed to satisfy the demands of the workers, rank and file membership of Local 38-79 voted to suspend their elected President Lee J. Holman for being “too conservative” and promptly voted for a walk-out strike against the wishes of the union leadership both at the regional and national level.⁵¹ Leading the disgruntled rank and file were Bridges and Hines. The strike engulfed the entire West Coast. The conflict centered on San Francisco with events such as Bloody Thursday when ship owners, National Guardsmen, and police shot their way through militant strikers attempting to reopen the docks. Ultimately, the ILA would not survive on the West Coast, their reputation forever wounded by their overly conservative maneuvering during the 1934 strike. A new West Coast longshoremen union, the International Longshore and Warehouse Union (ILWU) would take its place in 1937. The ILWU would join the new Congress of Industrial Organizations rather than the American Federation of Labor with which the ILA was an affiliate. The lesson from San Francisco for the purposes here is not simply to recall the horrific scale of violence and unrest

⁵⁰ Bernstein, *Turbulent Years*, 259-260. As a reminder, members of the radical Industrial Workers of the World were known colloquially as “Wobblies.” Marxist and anarcho-syndicalist in nature and militant in practice, the Wobblies held a brief sway over the radical labor front before their systematic dismantling by state and federal action across the country culminating with the deportation of much of their top leadership.

⁵¹ Bernstein, *Turbulent Years*, 263.

seen there. Rather, it is to show how across the nation from Toledo to Minneapolis to San Francisco, local conditions were combining with a new strain of popular radicalism to produce political and social upheaval on a scale never before seen in American history since 1877. Radical organizers such as Bridges and Hines played a key role in unifying the workers and providing direction, while harnessing the pre-existing militancy, for the rank and file.

Were the communists really spreading across the country? The emergence of the so-called “Cultural Front” suggests that it was possible. Michael Denning argues that the emergence of the radical left in the 1930’s represented not only a political shift but a cultural one as well. A new generation of intellectuals, artists, writers, and others were creating a new Cultural Front of the radical left.⁵² Take for example the Detroit Industry murals by Diego Rivera painted from 1932-1933. The central theme of Rivera’s work in Detroit, and indeed across much of the body of his work, was the central role and strength of the workers themselves with an overtly Marxist theme. The radicalized labor movement was becoming just as much a social movement as a political one. Steinbeck’s *Grapes of Wrath* was both an endorsement of the, by many standards, radical welfare state as imagined by the Roosevelt Administration as well as a scathing critique of the capitalist system as a whole. Art and literature took a distinct shift as Works Progress Administration programs such as the Federal Writers’ Project sought to record the lives and experiences of working people from factory workers to former slaves. Dorothea Lange’s photographs from her work with the Farm Securities Administration did not depict the migrant poor as victims of their own vices but rather as individuals swept up in misfortune largely beyond their control. The entire narrative and depiction of the unfortunate were changing.

The 1934 Textile Worker Strike that spread into the previously impenetrable Deep South can be largely credited to the efforts of communist organizing in Black communities that began

⁵² Michael Denning, *The Cultural Front*, xv.

well before 1934. Formal Communist Party influence among Black Americans was substantial, if brief, in communities across the nation. Campaigns ranged from rural work such as the handling the appeal of the Scottsboro Boys to organizing efforts in the steel mills of Birmingham and the automobile plants of Detroit.⁵³ Other efforts such as Communist Party organizing of the unemployed in the early 1930s resulted not only in more immediate political successes for the Party, but also the large scale mobilization of a population that would prove of great importance in the coming years in places like Toledo. From 1930-1932, large scale demonstrations for relief by the unemployed were organized almost exclusively by radical labor groups, many of whom were open communists.⁵⁴

The popularity of New Deal politics in the Deep South was at times in conflict with a deeper desire for radical change. Evidence of this can be seen in the popularity of Louisiana Governor Huey P. Long, who became a vehement critic of President Roosevelt, throughout the United States. His Share-Our-Wealth program rose to a record 27,431 clubs with over seven and a half million members while his book, *Every Man a King*, was a best-seller.⁵⁵ While his charisma and public speaking ability were remarkable, what resonated with his audience, chiefly poor Whites and Blacks, was his economic message. From old age pensions, to guaranteed worker incomes, to student loans for college education, Long's message went far beyond anything a label of "populism" can adequately describe. Long's agenda was radical. The wave that was engulfing the nation's poor was not always outright Marxist but it was radical.

Radicalism was indeed making headway but it too, like the "labor movement" was a wide and diverse front. Indeed to make the mistake of limiting the term "radical" to mean

⁵³ Goldfield, "Worker Insurgency," 1271.

⁵⁴ Goldfield, "Worker Insurgency," 1270.

⁵⁵ George B. Tindall, *The Emergence of the New South* (Baton Rouge: Louisiana State University Press 1967) 615. For comparison, in 2008 it was marked as a major milestone when President Obama's campaign reached one million individual contributors.

“communist” is to vastly underestimate the movement itself. The conflict between industrial and craft unions which led inevitably to the American Federation of Labor and the Congress of Industrial Organizations fratricide is demonstrative of the fact that organized labor itself had varying degrees of unity. The CIO was perhaps the closest that traditional organized labor came to being a true radical entity. Adherents of industrial unionism, CIO leadership from John L. Lewis of the United Mineworkers of America to Walter Reuther of the United Autoworkers of America would serve as trailblazers not only in “labor” but also in other social fronts such as anti-racism campaigns, much like the Communists who worked in the South before them. Reuther is one of the more famous leaders in the CIO for his stance on civil rights and can be seen standing next to Dr. Martin Luther King during his famous “I have a Dream” speech which took place during the 1963 march on Washington, officially titled “The March on Washington for Jobs and Freedom.”⁵⁶ Both the radicalism of the CIO and the CIO itself came into existence largely thanks to work done by radicals, mostly communists, who came before it.

What makes the work done by communists and other labor radicals uniquely important is their place in the narrative of marginalized communities whose agency is largely downplayed or simply ignored. Moreover, the narratives of those marginalized communities themselves, even separate from their interaction with radical labor groups, are largely unexamined outside of labor history. This exclusion is more than an accidental historical oversight. Rather, it is part of creating a narrative more in line with orthodox understanding of American power dynamics whereby those with power are the saviors of those without. Communist and other radical

⁵⁶ The March on Washington in 1963 had its own origins in a planned march that was to occur during World War II to protest racist hiring practices in the defense industry. The march was planned by Bayard Ruston and A. Philip Randolph. Randolph was a leader in the Pullman Porter union, the Brotherhood of Sleeping Car Porters, and member of the Socialist Party while Ruston was a former Communist Party member. The march was called off after Randolph met with President Roosevelt resulting in Executive Order No. 8802 issued 1941 which banned racial discrimination in defense and federal industries also known as the Fair Employment Act. The meeting consisted of President Roosevelt, Randolph, Ruston, and A.J. Muste of the American Workers Party. The same American Workers Party that was so instrumental in the Toledo Auto-Lite Strike.

organizing efforts of marginalized communities present a different vision where those seemingly without power still retain the ability to affect change.

Organizing efforts in marginalized communities by radicals were not limited to Black Americans in the South. They also included a range of communities that have been historically marginalized and excluded from mainstream acceptance. These groups included but are not limited to women, immigrants, the unemployed, and migrant laborers. Specifically, the power possessed by those groups to change society was what was feared to one degree or another. The Communist Party and others such as the IWW are remarkable in that their target audiences seemed to be just those groups. One of the chief IWW spokespersons was Emma Goldman, a Lithuanian immigrant who would become a key leader in the struggle for the rights of workers, women, immigrants, and other excluded groups. Women have long played a role in labor organizing and generally appear on the far left fringe of labor causes from the IWW to the International Ladies' Garment Workers Union. The attraction of communist and other radical organizing for Black communities in the United States was not always due to the appeal of Marxism but rather through the prioritization by communists and the Communist Party more generally to combat racism. For example, Communist Party USA's legal branch, the International Labor Defense, represented the Scottsboro Boys.

A significant part of the threat that communism and radical organizing more generally posed also had to do with the kind of vision that was being spread among marginalized groups. The system of American capitalism itself was, and to this day remains, dependent upon access to exploitable populations. By organizing the marginalized groups of society, radical organizers sought to spread an ideology that would overturn the structures that kept those groups oppressed. The radicals then, from CPUSA to Huey Long, were a fundamental threat to an economic, social,

and political system that many powerful interests sought to keep in place. Furthermore, the stories of these groups are not often told for another reason besides their marginalization at the time; they are also marginalized in the history we write. These groups are both *historically marginalized* and *marginalized in our popular history*. Thus, the importance of not only the history of left radicalism in America but also that of women, immigrants, peoples of color, the unemployed, migrant workers, and others is minimized or ignored outright. In the place of marginalized groups rising up and forcing broad cultural and political change, important individuals such as Robert Wagner and President Roosevelt are cast as the saviors of their era. This is an explicit endorsement of the welfare state they created and an explicit exclusion of marginalized communities from the historical narrative.

It is important to remember though that not all “radical” influence is “communist” in nature. Where Red-baiters of the past are not today given credit is in their analysis that there was indeed a political, social, and cultural shift towards radicalism. However Red-baiters err, and many today follow, in thinking that radicalism’s sole source is Communism and, more importantly, that the unrest across the country was coordinated. A more accurate picture would be to see the Communist Party USA in the 1930s in terms of an insurgency operating from independent cells rather than as a unified political party similar to the Democratic and Republican parties. In these terms, low official Party membership is in fact, in line with Leninist Revolutionary theory of a militant vanguard rather than being interpreted as a sign of political weakness. Using membership counts to determine whether CPUSA was a successful mass movement is a faulty measure of influence since becoming a mass organization was never its chief goal.⁵⁷ Perhaps the most telling evidence of the extent of radical organizing is that the unrest of 1934 and of the first half of the 1930s more generally was not coordinated. There was

⁵⁷ Denning, *The Cultural Front*, xvii.

no committee deciding where and when and in what sequence these tumultuous events would occur. Such order and control over striking was longed for not only by the State but also by the more traditional arm of organized labor itself.

With the threat and extent of radicalism in America more fully shown, the complexity of the National Labor Relations Act can be seen in a new light. It was a means to exclude and eliminate radicalized elements from the American political, social, and cultural landscape of the labor movement.

*Yonnonidio! –unlimn'd they disappear*⁵⁸

The factors which influenced the passage of the National Labor Relations Act cannot be narrowed down to one or two categories. Nor can the end result of the passage be confined to a single result. The intersection of multiple events served to create the conditions necessary for an act of the scale of the NLRA to pass. In no particular order of importance, they include but are not limited to the large scale civil unrest seen throughout the nation, the genuine desire by progressive liberals such as Senator Wagner to act for social justice combined with a favorable Congressional composition, a new political philosophy which demanded the expansion of the apparatus of the state, and the need to deradicalize potentially explosive populations.

To understand the scale and intensity of the unrest seen across the United States, one would have to think back to the late 1960s when cities across America burned and then intensify it. The 1930s combined widespread civil unrest with mass unemployment, major population shifts as formerly rural populations migrated to urban areas in search of work, and an uncertain political climate on both the right and the left. A sense of crisis gripped the nation. Representative Sweeney of Ohio warned that, “Unless this Wagner-Connery dispute bill is passed we are going to have an epidemic of strikes that has never before been witnessed in this country.”⁵⁹ The concern over the growing unrest and the spread of radicalism reached the highest levels of government. Adolphe Berle, a close friend of Secretary of Labor Francis Perkins, warned her to leave Washington D.C. immediately before violence broke out there.⁶⁰ Senator LaFollette predicted that the coming unrest would bring about “open industrial warfare in the United States.”⁶¹ However, to claim that popular unrest alone prompted such specific and far

⁵⁸ Walt Whitman, *Leaves of Grass* (Boston: Small, Maynard and Company, 1897) 396.

⁵⁹ Goldfield, “Worker Insurgency,” 1275.

⁶⁰ Goldfield, “Worker Insurgency,” 1275.

⁶¹ Goldfield, “Worker Insurgency,” 1273.

reaching action as the National Labor Relations Act is to present a fatally narrow vision. Instead, civil unrest seen in places such as Toledo, Minneapolis, and San Francisco combined with, and at times urged onward, a sympathetic State to create space for progressives such as Wagner to act. Again, the image of a populace peacefully waiting in the breadline is woefully inaccurate. Rather, we see throughout the nation a population that has far more agency.

The genuine desire for social justice on the part of Senator Wagner seems to be just that. One of Wagner's formative political experiences was to be led through a tiny hole in the wall that was the sole "fire exit" in a New York factory.⁶² Wagner had a record of keeping the interest of New York's poor and working class first in his mind throughout his career. Wagner's sympathy with the working classes and desire to do more on their behalf coincided with good political timing. Legislation such as the Norris-LaGuardia Act was coming into being, paving the way for the National Labor Relations Act, at the same time that the National Industrial Recovery Act was on its deathbed before the Supreme Court. The 1934 elections also solidified Democratic control of Congress after a landslide victory for Democratic candidates with several key members of the Republican opposition being removed. The combination of a genuine desire to see social justice carried out and good political timing were both necessary parts for the passage of the National Labor Relations Act.

Louis Jaffe's ideas about the expansion of the state were most likely not on the forefront of politicians' thinking at the time but it certainly was reflected in their actions, particularly those of the Roosevelt Administration. The National Industrial Recovery Act was essentially ruled unconstitutional because the Supreme Court held that the Act granted too much power to the

⁶² Dray, *Power in a Union*, 280. The tour was organized by future Secretary of Labor Francis Perkins who was at the time working for the National Consumers League. Wagner and Assemblyman Al Smith were known as the "Tammany Twins" for their close affiliation with the dubious Tammany Hall. Tammany Hall, despite its flaws, more often than not worked in the interest of New York's immigrant and working class communities.

State. From direct employment through programs such as the Civilian Conservation Corps to supporting the work of writers, composers, photojournalists, and others, the New Deal was about expanding the role of the welfare state. Some examples take on a more tangible manifestation such as the Tennessee Valley Authority while others took on more subtle methods to regulate the economy. The Securities and Exchange Committee can be seen as the finance sector equivalent to the National Labor Relations Board and the National Labor Board that preceded it. The expansion of the state can be most clearly seen after 1935 when the United States geared up for World War II. The New Deal expansion of the state was about more than deficit spending; it was about forging an entirely new apparatus of the state itself. Explaining the New Deal solely in terms of Keynes overlooks the fact that an entirely new culture of the state was beginning to appear. Denning's concept of the "Cultural Front" is a more accurate vision of the sweeping social changes taking place across the nation.

Thus, the National Labor Relations Act fits in with this model of the welfare state. The State suddenly not only enters the realm of labor disputes but becomes the final adjudicator, administrator, and inspector. Labor relations go from private disputes where foul play is examined in court to an entirely public exercise. This insertion of the State and the expansion of its powers are not done solely for the sake of expansion. Rather, the exclusions and concessions that are made show that the National Labor Relations Act was also about controlling a potentially volatile situation.

The difference between a more grassroots explanation for the passage of the National Labor Relations Act and that of the state autonomists is quite clear. Through the differences, the failure of state autonomy theory to provide a comprehensive explanation for the passage of the Act is also shown. Those with power outside the structure of the State prompted individuals with

power such as Roosevelt, Wagner, and other to act as well as gave them enough room to operate. The decision to act was not made from insulated corners perched high above the strife engulfing the nation as state autonomists may argue. Nor was the Act a triumph for the revolutionary minded working classes either. Rather, the Act is the result of labor, organized and unorganized, unionized and non-unionized, exerting massive political pressure upon the political system in conjunction with sympathetic leaders within the State. Neither the State nor labor can claim sole agency for the passage of the Act.

Not all workers are guaranteed the right to union representation under the National Labor Relations Act. Agricultural workers and domestic workers are specifically excluded from protection under the Act. Furthermore, freedom to unionize should not be confused with freedom of the workers themselves during disputes; section 9(a) of the Act states that unauthorized strikes are illegal. The significance of this comes into play in terms of understanding the dynamics of power at play during the 1930s. As previously discussed, the influence of radical organizing was much more far reaching than it may appear on the surface. It could be argued that San Francisco was a prime example of a rank and file gone out of control of their international's leadership.⁶³ This provision of the National Labor Relations Act places the authority to strike solely in the hands of union leadership who alone possess the power to call for a strike authorization vote.

The exclusion of agricultural and domestic workers was done in order to satisfy regional political demands. Specifically, it was to satisfy Southern Democrats by undermining radical organizing efforts there. By excluding agricultural workers and domestic workers from the explicit right to union representation, radical organizers were effectively locked out of organizing the two significant demographics of Southern Black labor. These two provisions were to guarantee support or at the least silence from the Southern Democrats. Such concessions were

⁶³ In labor unions, the "international" is most often used to refer to the national level leadership in US unions.

not isolated and were often assumed. Other efforts by the Roosevelt Administration allowed or turned a blind eye towards racial discrimination. The Civilian Conservation Corps in the South initially excluded Blacks as they were needed for “chopping cotton and for planting other produce.”⁶⁴ While partially motivated as a reference to their traditional roles in slavery, the explanation that Black labor was needed elsewhere is chiefly concerned with guaranteeing agricultural work’s labor supply. It was no coincidence that agricultural work was one of the kinds of work excluded from the NLRA’s protection.

The heavy concentration of Black Americans in both agriculture and domestic work meant that their inclusion in the right to unionize could be potentially explosive. Evidence of Southern Senators’ resistance to any legislation that could compromise White Supremacy is evident throughout the period.⁶⁵ Why would Southern Democrats vote for a measure that would allow the unionization of a population that was otherwise intentionally kept completely without political freedom? The answer is that they wouldn’t. Even with a majority in Congress, had the Southern Democrats stood united, they could have stopped the Wagner Act in its tracks. The fact that they stepped aside can only mean that there was a reason for doing so.

Organizing efforts by radical organizations pre-Wagner Act, specifically Communist efforts to organize Blacks in the South outside heavy industry, began as early as 1929. The establishment of the Birmingham, Alabama office of Communist Party USA under the banner of

⁶⁴ Tillman, *The New South*, 548. Discrimination in relief benefits was seen throughout the South ranging from the differences in direct financial aid between Blacks and Whites to outright exclusion from hiring opportunities in Federal projects. Tillman also notes that public work projects became one of the major occupations for Blacks “surpassed only by agriculture and possibly by domestic service.”

⁶⁵ Tillman, *The New South*, 553. In response to an anti-lynching bill proposed in 1937 after passing the House 277-120, Louisiana Senator Allen J. Ellender spent six days filibustering the bill reading everything from the calendar to the histories of Egypt, India, and Haiti. When the bill was defeated he declared that maintaining the struggle “was costly; it was bitter, but oh, how sweet the victory!” Senator Bilbo of Mississippi stated afterwards that, “We shall at all cost preserve the white supremacy of America.” The intransigence of Southern Congressmen bears a striking resemblance to that of many employers in anti-union resistance.

the Metal Workers Industrial League is one such example.⁶⁶ CPUSA efforts in Birmingham ranged from coordinating relief efforts for unemployed Blacks, who were largely if not totally excluded from state assistance, to organizing Black female domestic workers.⁶⁷ Breaking up the traditional racial binary of “Blacks” and “Whites,” CPUSA also sought to organize the immigrant community in Birmingham, who themselves were victims of discrimination and violence, to support Party efforts.⁶⁸ The attempt at tenant farmer organizing by CPUSA is the most relevant in relation to the exclusion of agricultural workers from the Wagner Act’s protection. Organizing tenant farmers meant not only breaking color barriers but gender ones as well. Black women at times were empowered and encouraged to resist exploitation by landowners.⁶⁹ This exclusion of agricultural and domestic workers neutralizes not only Black organizing but also radicals more generally in the South. It can be said then that another dimension of the Wagner Act was to create a means of regulation, and at times control, of the traditional unions while excluding, and ultimately eliminating, the radical organizations as a whole.

Organized Labor’s allegiance to the Democratic Party is also a product of the New Deal Era. Faced with the growing threat from the left of socialist and labor political parties, such as the Farmer-Labor Party in Minnesota, Democratic Party policy shifted to either co-opt or eliminate labor rivals. The Farmer-Labor Party in Minnesota for example was dealt a decisive blow in 1938 when President Roosevelt ignored requests for political support from FLP

⁶⁶ Robin D.G. Kelley, *Hammer and Hoe: Alabama Communists During the Great Depression* (Chapel Hill: University of North Carolina Press, 1990) 14.

⁶⁷ Kelley, *Hammer and Hoe*, 20-21.

⁶⁸ Kelley, *Hammer and Hoe*, 27.

⁶⁹ Kelley, *Hammer and Hoe*, 37.

Governor Elmer Benson.⁷⁰ Benson and the FLP stand as examples of the rising influence of a relatively independent labor parties. In 1936, the Farmer-Labor Party in Minnesota won “58 percent of the votes for governor, five of the nine congressmen were FLP, and the party had 50,000 dues-paying members and 100,000 subscribers to its paper.”⁷¹ Communist Party support for the Farmer-Labor Party was a result of an official shift after the 1934 elections where CP efforts focused on forming viable third party alternatives for the labor left.⁷² This was both an asset and a liability for the FLP as its alignment with both communists and the CIO placed it in political opposition to the conservative AFL. Internal division sapped the strength of the Farmer-Labor Party in Minnesota at a time when Republican opposition, and Democratic Party undermining, increased.⁷³

The Wagner Act in 1935 was enough for the CIO, under United Mine Workers President John L. Lewis, to endorse FDR in 1936; an act that further undermined the FLP. Lewis went on to form Labor’s Non-Partisan League which would campaign for Roosevelt in 1936 but did not support efforts to form new labor parties.⁷⁴ Democratic Party gains in labor were earned for relatively little effort. Labor historian James Green argues that, “Without making great concessions to organized labor, they [the Democratic Party], won the support of CIO officials on the basis of FDR’s belated support for the Wagner Act and the sore need for friendly or neutral office holders in strike situations.”⁷⁵ Green goes on to present two interpretations of the effect of the CIO endorsement of the Democratic Party. The first is that the endorsement pushed the administration further to the left while the second argues that the Democratic Party became a

⁷⁰ David Montgomery, “The Farmer-Labor Party,” in *Working for Democracy American Workers from the Revolution to the Present*, ed. Paul Buhle and Alan Dawley. (Urbana and Chicago: University of Illinois Press, 1985) 79-80.

⁷¹ *Ibid.*, 79.

⁷² Green, “Labor and the New Deal,” 86.

⁷³ Montgomery, “The Farmer-Labor Party,” 80.

⁷⁴ Green, “Labor and the New Deal,” 89.

⁷⁵ *Ibid.*

“surrogate labor party” after 1936.⁷⁶ He concludes however that labor missed an opportunity to assert itself and became “thoroughly incorporated into the party, which still represented bankers, industrialists, small businessmen, and southern planters as well as workers.”⁷⁷

It has already been discussed how unionization itself was in fact a means of deradicalization. The central point that is easy to miss in terms of understanding the motivations behind the passage of the National Labor Relations Act is that it was not a struggle between “labor,” “business,” and the State. Just as “labor” was no united front, neither was “business” nor even the State for that matter. The expansion of state authority into labor matters meant that the State alone had the power to validate legitimacy of representation. This meant that any organization the State sought to exclude from the process, for example the communists, could be excluded. The modern understanding of the “labor movement” as being limited to unions comes from the National Labor Relations Act’s insistence that unions, state sanctioned unions, were the only legitimate means of representation for workers. For traditional organized labor, the acceptance of the Wagner Act was both an act of necessity and of cowardice. The Wagner Act eviscerated the communists’ efforts by endorsing the unionism espoused by more conservative unions such as the AFL and even the CIO. At the same time, the Wagner Act crushed a potential communist powerbase in the agricultural and domestic workers of the South who also happened to be primarily Black, shielding Southern politicians from having to face an organized Black opposition.

Tillie Olson, participant in the San Francisco Longshoremen Strike and part of the “Cultural Front” Denning describes, is perhaps best known today for *Yonnonidio From the Thirties*. In it, Mazie Holbrook journeys with her family from a Wyoming mining town, to a

⁷⁶ Green, “Labor and the New Deal,” 90.

⁷⁷ Green, “Labor and the New Deal,” 91.

temporary stay as tenant farmers, to the meat packing plants of Omaha. *Yonnonidio* chronicles struggles of gender, race, and class as Mazie and her family seem never to be able to overcome the structural inequalities that oppose her family's efforts to have a decent life. Her father remarks after the firing of a colleague that the kind of individual resistance that his colleague was fired for was,

...no good, kid, no good at all, you had to bide your time and take it till there were enough of you to fight it all together on the job, and bide your time, and take it, till the day millions of fists clamped in yours, and you could wipe out the whole thing, the whole goddamn thing, and a human being could be a human for the first time on earth.⁷⁸

The National Labor Relations Act sought to make sure that such a dismantling of the system would never occur. True, the Act did guarantee the rights of some workers to form a union. True, it was a tremendous shift towards labor on the part of the federal government. Yet the Act itself was not revolutionary. Nor was it radical. The National Labor Relations Act, even for its time, was a compromise between the interests of business, the state, and a particular branch of labor. The groups one would expect to be short changed were and history marched forward, forgetting or excluding their stories from the narrative of the triumphant nation.

⁷⁸ Tillie Olson, *Yonnonidio From the Thirties* (Lincoln: University of Nebraska Press 1974) 92.

Bibliography

- Berstein, Irving, *The Turbulent Years A History of the American Worker, 1933-1940* (Chicago: Haymarket Books, 1969).
- Denning, Michael, *The Cultural Front* (London: Verso 1997).
- Dray, Philip, *There is Power in a Union The Epic Story of Labor in America* (New York: Doubleday, 2010).
- Fink, Leon, "American Labor History." In *The New American History*, edited by Eric Foner, 333-352. Philadelphia: Temple University Press, 1997.
- Green, James, R. "Labor and the New Deal." In *Working for Democracy American Workers from the Revolution to the Present*, edited by Paul Buhle and Alan Dawley, 83-91. Urbana and Chicago: University of Illinois Press, 1985.
- Kelley, Robert D.G., *Hammer and Hoe: Alabama Communists During the Great Depression*
- Montgomery, David, "The Farmer-Labor Party." In *Working for Democracy American Workers from the Revolution to the Present*, edited by Paul Buhle and Alan Dawley, 73-81. Urbana and Chicago: University of Illinois Press, 1985.
- Olson, Tillie, *Yonnonidio From the Thirties* (Lincoln: University of Nebraska Press 1974).
- Photo I taken from the May 29, 1934 issue of the *Advocate*, published as the *Morning Advocate*, from Baton Rouge, LA. Accessed through America's Historical Newspapers online database.
- Photo II taken from the May 24, 1934 issue of the *Times-Picayune*, published as the *Times-Picayune*, from New Orleans, LA. Accessed through America's Historical Newspapers online database.
- Plotke, David, "The Wagner Act, Again: Politics and Labor, 1935-37," *Studies in American Political Development*, 3 (1989). 104-156.
- Schechter Poultry Corp. v. United States*. 295 U.S. 495 (1935).
- Skocpol, Theda and Finegold, Kenneth, and Goldfield, Michael, "Explaining New Deal Labor Policy," *American Political Science Review* Vol. 84 No. 4 (1990). 1297-1315
- Skocpol, Theda and Finegold, Kenneth, "State Capacity and Economic Intervention in the Early New Deal," *Political Science Quarterly* Vol. 97 No. 2 (1982). 255-278

St. Antoine, Theodore J. "How the Wagner Act came to be: a prospectus (later known as National Labor Relations Act; sponsored by Sen Robert F. Wagner in 1935)," *Michigan Law Review* (1998).

Tindall, George B. *The Emergence of the New South* (Baton Rouge: Louisiana State University Press 1967).

Tomlins, Christopher L., *The State and the Unions Labor Relations, Law, and the Organized Labor Movement in America 1880-1960* (Cambridge: Cambridge University Press, 1985).

"True Lives The Uprising of '34." American Documentary Inc., accessed February 18, 2012.
http://www.amdoc.org/projects/truelives/pg_uprising.html

U.S. Census of Population and Housing, 1930: Summary Population and Housing Characteristics: Ohio. Washington: Government Printing Office, 1932.

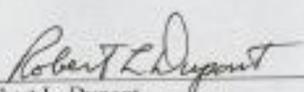
"Visual Resources Database," Minnesota Historical Society. Last accessed 22 February, 2012.
<http://collections.mnhs.org/VisualResources/image.cfm?imageid=122170&Page=1&Location=HG3%2E18T%2A>

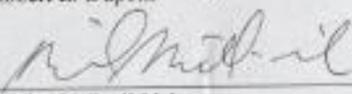
Whitman, Walt, *Leaves of Grass* (Boston: Small, Maynard and Company, 1897)

APPROVAL SHEET

This is to certify that Andrew Michael Brooks has successfully completed
his Senior Honors Thesis, entitled:

*The Price of Labor Peace:
Popular Unrest and the National Labor Relations Act*


Robert L. Dupont Director of Thesis


Michael Mizell-Nelson for the Department


Carl D. Malmgren for the University
Honors Program

May 2, 2012
Date