
WORKER INSURGENCY, RADICAL ORGANIZATION, AND NEW DEAL LABOR LEGISLATION

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Debates over the reasons for the passage of class legislation during the New Deal era have been of continuing interest to social scientists. Of special importance has been the problem of explaining the passage of the 1935 National Labor Relations Act (NLRA), often considered the most significant and radical bill of the period. In this article, I examine the influence of worker insurgency and radical organization on the passage and final form of the NLRA. I argue that other analytic approaches fail to take into account the importance of this influence and the degree to which it constrained and structured the responses of key political actors. I conclude that the theories that downplay the importance of worker insurgency and radical organization are both wrong in the particulars and suspect as general theories; this applies especially to the perspective that emphasizes the autonomy of the state from societal forces.

Discussions in the social science literature about the reasons for the passage of class legislation during the New Deal period have become quite contentious recently¹ (Domhoff 1986, 1986–7, 1987; Ferguson 1984; Quadagno 1984, 1985; Skocpol 1980; Skocpol and Amenta 1985). These debates raise important issues of wide interest, including fundamental questions of U.S. politics, the nature of the modern state, and basic problems of social science methodology. Yet they may also be characterized by their neglect of what I will argue is a central issue. Although the 1930s represented a high-water mark for labor insurgency, broad social movements, and radical organization, few of the participants in the debates over the New Deal have considered these factors to be important influences in national politics.

It is not by accident, of course, that discussions of fundamental questions of U.S. politics should focus on New Deal social

legislation: the New Deal is often regarded as the beginning of an activist state in the United States, when class-based legislation emerged as a major item on the political agenda; the electoral realignment represented by the New Deal ostensibly enlarged the political arena to include workers, Afro-Americans, and the poor generally; it also was a time of great stress and conflict, when contending forces struggled over the reshaping of policy and politics and hence, when certain aspects of politics and social life were more exposed to view. Class legislation passed during the New Deal period is sometimes described as “radical” (Leuchtenburg 1963, 336), even “revolutionary” (Brandeis 1957, 195, 198). That piece of legislation to which the most extreme adjectives have been applied is undoubtedly the 1935 National Labor Relations Act (NLRA or Wagner Act) referred to as “innovative” (Skocpol 1980, 159), “radical,” and “one of the most drastic legislative innovations

of the decade" (Leuchtenburg 1963, 151). In typical hyperbole, Carl Degler describes it as "perhaps the most revolutionary single measure in American labor history" (Degler 1984, 436–37). Karl Klare, a critical legal theorist, similarly calls it "perhaps the most radical piece of legislation ever enacted by the United States Congress" (1978, 265). Whether or not these accolades are deserved, the NLRA was clearly not a routine piece of legislation. It was one in which labor organizations, corporations, and many other groups had a keen interest and a major stake in influencing its outcome (both passage and final content). Thus, if one wants to examine how groups, classes, parties, state capacities, organizations, and structures influence fundamental issues of public policy and especially whether labor militancy, social movements, and radical organization are important to consider, the passage of the NLRA is a reasonably good place to start. Equally important, it is an important test case that all analysts of the New Deal and theorists of the state believe their approach is best able to explain.

In this article I attempt to document and argue that labor militance and radical organization did have major influence on the passage of the 1935 NLRA. Though this corrective, I would argue, is not unimportant, my real intention and hidden agenda is to open a Pandora's box of key issues for the study of U.S. politics and the study of the modern state. I want to suggest the importance of the past and potential effects of broad social movements in affecting U.S. politics.² Thus, I wish to open the door to remedying a general neglect not just for the 1930s but certainly for the 1960s as well, suggesting that the weaknesses and strengths of these movements have done much to shape the contours of U.S. politics and the state. Finally, I will argue that no theory or research agenda for study that ignores these factors can prove to be complete or adequate.

Background

Prior to the 1930s, unions, whatever their legal status (and this varied by state), were de facto illegal. Employers could often threaten, intimidate, and fire their workers, who themselves had little recourse. In the case of strikes, workers could be imprisoned, and their unions could easily be served with injunctions and destroyed. In all too many cases, employers with their private police forces (or public ones that followed their directives) would arrest, beat, and murder militant workers with impunity.³ While certain of these employer activities were illegal (though rarely punished) many successful weapons for combating unions were quite legal. Two of the main such legal tactics were the yellow-dog contract, a hiring agreement in which a worker pledged never to join a union, and easily obtained court injunctions, making unions responsible for a whole range of nebulous damages (Frankfurter and Green 1930; NLRB 1985, 2382–84).

A steady stream of labor legislation during the 1930s wiped out the legal basis for antiunion employer tactics. The 1932 Norris-LaGuardia Act declared the yellow-dog contract unenforceable and greatly limited the use of injunctions. The 1933 section 7(a) of the National Industrial Recovery Act (NIRA) asserted—though with no enforcement powers—the rights of workers to join organizations of their own choosing. In 1934, an amended and strengthened Railway Labor Act was rewritten with strong provisions banning company unions and protecting the rights of noncompany unions. The 1935 NLRA set up the federally administered National Labor Relations Board (NLRB) with broad powers to oversee the certification of unions and to penalize employers who did not accept the rights of employees to organize unions. In 1937, reversing its early precedents, the U.S. Supreme Court upheld the NLRA.

Whatever the substantive impact of this

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stream of labor legislation,⁴ its climax was the passage of a dramatic "prounion" bill opposed by a large majority of major capitalists and their organizations. Thus, the question of why it was passed at all and why it took such a seemingly prounion form cry out for an explanation.

Explanations for the NLRA

One of the most prominent attempts to explain the events that culminated in the passage of the NLRA is that of Theda Skocpol and her collaborators (e.g., Finegold and Skocpol 1984; Skocpol 1980; Skocpol and Finegold 1982). Their views, which emphasize the autonomy of the state from societal forces are particularly useful to examine, first because they are consciously framed in opposition to other competing explanations⁵ and second, because the state autonomy position is most opposed to the explanation I will argue is the best one. The views of the state autonomists may be summarized as follows:

1. On theoretical grounds, the state is most fruitfully viewed as potentially autonomous. Pluralists, elite and corporate liberal theorists, diverse types of Marxists, and others all err by wrongly viewing the state as dominated by, or the product of, various societal forces (Finegold and Skocpol 1984, Skocpol 1979, 27, 29; Skocpol 1980, 156, 199, 200; Skocpol 1985, vii, 4-6).

2. The New Deal period, or at least part of it—most especially those instances where labor legislation (particularly the NLRA) was passed—was one in which the state was actually quite autonomous from societal influences. All other theories fail (sufficiently) to take account of this autonomy (Finegold and Skocpol 1984, 169).

3. The argument is sustained in good part by an admirable attempt to eliminate

contending explanations. Against pluralists it is argued that labor legislation was not passed because of its being supported by a multi-interest group reform coalition. Nor was it passed because of the leading role of President Roosevelt, as suggested by Schlesinger and others, since the president's priorities did not include the strengthening of unions. Neither the NLRA nor section 7(a) were the result of agendas by liberal corporate elites, as is asserted by elite theorists and corporate liberal theorists (Skocpol 1980, 166, 169), or certain capital-intensive segments of the business community, as is argued by Ferguson (1984). Still less was the passage of labor legislation a response to working class disruptions, as portrayed by Piven and Cloward (Skocpol 1980, 186-87). The passage of the NLRA was also not a response by procapitalist state managers to working class pressure or growing organizational strength, a response designed to control workers, as suggested by Block (1977). Labor was too weak to play such a role (Finegold and Skocpol 1984, 188, n. 42). In fact, in an argument that is viewed as giving the coup de grace to various structural Marxist positions, it is argued that labor legislation preceded the upsurge in union growth in the 1930s. Contrary to the claims of Block, Poulantzas, and others that such legislation would arise to control working class struggles, its passage stimulated and facilitated the growth of the union movement (Finegold and Skocpol 1984, 177; Skocpol 1980, 177-80, 185-86, 189; Skocpol and Ikenberry 1983, 160, 167).

4. Rather, the key is an understanding of the autonomous state structures, particularly the milieu in which Senator Robert Wagner operated and the political resources which he had developed. The role of Wagner and his advisers was heightened in part due to state incapacity resulting from the political and regulatory failure of the National Recovery Adminis-

tration (NRA). At a reasonably fluid juncture, when societal groups were weak (i.e., labor) or isolated (i.e., business) and liberal Democrats had gathered ascendancy in Congress as a result of the 1934 midterm elections, an unusually skillful senator with a history of legislative successes; a competent full-time research staff, including assistants with legal bill-writing talents; and a long-standing association with "progressive" reform groups—lacking the support of the president or his main advisors—with great perserverance carried the day, directing the passage of the NLRA (Finegold and Skocpol 1984, 177, 184; Skocpol 1980, 167, 180). Thus, the passage of the NLRA is "very much a tale of state and party" (Finegold and Skocpol 1984, 169).

Method

The question arises whether there is a viable method for deciding whether labor militance and radical organization played an important role in the passage of the NLRA or whether the state autonomy or some other model is more adequate. Stated another way, can there be rigor in establishing such broad social science explanations? I would suggest the following criteria, which are in principle not dissimilar from the approach taken by physical scientists when evaluating broad theories and hypotheses: (1) Does the explanation present a reasonable model that accounts for the most important outcomes and inputs, that is, does it fit the structure of the situation? (2) To what degree does the explanation lead its adherents to gloss over, omit, or distort important aspects of reality, that is, does it do violence to the facts? (3) How does it fare in regard to its competitors?⁶

In trying to apply these interrelated criteria, my approach will be as follows: I will first suggest a diagram that attempts to model central features of all the various explanations. Then I will offer some con-

ceptual distinctions that are blurred in most other analyses. In doing the above, I will be noting some central problems with the state autonomist explanation for the passage of the NLRA. Finally, I will provide an alternative model and argue for its superiority with respect to the above three criteria.

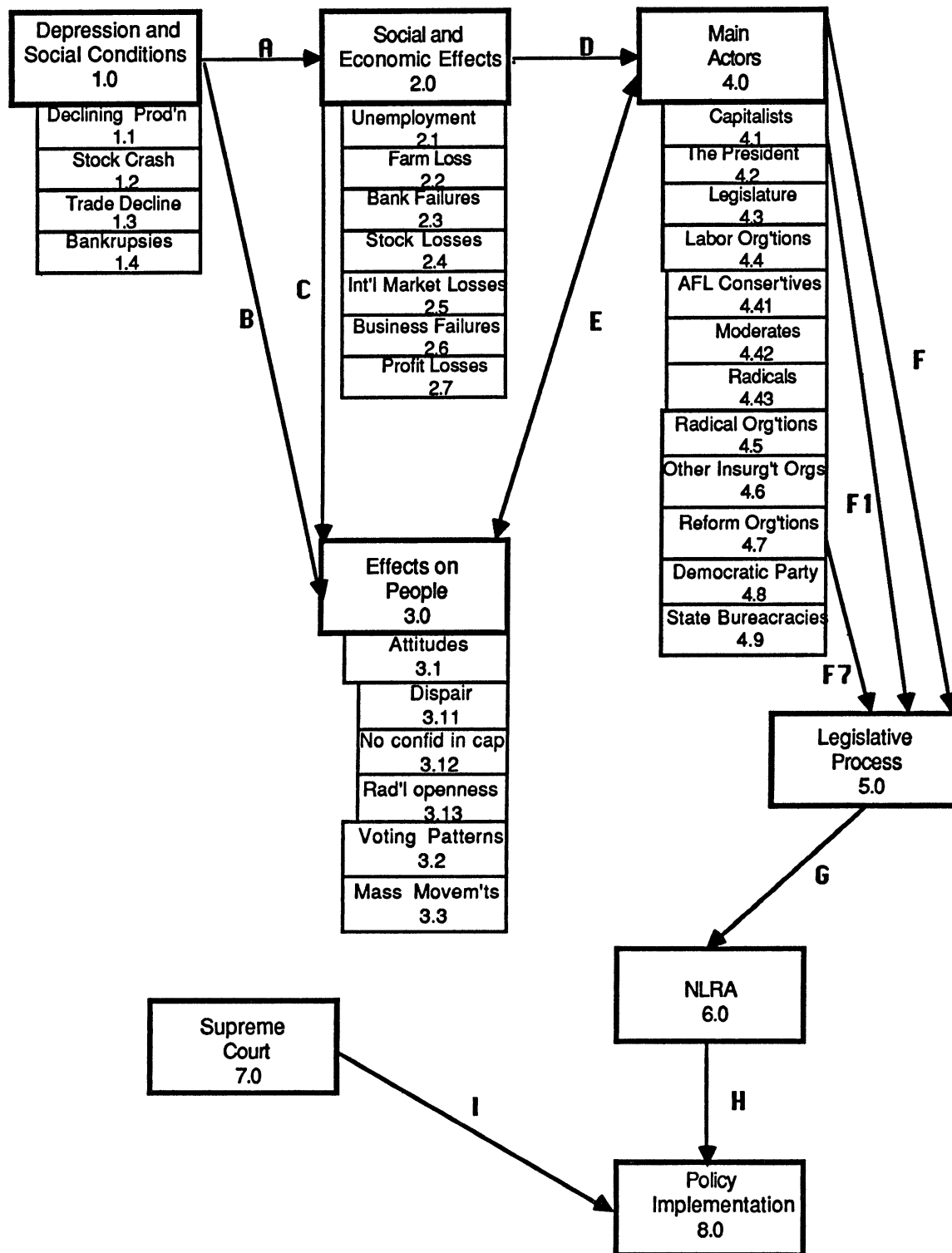
Analysis

A useful heuristic is to diagram the process by which New Deal labor legislation was passed, attempting to include all causal candidates. Different theories might then be distinguished by the causal arrows they emphasize, by the strength of particular arrows, by the complexities, subdivisions, and significant interactions at various places on the diagram. One possible diagram is presented in Figure 1. It should, of course, be emphasized that even such a detailed diagram must of necessity omit a large amount of material. Any particular theory would call for finer subdivisions in a specific area of causal emphasis and numerous additional lower-order causal arrows. Even more, however, the inclusion of many interactive and multifarious structural effects would make the diagram hopelessly complicated. Even so, the model is still not without its positive uses. Its use as a device to highlight what a particular theory deemphasizes, however, is less hindered by the above drawbacks. Most theories require the elimination (or relegation to marginal importance) of broad causal paths at the top levels of the diagram. Thus, the way that any particular theory simplifies the model will tell us quite a bit about the theory.

Virtually no one denies the existence or the importance of strong causal arrows A, B, and C. Levels 1, 2, and 3, however, are generally regarded as part of the background conditions. All agree that the Depression had major effects and a decisive impact on the majority of the popula-

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Figure 1. Reasons for the Passage of the NLRA



tion in the form of attitudinal changes, electoral realignment, and the development of mass social movements. The archetypical features of each theory involve their divergent analyses of the impact of level 4.0 actors on boxes 5.0 and 8.0 and of the interactions within box 4.0. Various theories may also be distinguished by the factors in box 4.0, which they assimilate into the background conditions, particularly of level 3.0.

Capitalist Influence

Just specifying that a causal arrow is important, however, is not always sufficient. This can be seen by a brief examination of what has been perhaps the most controversial arrow, that representing the influence (both positive and negative) of capitalists on the legislative process (box 4.1 and arrow F1). Influence may be distinguished not merely by its strength but by qualitative characteristics. I will distinguish between INFLUENCE1, providing the impetus for a bill to pass even if the content is not what the influencer wanted; INFLUENCE2, where the content is more or less what the influencer wanted, that is, the influencer dominates the content; INFLUENCE3, where the result of the bill, that is, the policy implementation, has the outcome that the influencer wanted. In addition, I might distinguish INFLUENCE4, the ability to block or control legislation, to force compromises that weaken the final act, or otherwise to control the agenda of decision making.⁷

In many instances, Skocpol and the state autonomists attempt to criticize various Marxist, corporate liberal, and elite theorists by arguing against an especially strong form of INFLUENCE3, when in fact the position only requires INFLUENCE1 or INFLUENCE2, or at most a weak form of INFLUENCE3. For example, the state autonomists argue that U.S. capitalists did not "control" the state in

the implementation of the NIRA because the NIRA (which all agree was designed and implemented by business) had inadvertent effects that were to their disadvantage (Finegold and Skocpol 1984, 162–64). In particular, the NIRA failed to bring about economic recovery (Finegold and Skocpol 1984, 160; Skocpol 1980, 184) and through the vagaries of 7(a) stimulated large-scale labor-management disharmony and conflict (Finegold and Skocpol 1984, 160), eventually leading to the greater empowerment of workers.

Let us leave aside the empirical aspect of the above argument and concentrate on its logic. The claim that recovery was beyond capitalist control because state structures were not fully developed conflates the various types of influence. It is indisputable, of course, that capitalists to some degree influenced the passage of the NIRA in the form of INFLUENCE1 or INFLUENCE2. Skocpol supposes, however, that a claim that the capitalist class is dominant in the political system implies not only that they will control the implementation of public policy (perhaps a weak form of INFLUENCE3) but that they will also achieve their intended goals (a very strong form of INFLUENCE3). This argument glosses over the forms of capitalist dominance and seems particularly off the mark in the disputes with Marxists. Part of the ABCs of Marxist analysis is that crises are endemic to capitalism. While crises may be accelerated, exacerbated, or occasionally postponed and dampened by activities of the state, they are largely a product of the nature of capitalist society, hence beyond the "management" of the capitalist state (see, e.g., Mandel 1968, chap. 11; Sweezy 1964, chap. 8; for a sharp statement by Karl Marx with a comment by Frederick Engels, see Marx 1962, 118). Thus, the inability of the NRA to bring about recovery is a telling point only if one already accepts the potentially autonomous and omnipotent power of the capitalist state

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(i.e., a totally instrumentalist view of the state over society), which no view that emphasizes the importance of societal forces would likely grant.

The critique creates other straw men as well. Skocpol and her colleagues seem to read Marxism as believing that reforms (short of the abolition of capitalism) must always disproportionately benefit only capitalists since capitalists dominate the state (Finegold and Skocpol 1984, 162; Skocpol and Finegold 1982, 259).⁸ The state autonomist's failure to make distinctions in types of influence leads them to miss crucial points and to ignore forms of influence that are less than absolute.

The problem also seems to arise in the state autonomists' dismissal of the claims of the historic corporate influence over various reformers. The state autonomists wish to argue that certain liberal reformers (e.g., Wagner, the Commons group in Wisconsin) and certain organizations (e.g., the American Association for Labor Legislation) had independent reform agendas that were neither controlled nor influenced nor coincident with those of major capitalists. To make this claim (about the nature of ties between levels 4.1 and 4.7 in the diagram), however, it is not enough to show that instances of INFLUENCE3 did not obtain in some or even all cases. The historical and conjunctural ties between capitalists and liberal reformers documented in the writings of Ferguson, Domhoff, and corporate liberal theorists are indeed extensive and impressive. It is, of course, important not to accept "guilt by association" arguments as constituting strong causal links. But it is also important for those who deny their importance to discuss the significance of links that appear, at least on the surface, to be far more than circumstantial. Skocpol, for instance, dismisses the question entirely with a misplaced analogy. She argues that discussing the connections would be similar to claiming that Marxist theory was sponsored by capitalists, since

Engels, who gave Marx money, was the nephew of a capitalist (Skocpol 1980, 163). It is not unreasonable to distinguish capitalists and their progeny (assuming Engels may legitimately be described as such), acting as socially maverick individuals who use personal monies to support liberal or radical causes from corporate leaders and their representatives, acting in concert, expressing political and organizational goals for the advancement of their interests as capitalists?⁹ And are not the linkages between activist organizations and their benefactors decidedly different in each case? All evidence suggests that we can and do make such distinctions. The proof of certain liberal reformers' independence from capitalists (i.e., lack of influence)—never really addressed by the state autonomists—is a prerequisite for the plausibility of their positions.

Similar problems arise in discussion of capitalist opposition to Roosevelt (INFLUENCE 4). Few participants in the New Deal debates seem to regard it as more than one type of phenomenon.¹⁰ Capitalist opposition is a loaded term, representing a whole family of activities, not the single phenomenon implied in most discussions of the New Deal. There are a variety of degrees, with huge qualitative differences between various positions on the spectrum. We might easily distinguish between mild and strong forms of opposition to particular policies, opposition to the whole thrust of the New Deal reform agenda, active campaigning against New Deal politicians and the reelection of Roosevelt himself, and finally active work for his impeachment. It should be noted in passing that FDR's political skills and willingness to compromise kept certain opponents from moving too far along this spectrum for too long a period of time.

Although FDR was in fact opposed by a large majority of big businessmen on certain issues (the NLRA being perhaps the most notable), the good will, contacts, and

lines of communication he had previously established kept business from going into more extreme forms of opposition.¹¹ Never did he face opposition of the type faced by the moderate quasi-socialist Upton Sinclair in the 1934 California gubernatorial campaign. No significant business groups demanded impeachment. Thus, the rhetorical descriptions of an embattled FDR facing a united, aroused capitalist opposition fail to distinguish analytically very different forms of capitalist opposition (INFLUENCE4), hardly doing justice to the actual situation.

The Nature of Labor Influences: Some Models

With these distinctions in mind, I now turn to the notion of labor influence (initially box 4.4 in Figure 1), itself in need of clarification. Since so little attention is paid in the New Deal debates to the possibility of labor influence, most models exist either implicitly or in undeveloped form.

One such model, disclaimed by all, involves a "powerful mass of organized workers" rising up and overwhelming "a united power elite position." Domhoff argues, for instance, that this is not how the NLRA was passed (Domhoff 1970, 249). Such a situation has virtually never happened. The working class seizing the capitalists by the throat and taking their stolen change from out of the capitalist money bags is a powerful illusion, but an illusion nevertheless. Many who attempt to downplay the importance of working class influence implicitly attack this straw man, thus deflecting attention away from the more likely forms of labor influence.¹²

A second model of labor influence on public policy is perhaps provided in Sweden. There, political parties (the Social Democrats and their allies) and several union federations (the Landsorganisationen and the Tjänstemännens Cen-

tralorganisation) represent the whole Swedish working class. These working class organizations formulate demands, negotiate with other peak political groups and employer organizations, and assist in implementing the final policies. In such a situation, the "influence" of labor organizations—if not workers themselves—is often easily ascertainable. Those who look for the clear imprint of labor on particular provisions of various bills implicitly advance this as their testable hypothesis. Such a model, however, rarely applies to situations of mass, newly organized worker insurgency; it clearly does not characterize the influence of labor in the Roosevelt era.¹³ Both of these latter models might conceivably represent forms of INFLUENCE2 or INFLUENCE3.

A third model of labor influence is the Piven and Cloward (1979) disruption model, where capitalists respond to the spontaneous, unorganized, disruptive threats of the poor and underrepresented, clearly a form of INFLUENCE1. Criticism of their account plays a central role in Skocpol's analysis of the NLRA (1980, 186–87). This model, while fitting the general contours of certain aspects of the 1930s and coming closest to the view presented here, is also not without its problems. Its emphasis on spontaneity and disruptions leads one to overlook the role of highly organized radical organizations not only in organizing social protest but in tactical and strategic planning as well. Most threatening activity during the 1930s was actually highly organized and under radical leadership. In addition, it fails to understand the importance of the jockeying for position and influence between mainstream and radical groupings and its effect on public policy debates. Further, real patterns of influence during the 1930s were frequently more complicated, with the leading disrupters and their supporters sometimes vigorously opposing "their" legislation, particularly the NLRA.

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If these three models were the only ones that could represent labor influence on the state, the case for labor influence on the New Deal would be difficult.¹⁴ There exist other models, however, where influence is less direct, but still easily discernible.

More common, in fact, are concessions granted by a government in order to stem working class militance and organized radicalism. Sometimes the results are reluctantly supported or even opposed by the ruling classes, sometimes they are only an indirect response to insurgent demands. An example of the latter are the welfare state policies instituted by Bismarck in late-nineteenth-century Prussia, after a decade of antisocialist laws had failed to stem the growth of the world's largest Marxist working class party (see, e.g., Salvadori 1979, 21). To fail to see the agitation and struggles of the highly organized and disciplined German Social Democratic party as the moving force would be seriously to distort history. Likewise, while the Russian czar "gave" his constituents the Duma in 1906, few have failed to recognize it as a response to the massive working class and peasant insurgency and the well-organized forms of radical organization associated with the 1905 revolution (see, e.g., Lenin 1963).

The current process of unionization in South Africa is instructive in looking at models of working class influence, particularly with respect to the lag time between labor insurgency and its effect (INFLUENCE 1) on the public policy process. The most recent development of unions began in 1973 as economic expansion, fueled by huge rises in the price of gold (South Africa's major export), created an enormous demand for African labor (see MacShane, Plaut, and Ward 1984 for a highly informative account). Strike waves, coupled with informal demands, spread. The strikes in 1973, which received large international publicity, were particularly embarrassing for many foreign companies. They also made profitable business diffi-

cult for the affected firms. Since open organization and leadership were illegal, formal bargaining could not occur. Workers engaged in guerillalike activities. As one manager stated, he was neither willing nor able "to negotiate with 1500 workers on a football field" (MacShane, Plaut, and Ward 1984, 51). Since repression would not work, certain capitalists developed a preference for orderly labor-management relations. One could search in vain for black worker input into the political negotiations that led to the 1979 enactment of the Wiehahn proposals legalizing black unions.¹⁵ One could cite the importance of militant international support by protesters and unions, the role of foreign companies ostracized in their native lands, the speaking out of South African liberals, and the centrality of the rapidly expanding economy. But a refusal to recognize the preeminent role of the struggles of African workers (even though their strike rates tapered off several years before 1979) would be sorely mistaken.

These remarks are meant merely to indicate the complexities involved in the notions of labor influence and have not yet addressed the specific arguments against labor as a major factor in the passage of the NLRA. This task will be the burden of the next two sections.

Evaluating Labor Influence on New Deal Labor Legislation

The most important arguments by the state autonomists directed against the role of labor influence in the passage of the NLRA would seem to be the following: (1) The timing of the labor upsurges did not occur at the right times to have influenced labor legislation (Finegold and Skocpol 1984, 164); (2) Even if it had, labor was too weak to have influenced either 7(a) or the NLRA (p. 184); and most importantly, (3) The causality goes the other way, that is, the passage of 7(a) was the main

stimulator of the labor upsurge from 1933 to 1953, and the NLRB largely enabled the growth of unionism from 1935–38 (Skocpol 1980, 181).

My plan in what follows will be to cast doubt on all three of these arguments. In addition, I will attempt to highlight the important effects of the interaction between labor militancy, social movements, and organized radicalism in the policy process. The last of the above three arguments will be examined first. The most decisive way to discredit a causal argument is to show that the effect actually preceded the supposed cause. Thus, the claim that union growth and activities influenced or caused the passage of labor laws may be disproved by showing that little or no activity or organization preceded the passage of the laws. Likewise, the argument that the laws caused the development of organization and activity may be easily disproved by showing that activity and organization (or its significant development) preceded the passage of the legislation. The dichotomies are rarely, however so clear-cut.

The question of the degree to which particular pieces of labor legislation may have stimulated, facilitated, or caused union growth and militancy is a complex one. A definitive proof would involve showing not merely that legislation preceded or even assisted union growth but that it would not have taken place otherwise—an extremely heavy burden. Moreover, the claim may be either weak or strong. A weak claim might assert that the law functioned symbolically to stimulate labor activity. This claim is difficult to disprove unless the law is shown to have been enacted after the development of the activity. It is similarly difficult to prove conclusively. A stronger claim is that the actual administration of the law either removed previous obstacles or facilitated and encouraged the activities in other ways. One must also leave room for the likelihood of joint causality, unless this

possibility is ruled out by the temporal sequences. Whichever type of claim one makes, the examination cannot be dealt with lightly. Yet few analysts attempt to examine the question of labor influence in a rigorous manner. Finegold and Skocpol, for instance, make an extremely strong claim for the causal role of the NLRA, signed into law on 22 June 1935: "This act, and the independent National Labor Relations Board established to enforce it, facilitated labor organization and recognition, so much so that union membership grew from less than 4 million in 1935 to over 8 million in 1939 and doubled again during the war" (1984, 177).

An analysis of this claim will show a number of problems with the state autonomist argument. The best place to begin, however, is with certain questions of fact. The tremendous growth in labor union membership during World War II was hardly a doubling, going from over 10 million in 1941 to a little over 14 million in 1945 (see Table 1). Though I do not wish to be overly picky about these figures, it is important to set the record straight. Furthermore, as virtually all commentators agree, this growth during the war was not by and large due to provisions of the NLRA. Rather, the expansion of unions, the signing and maintaining of union shop agreements, and the growth in union membership, although under the auspices of the NLRB, took place according to rules established by the War Labor Board. Full union shop agreements were a condition for an employer's receiving a government contract, as long as unions honored no-strike agreements, something that some perspective observers argue ultimately weakened unions (e.g., Glaberman 1980; Lichtenstein 1982). Even more important, union growth during wartime often relies on favorable economic conditions (especially a tight labor market) and a desire for social tranquility and labor peace, thus making claims about its relation to partic-

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ular state activities exceedingly complex.

The argument for the prewar period is especially dubious. Although the NLRA was signed into law in June 1935, the NLRB settled very few cases before it was upheld by the Supreme Court in the Jones and Laughlin case in April 1937. Until this time, virtually all employers refused to cooperate with the board. As can be seen from Table 2, only several thousand workers (less than 1% of the total) were organized under NLRB auspices before 1 July 1936, the end of the first full year of functioning under the NLRA. Union membership, 3 1/2 million in 1935, grew to slightly under 4 million in 1936. In 1937, in the aftermath of the Flint strike (28 December 1936–11 February 1937), General Motors, Chrysler, and Big Steel were unionized, along with hundreds of other companies. Within one month after the end of the Flint strike, 247 other sit-down strikes had taken place, involving almost 200 thousand workers (Preis 1965, 61). Union membership surged to over seven million by the end of the year; the dam had been broken with little help from the NLRB.¹⁶

If the NLRA (which only became truly functional at the tail end of the 1934–38 labor upsurge) and section 7(a) of the NIRA (which had no enforcement powers) were not administratively significant, it is still possible that they played an important symbolic, stimulating role. Legislation and small public policy changes have been known to have such effects on social movements (McAdam 1982, 50, 83–86, 108–9). It is certain however, that one cannot take the claims of conservative, moderate, or even sometimes left-wing union officials as proof of this. The passage of the Clayton Act in 1914, an act dubbed by then AFL president Samuel Gompers to be "Labor's Magna Charta," clearly played no such role (Gregory and Katz 1979, 159). The question of how to decide the symbolic significance of the NLRA is not an easy

one. It would be foolish to argue that these pieces of labor legislation had no positive effect. My hypothesis is that they were one of a number of stimulating factors, certainly less important than successful, often highly publicized strikes.

The degree to which the state autonomists overemphasize the importance of

**Table 1. Union Membership, 1897–1948
(Selected Years)**

Year	Number of Members (in thousands)	
	Wolman Series	BLS Series
1897	447	—
1900	868	—
1901	1,125	—
1904	2,073	—
1912	2,452	—
1914	2,687	—
1916	2,772	—
1917	3,061	—
1918	3,467	—
1919	4,125	—
1920	5,048	—
1921	4,781	—
1922	4,027	—
1923	3,622	—
1929	3,443	—
1930	3,393	3,401
1931	3,358	3,310
1932	3,144	3,050
1933	2,973	2,689
1934	3,609	3,088
1935	—	3,584
1936	—	3,989
1937	—	7,001
1938	—	8,034
1939	—	8,763
1940	—	8,717
1941	—	10,201
1942	—	10,380
1943	—	13,213
1944	—	14,146
1945	—	14,322
1946	—	14,395
1947	—	14,787
1948	—	14,319

Source: Wolman Series is taken from Leo Wolman, *Ebb and Flow in Trade Unionism* (New York: National Bureau of Economic Research, 1936). BLS Series is taken from Goldfield 1989.

Table 2. NLRB Election Results, 1935-48

Year ^a	Elections	Elections Won	Eligible Voters	Valid Voters	Union Voters
1935-36	31	18	9,512	7,734	4,569
1936-37	265	214	181,424	164,307	113,484
1937-38	1,152	945	394,558	343,587	282,470
1938-39	746	574	207,597	177,215	138,032
1939-40	1,192	921	595,075	532,355	435,832
1940-41	2,568	2,127	—	729,915	589,921
1941-42	4,212	3,636	1,296,567	1,067,037	895,254
1942-43	4,153	3,580	1,402,040	1,126,501	923,169
1943-44	4,712	3,983	1,322,225	1,072,594	828,583
1944-45	4,919	4,078	1,087,177	893,758	706,569
1945-46	5,589	4,446	846,431	698,812	529,847
1946-47	6,920	5,194	834,553	805,474	621,732
1947-48	3,222	2,337	384,565	333,900	256,935

Source: All figures are from NLRB annual reports for the appropriate fiscal year.

^aNLRB fiscal years begin 1 July of first year and end 30 June of second year.

symbolic legislative actions like the NLRA and of institutional bureaucracies, ignoring the historical context in which they exist, is suggested in what happened after the enormous labor upsurge of 1937. By the next year, with a legally reaffirmed NLRA, union growth had begun to slow, then stagnate. If one were concerned largely with correlations and temporal sequences and with attempts to always find primary causes in state activities rather than with an attempt to understand the deeper causes, one might argue that the NLRA itself was responsible for inhibiting union growth. Such an argument, however, would be perverse, attributing more instrumental causal import to public policy than is reasonable in this case. Skocpol, in her haste to find state-centered explanations, attributes this stagnation (less than a year after the NLRA actually began functioning) to the shift in political winds (Weir and Skocpol 1985, 112).¹⁷ It is at least as likely, however, that the causal arrows point in the other direction. The 1938 economic downturn, of course, bears some responsibility for slowing unionization. The major factor, however, seems to have been the widening split be-

tween the AFL and the CIO, described by some observers as a "civil war." This split allowed the Right and corporations to regain the offensive (Davis 1986, 69-72). Without this split—and consequent AFL attacks on the NLRB, coupled with AFL political support for conservative congressmen—it is unlikely that unions or the NLRB would have been as vulnerable as they were (Gross 1981, 73-85, 91-108, esp. 263). Thus, one must conclude that the NLRA, while it may have facilitated some union growth, was probably not a major cause of the tremendous union upsurge from 1934 to 1938.

An Alternative Model

Further objections to the notion of labor influence on the passage of the NLRA will be dealt with in the context of my discussion of an alternative model. The purpose of this model will be to explain why the NLRA was passed and the important role that labor influence played. In short, my model may be outlined as follows:

1. New Deal labor legislation was a

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result of interaction between labor movement growth and activity, the increasing strength and influence of radical organizations, particularly the Communist party, liberal reformers with both immediate and historical corporate ties, and government officials (or state managers) with primary concern for preserving social stability and assuring the continued electoral success of the Roosevelt-led Democratic party. Thus, the alternative theory, in contrast to the others, stresses interactions between actors on level 4.0 in Figure 1, the impact of these interactions on the public policy process, and the special importance of boxes 4.4, 4.5, and 4.6.

2. While the particular content of virtually all the New Deal legislation was a direct, though evolving, product of long-standing reform agendas, the impetus for passage, some features of the bills, and the immediate reasons why the legislation was passed (i.e., why a large number of senators and congressmen voted for it, why business did not oppose it in a more extreme manner, and why the president signed it) was a direct result of the broad labor upsurge, conflicts within the labor movement, and the growing influence of radicalism.

3. The historic ties between reform organizations, reform politicians like Robert Wagner, and various business groupings and the ties of all of them at various times to AFL leaders are central to an understanding of the role played by reformers. Reformers and reform groups had at best a limited semiautonomy with little independent power. Their main power was derived from their connections to certain capitalists who often sustained their activities or from their acting as brokers for conservative and moderate leaders of the labor movement. Their effective power and influence tended to rise with the increased power and influence of labor. They had narrow room for maneuver, usually being buffeted by events and social forces.¹⁸

4. New Deal labor legislation was neither so radical nor so out of context from previous legislation as many post-World War II analysts have portrayed it. First, there was a long history of precedents on which to draw, as Wagner and other supporters continually emphasized (for Wagner's remarks on 11 March 1935, see NLRB 1985, 1408; also see, e.g., Bernstein 1950). Second, the legislation was not so unambiguously prolabor; it was criticized at the time by a large number of radical and liberal organizations and individuals before its passage.¹⁹

5. The key to an understanding of the influence of labor is two aspects of the development of the labor movement in the 1930s. *First*, the labor movement was much broader than the movement to organize unions. Well before the labor upsurge at the workplace became widespread, militant working class movements of the unemployed and African-Americans were mobilized in large numbers. These activities were paralleled by sympathetic and supportive movements of students and intellectuals. There were also highly influential left-wing political parties that received and gave significant labor union support; these included the Minnesota Farmer-Labor party (Valelly 1989), Upton Sinclair's End Poverty in California (EPIC) organization, the American Labor party in New York (Waltzer n.d.), Wisconsin's Progressive party, other statewide organizations, and perhaps hundreds of local labor parties (Davin and Lynd 1979-80). These movements and organizations added a breadth and broad-based support to nascent labor struggles, providing especially fertile soil for the Communist-dominated left-wing. A more amorphous and even broader milieu gave additional sustenance to protest, including Huey Long's Share the Wealth movement (which before Long's assassination gave Roosevelt cause for great political concern about the Left) and the Townsend movement with its millions

of members and perhaps also the early, diffuse, antirich, eventually rightist Coughlin movement (Brinkley 1983). To look at union growth outside of the environment that nourished it is to fail to grasp the phenomenon fully. These social forces expressed themselves in a variety of ways, including their translation into electoral victories for FDR and New Deal insurgents in Congress, thus providing a more responsive legislative environment to be influenced directly.²⁰ *Second*, throughout the 1930s there was tremendous conflict (largely ideological) within the labor movement. There was a growing split between conservative AFL leaders (with their historic ties to reformers and liberal capitalists) and the Left, which for the first half of the decade was becoming an increasing threat to the former.

This descriptive model for the passage of the NLRA differs in fundamental ways from that of the state autonomists. It not only pays far greater attention to the influence of societal forces on the political arena, but also looks at the state-society interactions that help explain both the periods of greater influence of certain governmental figures like Robert Wagner and certain of the characteristics of the final bill.

While all five parts are important for the model, the central burden of such a theory is the demonstration of three linkages: (1) that there existed a strong and important connection between the radical labor upsurge and the broader social movements; (2) that a growing political conflict was taking place within the labor movement, whose balance of power was beginning to shift from conservative leaders and organizations to more radical groupings; and (3) that both these phenomena had a central impact on the labor reform process.²¹ I will attempt to demonstrate these linkages in a preliminary fashion by examining the factors that led to the passage of the NLRA.²²

How the NLRA Came To Pass

The first task will be to show the strength of early New Deal social movements and their impact on, and support for, the more slowly emerging labor movement. In this context, I will also begin to outline the linkages mentioned above. My central caveat will be that standard modes of evaluating organizational and movement strength by membership figures, electoral impact, or legislative influence are even more problematic during times of popular insurgencies than they are during more normal times. The first most dramatic mass response to the Depression came from the unemployed.

The Unemployed

Unemployment quickly became the dominant political focus at the beginning of the depression. Millions of people roamed the country looking for work. Large shantytowns grew inside and outside major cities. State governments approached bankruptcy with relief efforts that scarcely scratched the surface of the problem (see Bernstein 1960, 287-311, 416-36, 456-74 for detailed descriptions).²³ Protests of the unemployed from 1930 to 1932 were often massive and militant. No serious commentator doubts that they were virtually all radical-led, largely by open communists. On 6 March 1930, well before the passage of any of the new labor legislation, over one million people demonstrated across the country under Communist Party (CP) leadership against unemployment (Klehr 1984, 32-34). Harvey Klehr describes massive funeral rallies led by the communists in key cities around the country. In New York City, in January 1930, 50 thousand attended the funeral for a party activist killed by the police. A similar funeral in Detroit in 1932 for four party activists killed by the police

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at a protest march on Ford's River Rouge plant was attended by 20–40 thousand people: "Above the coffin was a large red banner with Lenin's picture" (p. 59). Perhaps the high point of such activity was in Chicago. In one incident in 1931, five hundred people in a Chicago southside African-American neighborhood brought back furniture to the home of a recently evicted widow. The police returned, opened fire, and three people lay dead. The coffins were viewed, again under an enormous portrait of Lenin. The funeral procession with 60 thousand participants and 50 thousand cheering onlookers was led by workers carrying communist banners: "Within days, 2,500 applications for the Unemployed Councils and 500 for the Party were filled out" (pp. 332–33).²⁴ From all indications, these protests, as well as the political character of their leadership, often making the front page news, did not fail to leave deep impressions on many people in positions of power, as well as on the more disadvantaged members of the citizenry.²⁵

Other Protests

The struggles of farmers likewise developed widespread militancy, often involving as many as tens of thousands in direct actions. Activities included the withholding of produce from the market because of low prices and the stopping of banks from auctioning mortgage-defaulted properties, sometimes by armed "penny sales." Communist and radical influence here, while not nearly as extensive as among the unemployed, was far from negligible (Klehr 1982, 139–146). In the early stages of the Depression, when virtually all farmers were desperate, militant farm organizations, particularly the Farmers Holiday Association, were sympathetic and supportive to union struggles (Shover 1965; Valelly 1989).

Large-scale protests by students, often under CP influence, began in the early

1930s (Klehr 1984, 307–23). At the same time, thousands of intellectuals and artists, including a number of the nation's most prominent, publicly declared their allegiance to communism. In numerous instances, these intellectuals formed support committees and publicized working class grievances widely (Cochran 1977, 54–57; Klehr 1984, 70–84).

Perhaps nowhere was the upsurge so militant and the rapid influence of communists as dramatic as it was in African-American communities. In 1931, the CP took initiative in a case that was to gain it major political leadership among African-Americans throughout the country. The case was that of the Scottsboro boys, nine African-American youths seized from a freight train in rural Alabama, accused of raping two white girls who had been riding with them on the same train. The Scottsboro defense laid the basis for the large-scale influence and recruitment of African-Americans of every stratum throughout the United States. Defense activities involving significant numbers of whites, as well as many blacks, were numerous, widely attended, broadly supported, and well publicized. These activities and the reputation gained by the CP as a reliable defender of black people gave it entree and influence among highly concentrated African-American industrial workers, including in such important places as the Birmingham steel mills, the Briggs automobile plants in Detroit, and the Ford River Rouge plant, then, as now, the largest plant in the United States (Goldfield 1980, 1985; H. Haywood 1978; Honey 1986; Hudson 1972; Huntley 1977; Keeran 1980; Meier and Rudwick 1979, 1982; Naison 1983).

This atmosphere of social protest and radicalism was nourished and gained recruits from the broader milieu of unorthodox movements, and local-and state-level labor parties. Within this environment the labor movement began to assert itself in the nation's workplaces.

The Workplace

Throughout the 1920s, groups of communists had organized themselves in industrial plants throughout the country. In many of the ununionized industries, they were the only organized forces, occasionally having the broad sympathies of their fellow workers on the basis of clandestinely published shop papers (Cochran 1977, 43–81, esp. 63–64; Keeran 1980, 39–44; Marquart 1975, 33–35). In the fur and leather industries, centered primarily in New York City, the union was openly led by communists (Foner 1950). In a number of other industries (including mining, textile, and some maritime sectors), they led and participated in large-scale, though generally unsuccessful, strikes. In early 1933, however, months before the passage of NIRA, the CP, along with members of the Industrial Workers of the World and independent radicals, led a series of successful strikes at Briggs in Detroit that were to help them establish early hegemony and respect in the auto industry (Keeran 1980, 77–95). It is not always clear from reading historical accounts how much to generalize from the reactions of individual capitalists and business organizations to the labor struggles of the early 1930s. It is somewhat easier to see the distress of established AFL leaders at the degree of opposition growing within their own organizations and their eclipse among newly organizing workers.

All the central aspects of the alternative model which were magnified greatly in the wake of the 1934 labor upsurge, are belittled in importance by Skocpol (1980, 187). The long, continuous decline in union membership from 1920 to 1933, was reversed in 1934, as union membership increased by 20%, rising by over 600 thousand members (Wolman 1936, 16). Strike statistics took an extraordinary leap. But these are mere incidental statistics, which fail to convey the depth of the

explosion. One does not even have to rely on enthusiastic radical accounts, accurate as they may be. Irving Bernstein, for instance, writes over three decades later of 1934:

A handful of years bears a special quality in American labor history. There occurred at these times strikes and social upheavals of extraordinary importance, drama, and violence which ripped the cloak of civilized decorum from society, leaving exposed naked class conflict. Such a year was 1886, with the great strikes of the Knights of Labor and the Haymarket Riot. Another was 1894, with the shattering conflict of Eugene Debs's American Railway Union against the Pullman Company and the government of the United States. Nineteen thirty-four must be added to this roster.

In the summer of that year Eric Sevareid, who covered the great trucking strikes for the *Minneapolis Star*, returned home to find his father on the screened porch. The elder, a Minneapolis businessman, was reading the headlines and his face was pale. "This," he said, "this—is *revolution!*" (Bernstein 1969, 217).

Three labor struggles, if not revolutionary, were certainly deep social upheavals: in the 1934 conflicts in Toledo, Minneapolis, and San Francisco, highly organized workers were victorious. All three struggles were led by avowed revolutionary groups and linked previously mobilized, separate constituencies. In Toledo, the working class and organizations of the unemployed formed a major alliance, with tens of thousands of radical-led unemployed workers battling scabs and National Guardsmen to a standstill, rescuing a defeated strike. In San Francisco, even the conservative AFL unions were drawn into the general strike. And in Minneapolis—a previous open shop, low-wage citadel—not merely the unemployed AFL unions and Farmer-Labor party organizations but militant farmers under the banner of the Farmers Holiday Association joined in the struggles of the Minneapolis working class (Dobbs 1972, 68). These great battles stimulated and encouraged workers throughout the country, both directly and indirectly, well after the successful strikes

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had ended. After the 1934 San Francisco general strike, the longshore and maritime industries along the whole West Coast remained aflame with militancy, largely under communist leadership. The Trotskyist-led triumph in Minneapolis laid the future basis for the successful organization of over-the-road truck drivers through the Midwest. And in auto organizing outside of Detroit by communist-led shop groups and in Detroit by the radical Mechanics Education Society of America was greatly accelerated (Keeran 1980, 103–7, 121–37; Preis 1964, 19–33). As happened in General Motors after the 1936–37 Flint strike, workers engaged in numerous unofficially sanctioned (and undoubtedly officially *unrecorded*) job actions, gaining working conditions that employers never would have conceded in the previous bargaining. Most likely, these strikes increased the fear among the rich of revolution. In all probability, they made politicians committed to capitalism somewhat apprehensive. For AFL leaders, however, these strikes must have had the appearance of the grim reaper. They signified the existence of an emerging mass-based labor movement led by radicals, completely outside their control. This movement threatened to overwhelm them even inside the confines of their own organizations (Davis 1986, 56–57).

The Response to the Labor Upsurge

The most reasonable hypothesis to account for the passage of the NLRA is that labor militancy, catapulted into national prominence by the 1934 strikes and the political response to this movement, paved the way for the passage of the act. Having talked about the insurgency, I shall dwell on the response to it.

First, the labor insurgency, with its accompanying conflict and violence caused by intransigent company resistance, had reached proportions truly alarming to the economic and political elites. To interpret

this concern as having abated due to downward fluctuations in strike statistics in early 1935 is to miss a central aspect of political and social reality. The 1934 labor revolt, for instance, was the dramatic centerpiece of a highly effective speech given by Robert Wagner at the House Labor Committee Hearings on 13 March 1935 (NLRB 1985, 2498) and on the Senate floor on 7 May 1935 (p. 2342). During the 1934 hearings prior to the 1934 successful, radical-led strikes and after, there were many who predicted increasing unrest. These included not only labor leaders such as Sidney Hillman of the Amalgamated Clothing Workers and John L. Lewis of the miners but many other public and private figures. On 29 May 1934 Senator LaFollette talked about growing labor unrest and “this impending crisis . . . which will bring about open industrial warfare in the United States” (p. 1202). On the same date Representative Connery noted, “You have seen strikes in Toledo, you have seen Minneapolis, you have seen San Francisco, and you have seen some of the southern textile strikes . . . but . . . you have not yet seen the gates of hell opened, and that is what is going to happen from now on” (p. 1150). And contrary to the perceptions of Skocpol and other state autonomists, most observers saw only an increase of labor “strife” throughout the spring of 1935.²⁶ On 13 March 1935 Wagner, for example, the state autonomists’ archetypical state reformer, spoke of the “rising tide of industrial discontent” (p. 2487). These sentiments and the fear of even greater labor struggles are echoed by virtually every commentator during the spring of 1935. No opponent in the hearings or on the floor of Congress ever rises to suggest the opposite or even that the descriptions are overdone. Even William Green, the ever-cautious head of the AFL, attempted to use labor unrest to political advantage. On 23 May 1935 the nations’ presses reported that he addressed a rally of 25

thousand workers in Madison Square Garden in New York City, with another 25 thousand standing outside. Here Green threatened (in a manner reminiscent of his performance over the 1933 Black bill) a national general strike if the NLRA was not passed. Though this may have been merely puffery and bluster on Green's part, the results of his threat were different in 1935. This time, on the next day, according to the *New York Times*, 250 thousand New York City needle trade workers quit work early in support of Green's demand.

The response to this increasing unrest was, of course, not uniform. Differing perspectives emerge quite sharply in the discussions of the NLRA. Most critics, as well as supporters, recognized that the NLRA was designed to empower AFL unions. Large numbers of employers and their organizations opposed the NLRA because they believed it would strengthen or give unfair monopolies to the AFL. This position was perhaps typified in the remarks of James A. Emery, the general counsel for the National Association of Manufacturers. On 26 March 1934 Emery argued at the Senate hearings that the bill would issue a monopoly to the AFL: "It is a deliberate step toward a Nation unionized by the act of Government" (NLRB 1985, 428; Donald A. Callahan of the American Mining Congress made a similar statement on 27 March 1935, [p. 1999].) And there were, of course, more extreme opponents, whose views of the NLRA ranged from "pregnant with class antagonism" (e.g., Morris Torrey, the Employers' Association of North Jersey on 28 March 1934 [p. 512]) to "[based on] Karl Marx's philosophy of economics" (Guy L. Harrington of the National Publishers' Association on 22 March 1935 [p. 1662]). Some other larger employers, however, although opposed to the NLRA on various grounds, seemed more sympathetic to empowering the AFL and diffusing strikes. Members of this tendency

worried that the NLRA would lead to more conflict and provide greater power to communists. These views are perhaps represented in the statements of Henry I. Harriman, the president of the U.S. Chamber of Commerce on 29 March 1934 (pp. 529-33). Harriman and others pushed for certain amendments, but did not oppose the NLRA in principle.²⁷

There were also large numbers of individuals and groups from the Left who opposed the bill. It was viewed by many, including the ACLU, as potentially restrictive of the right to strike (e.g., the Senate testimony of John H. Gray on 22 March 1934 [NLRB 1985, 336]; see also Daniel 1980) and too biased toward the allegedly procompany AFL (e.g., the testimony of Francis Dunne of the CP-initiated Trade Union Unity League on 9 April 1934 [p. 1010]). Leftist groups in general (with the exception of the Socialist party, which supported the NLRA) were suspicious of any expansion of government authority to intervene in labor-management relations. The NAACP and the Urban League also voiced opposition, unless the bill were to include guarantees for the rights of African-American workers. These groups and individuals, while occasionally representing broad constituencies and significant popular impulses, had little direct political influence in 1934 and 1935 (i.e., they had INFLUENCE1 but not INFLUENCE2).

The dominant political response to the increasingly powerful labor upsurge between 1933 and 1935, however, was to support the NLRA. The virtually unanimous opinion among New Deal Democrats and progressive Republicans (the overwhelming majority in both Houses after the November 1934 elections) was that government regulation was necessary to constrain, limit, and control the increasingly militant labor movement. This position, a central feature of the preamble and section 1 of the bill, runs like a bright yellow thread through the hearings and

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floor debates of both Houses.²⁸ Representative Withrow of Wisconsin on 18 June 1935, the last day of floor debate in the House, argued "As has been said by the gentleman from Pennsylvania [Rich], strikes have been prevalent in this country during the last two years. . . . The passage of this legislation is the only cure for the labor difficulties which have been characteristic for the past few years" (NLRB 1985, 3132). And as Representative Sweeney of Ohio predicted on the same date, "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" (p. 3168).

The question naturally arises why repression and resistance were not considered a live option by political leaders in 1934 and 1935. In other words, what was attractive about mobilizing government support for moderate unionism by reducing employer capabilities for resistance? Two factors were important in making this latter option the most compelling one. The first had to do with the general social and political unrest in the country. The second (and perhaps most immediately important) had to do with the rapidly growing strength of radicalism in the working class in the United States. As Frances Perkins notes over a decade later, it is easy for even a former participant to forget the atmosphere of political crisis that existed in the first half of the 1930s (Perkins 1946, 182). To some political and economic elites, the possibility of revolution against the capitalist system was quite real. (Lipset [1983, 274–79], for instance, presents evidence for "the leftward shift in public opinion during the 1930s" and the generally large-scale influence of radicalism in this country.) Many diverse references are available indicating that individual executives and some politicians in the United States during the 1930s feared a revolution (e.g., Karsh and Garman 1957, 83; Leuchtenburg 1963, 25). Adolph Berle, Donald Richberg, and

others thought government reforms were immediately necessary to avoid more radical demands and activity. Perkins for instance, was urged in the spring of 1933 by Berle, her close friend, to leave Washington before "widespread violence" broke out. (See Lowi 1969, 217 for Perkins's account; see also Richberg's statement at the Senate Hearings on 6 January 1935 [NLRB 1985, 1290–93]; William Green's on 14 March 1935 [p. 1477]; Connery's on 18 June 1935, [p. 3289]). As Schlesinger states, "It was now not just a matter of staving off hunger. . . . It was a matter of staving off violence, even (at least some thought) revolution. Whether revolution was a real possibility or not, faith in a free enterprise system was plainly waning" (1958, 3).

Into this social milieu, tempered by the raised, then shattered hopes of the country in the NRA in general and section 7(a) for workers, burst the 1934 strikes, led by avowed revolutionaries, magnified by the linkages to other insurgent consistencies, the aftermath of which promised continued struggles on even broader scales. The 1934 events hang like a veil over the NLRA hearings and floor debates not just in 1934 but through the spring of 1935. To deny the impact of the 1934 upsurge is to miss a central aspect of reality. Theories that lead their adherents to overlook or slight these labor struggles must be deemed deficient. References to the dip in recorded strikes during early 1935 (see Finegold and Skocpol 1984, 180–81 for an attempt to dismiss the causal importance of the 1934 upsurge with such a reference), even if they did reflect a temporarily lowered level of insurgency, would tell us little about the threat that the 1934 strikes made, both to corporate elements and to AFL leaders as well.²⁹ Those who pushed for the NLRA placed many of their arguments within this context.

There was also deep concern that the rising level of conflict caused mainly by

the intransigence of most employers, was in good part the reason for the growing strength of labor radicalism and the relative weakening position of the AFL. The AFL was caught in the early thirties between a rock and a hard place. On the one side they were attacked and disowned by militants whose tactics they would not support, and on the other they were beaten back by recalcitrant employers who were not amenable to persuasion and moderate pressure. The complaint that employer hostility and government complicity were helping revolutionary labor groups may be heard repeatedly from top conservative AFL leaders, including William Green and John Frey, president of the AFL Metal Trades Department. This sentiment is voiced sharply by Frank J. Dillon, the director of auto organizing, personally selected by Green; Dillon had played a major role in undermining the then-upcoming auto strike in 1934. On 28 March 1935, at the House Hearings, Dillon stated,

It is significant to here record the fact that Communists and communistic theories are more prevalent and substantially stronger among employees within the auto industry now than 1 year ago, constituting an actual menace to the future of the industry and a challenge to our form of government. It is my humble judgment that this feeling of bitterness, hatred, and resentment now so prevalent among auto workers is the direct result of management's failure to genuinely conform to the spirit and intent of section 7(a) of the NIRA. (NLRB 1985, 2725)

However self-serving these claims may appear, the analysis has the ring of truth, reflecting the AFL loss of the emerging autoworkers' movement to the Left and the future UAW-CIO leadership.

Thus, there began to emerge a growing consensus among liberal politicians that the best way to preserve order, prevent high levels of strike activity, slow the spread of communism, and diffuse serious challenges to the capitalist system was by creating a government-supported legal en-

vironment where moderate forces, particularly the AFL leadership group, were protected and not so disadvantaged as at present. Hence, certain moderate forces were in favor of the NLRA because they thought it would strengthen the hand of the AFL. As Lloyd Garrison, the chairman of the pre-NLRA National Labor Relations Board argued on 15 March 1935, "I am for it as a safety measure, because I regard organized labor in this country as our chief bulwark against communism and other revolutionary movements. . . . I think that those employers who are out to strangle organized labor, are simply playing into the hands of the extremists" (NLRB 1985, 1505).

To many in 1935, it did indeed seem that a specter was haunting the United States. In a sentiment echoed by diverse people during the NLRA debate, Representative Connery on 4 April 1935 responded to the testimony of Dr. E. R. Lederer, who represented the Petroleum Industry's opposition to the bill:

Dr. Lederer, I believe personally that the big corporations, like the Standard Oil Company, the Shell Oil Company, and these big textile industries, and the automobile industry, are very short-sighted. . . . They regard us as enemies of the employers, as actually being inimical to the employers, when we are not. What we are trying to do, Dr. Lederer, is to save those corporations from communism and bloodshed, and, Dr. Lederer, the Government wants them to give labor of the United States a fair deal. The American Federation of Labor, to which you referred, is the bulwark that is holding back communism in the United States among the workers, by having them in organized units where they can be self-respecting American citizens and have a chance to bargain collectively for their rights. They are keeping men in line who, if they did not have that union, would say 'All right, we get no protection from the government; we are slaves to our employers. Let us go out like they did in Russia and let us turn the government upside down and take the money away from these fellows. . . . I am surprised that the big employers cannot see that, and do not regard the committee as their friend rather than an enemy (NLRB 1985, 2789).

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And so the NLRA passed, first the Senate, then the House of Representatives—overwhelmingly. It is, of course, not necessary to argue that everything turned out exactly the way it was planned in the 1930s. It certainly took a good many years before labor insurgency was tamed and the influence of radicalism was checked. A convincing argument, however, can be made that the strategy was ultimately successful (Goldfield 1987; Lynd 1987; Rogers 1984; Tomlins 1985).

Conclusion

The foregoing analysis has suggested that the state autonomy model, which searches for primary explanations of politics in “states and parties” seriously slights the importance of the influence of labor militancy and radical organization in the passage of the 1935 NLRA. An alternative model examining the state and parties in conjunction with, and in the context of, the influence of key class actors is better able to account for the bill’s enactment.

Models, however, do not get “proved” or disproved by appealing to this or that fact or situation. A good model may be modified, incorporating new material and supporting hypotheses. Rather, a model is to be judged by how useful it is in organizing the facts, in accordance with the three criteria suggested earlier.

First, it was argued that an adequate model must be able to account for all the important inputs and outputs, reasonably fitting the structure of a situation. The model presented here is able to take the strength and impact of labor militancy, broad social movements, union influence within the legislative process and governmental circles, and radical organization into account and suggest the mechanisms by which they influence important actors and politics in general.

Second, the model gives significant weight to important social forces and tries

to leave room for varying types of influence and interaction of these forces with the state. It is important to evaluate public policy on its own terms. It may be truly momentous, with great social impact; a codification of already existing practice; or largely irrelevant.³⁰

Third, the model outperforms the state autonomy model, which is led to slight systematically such factors as labor militancy, social movements, union lobbying, and radical organization and to distort reality in important ways—giving highly aggregated statistics where more disaggregated ones suggest a different story; belittling the importance of the 1934 strikes, finding a sharp decline in labor militancy in 1935, where one sees at most a rather normal cyclical dip; failing to examine or describe the perceptions of the upsurge from the standpoint of key policy makers and legislators; and describing little of the radical organizations and atmosphere that others (e.g., Lipset 1983) have seen as so central a part of the 1930s landscape. In short, the state autonomy model pushes its adherents to abandon the social context of political events. These sins of omission and commission flow from the ill-begotten attempt to impose the state autonomy model where it does not belong.

An important comment must be made about the significance of conjunctural factors, which are so often stressed by Skocpol and other state autonomists. It is often made to seem as if one must choose between an emphasis on these factors and social forces. This, however, would be a misformulation of the problem. Conjunctural factors are always important. Without a line to protect them, no great quarterback or running back ever scores a touchdown. Stephen Gould (1988) makes this point sharply in his discussion of the lucky breaks and circumstances of Joe Dimaggio’s hitting streak. Yes, business was discredited, and the NLRA did come up at precisely the time that the majority

of capitalists had abandoned FDR politically. In Congress the November 1934 elections had removed the Republicans and much of the Right. These factors were important causal forces in making the state responsive to the developing labor struggles and the growing strength of labor radicalism but certainly not sufficient in themselves. Without the 1934 or some similar upsurge, it is unlikely there would have been an NLRA. Liberal politicians, reform groups, and the small number of faithful New Deal executives did not develop their political hegemony on their own. They gained strength and influence as a result of broad social forces. Certainly, it is conceivable that if all the conjunctural factors had been different the 1934 labor upsurge and its consequences would have been insufficient to force the passage of the NLRA. But then the labor movement might have continued to develop, perhaps a little later, perhaps more violently, certainly in a more radical political direction.³¹

Labor influence was central to the structure of the political situation in 1934 and 1935, both because of the growing strength of its insurgent and disruptive activities and because of the growing strength of highly organized radicalism. Because of this latter development, repression by companies (often aided by local police and state-directed National Guardsmen) was not an unproblematic option; it was already discrediting the more collaborationist wing of the AFL and giving greater legitimacy to radicalism. Liberal politicians (many with long-standing direct and indirect ties to corporate reform groups) thus reacted with a combination of sympathy and alarm at the growing labor upsurge with all its complexities.

If labor militance, social movements, and radical organization have had a major impact on public policy and on the general politics of the 1930s, no model of the modern state or research program for

studying it makes it difficult for the conscientious investigator to uncover this impact is adequate. Thus, the state autonomist approach and others that slight these factors must be judged inadequate. If the politics of class and social protest have been important in the past, they may be potentially important for the future. More attention should be paid in the political science profession to the study of these factors in the 1930s and the 1960s. The periods of relative quiet as well as the crescendos may be worth explaining, since they too may prove central to understanding what is essential about U.S. politics.

Notes

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1. By class legislation I refer primarily to labor laws and social welfare legislation. The New Deal era, of course, was the reforming period (1933-38) of President Franklin Delano Roosevelt's administration.

2. Analysis of the role of such movements in Europe has been made by Charles Tilly (1978) and Sidney Tarrow (1989) among others.

3. The conditions of labor organizations are documented in an extensive literature. For representative material see Bernstein 1960; Foner 1962-82; W. Haywood 1929; Perlman and Taft 1935; and Preis 1964. For extensive documentation during the 1930s see the LaFollette Hearings, U.S. Congress 1937-41, pts. 1-75. A particularly vivid, informative historical novel is Giardina 1987. For the legal background see Gregory and Katz 1979.

4. The NLRA was criticized by many as antilabor even before its passage. Such critics included the American Civil Liberties Union; A. J. Muste, leader of the American Workers Party; the Industrial

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Workers of the World; the Communist party; Trotskyists from the Communist League of America; and radical intellectuals, among whom was Robert Lynd. It was also opposed by the NAACP and the Urban League as having little to offer black workers. In the post-World War II period, criticisms of the NLRA emerged from established labor leaders, including John L. Lewis in 1949 and the typographers in 1954 (Tomlins 1985, 313). In the more recent period large numbers of union leaders have attacked the NLRA, including Lane Kirkland, president of the AFL-CIO, C. Trost and L. M. Apcar, "AFL-CIO Chief Calls Labor Laws a 'Dead Letter.'" *Wall Street Journal*, 16 August 1984). Other union leadership statements against the NLRA may be found in U.S. Congress 1984. For contemporary academic criticisms of the NLRA as antilabor see Goldfield 1987; Lynd 1987; Rogers 1984; Tomlins 1985; and Weiler 1983, 1984.

5. Space considerations limit my consideration of other theories here.

6. For insightful discussions of these issues see Lakatos 1970, esp. 132-138, 154-77; Miller 1988; and Putnam 1978.

7. This category would include Lindblom's (1982) "structural veto of capital" and the ability to control the agenda emphasized by Bachrach and Baratz (1962).

8. Marxists, beginning with Marx, have often regarded certain reforms as a least partially beneficial for the working class. The successful struggle for the shorter workweek (discussed extensively in volume 1 of *Capital* [Marx 1962]), the abolition of child labor, legal rights for trade unions, and the full extension of the franchise have always been regarded as having much positive potential for the working class. Some Marxists, including Lenin and Gramsci, have stressed the contradictory nature of certain class reforms, both their empowering and socially integrative potential.

9. A timely example might be Corliss Lamont, the radical son of J. P. Morgan partner Thomas Lamont, in the 1930s and later; separating Corliss Lamont and his political activities from the "Morgan interests" does not require great acumen, nor does it require a denial that Thomas Lamont and others did act politically to represent those interests.

10. Block (1977) and to a certain extent Ferguson (1984) are exceptions.

11. The degree to which Roosevelt and New Deal Democrats were under siege by the capitalist class is suggested in the 1 April 1935 Senate labor committee testimony of Donald Comer, representing the Cotton Textile Institute, a strong opponent of the NLRA; Comer begins by asserting, "I think the present administration, the present Democratic Party, has given to the South the first and only opportunity of economic freedom we have had since the Civil War in its program of giving us parity prices for our cotton" (NLRB 1985, 2066), hardly the opening

salvo for class warfare.

12. Skocpol, for instance, takes issue with this account (1980, 187). The accusation, discussed in the last section, that Finegold and Skocpol make about the impossibility of prolabor reforms under capitalism also seems to be an implicit targeting of this model.

13. I take the remarks by Finegold and Skocpol (1984, 189) to be using this model implicitly.

14. The state autonomist model, as presented by Skocpol (1980, 189) does limit the options to these choices.

15. Thus, one might say that those whose primary focus was on the negotiation process itself and the negotiators had chosen a unit of analysis too temporally and spatially circumscribed.

16. At most, 5%-8% of these newly organized workers participated in the NLRB procedures. Even growth under NLRB auspices, particularly during the 1930s, does not prove that it played a significant causal role. In some—perhaps most—cases an NLRB election was merely a face-saving device for an employer after workers had successfully won recognition through strikes or other means.

17. How this relates to states and parties is, of course, far from clear.

18. In the general glorification of John R. Commons and his followers and the correct recognition of their important innovative role in much social reform legislation, their corporate ties are rarely given due weight. As Domhoff (1970, 133; 1987, 171) notes, Commons was hardly influential before he went to work for the National Civic Federation in 1900. When he left in 1907, one-half of his academic salary at the University of Wisconsin was paid by two corporate leaders, a constraint making his characterization as an independent liberal reformer, at a minimum, open to questions.

19. See n. 3.

20. Various factors emphasized by other analysts are more difficult to separate from the protest movement than they appear at first sight. These factors often seem much more adequately described under the rubric of state-society interactions than as a result of autonomous "state and party" activity. Certainly the leftward shift in Congress as a result of the 1934 elections, the sympathetic response of NLRB officials to workers and their unions, and even the highly effective exposures of corporate repression by the LaFollette Committee are inextricably entwined with the strength and moral force of the mass working class movements of the early 1930s.

21. Delineating these points should satisfy the legitimate demand that one must specify the mechanisms by which labor influenced the reform process (Skocpol 1980, 185-86).

22. For other aspects of my hypothesis, I rely heavily on previous writers. This is particularly true for the investigation of corporate-reform ties. My

main goal here is merely to suggest the plausibility of an alternative hypothesis. The whole thesis will be discussed more fully in a longer, forthcoming work on the 1930s.

23. Roosevelt's secretary of Labor, Frances Perkins, notes the dominance of unemployment over all national political life in 1933 (Perkins 1946, 182-83).

24. Skocpol refers to work by Timothy Massad (1980), who tries to minimize the extent of activities of the unemployed by asserting that most protests after the 6 March 1930 demonstrations took place in three cities: New York, Chicago, and Detroit. This, however, seems unlikely. Virtually every activist biography and strike account gives evidence of numerically large, if oftentimes volatile and unstable, struggles and organizations of the unemployed during the early 1930s. The most comprehensive references (e.g., Rosenzweig 1976) list dozens of cities across the country, including several in the South, where interracial movements existed. The more likely assumption (in line with virtually all other accounts of protests of the unemployed during the early 1930s) is that activities of the unemployed—whether they were as persistent or as numerous as in New York City, Chicago, or Detroit or not, whether reported in the newspapers or not—were frequent, with roughly the same characteristics across the country.

25. Even those largely hostile to the role of radicals in the labor movement generally recognized these connections:

Literally tens and maybe hundreds of thousands of American workers who might not otherwise ever have heard of radical political parties and programs, became sympathizers of these programs. Having found that the left-wing leadership of their unemployed organization fought militantly for their benefit on a day-to-day basis and in a great number of places and instances won real measures of success, workers certainly must have been less suspicious or even enthusiastic supporters, of left-wing leadership if they found it in local unions which they subsequently joined. (Karsh and Garman 1957, 96).

26. Out of hundreds of statements, I have yet to find one contemporary observer who echoes Skocpol.

27. Among their concerns were an opposition to the NLRA's principle of majority rule; most employers preferred proportional representation. They also opposed the banning of company unions and the limitation of unfair labor practice violations to employers.

28. See Rogers 1984 for a similar argument based on an analysis of the bill's numerous provisions.

29. Tarrow (1989), in his examination of Italian protest data, finds similar seasonal variations during cycles of protest in the 1967-73 period. Kennan (1986) argues that seasonal variations characterize strikes in *all* countries (pp. 1129-31).

30. As an example of this range consider the following: the ending of car production during World War II had an absolute impact, ending the purchase of new automobiles for the duration; the banning of alcohol production through prohibition, on the other hand, merely transferred its production to the illegal sphere, hardly diminishing the volume of consumption; women's suffrage, enacted with the Twentieth Amendment in 1920, was almost immediately put into effect; while the Fifteenth Amendment of the post-Civil War period, which mandated universal African-American suffrage, was not fully operational until almost a century later. One could go on with examples.

31. Many of the early standard writers, even though they argue that the New Deal played a central role in encouraging, stimulating, and giving birth to the labor upsurge, are willing to entertain the opposite view. Karsh and Garman, for instance, state,

Moreover, the new unions were products of broad social forces in which countless individuals made important contributions. . . . One might even go further and argue, though the authors do not necessarily hold this view, that had the Board [NLRB] not been given a mandate to advance and protect union organization, and had the Board's personnel not been pro-labor, the militancy of the new unionists might have been more successfully organized by the left-wingers in the unions for more radical and wide-sweeping social change. (1957, 111)

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