Union Threat, Countermovement Organization, and Labor Policy in the States, 1944–1960

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This article evaluates social movement perspectives on repression and movement-countermovement organization relative to the wave of policy setbacks that unions experienced in the pivotal two decades following the New Deal. An event history analysis of the adoption of right-to-work laws across states between 1944 and 1960 supports social movement perspectives that emphasize the relative threat posed by challenging groups, but the impact of threat is uneven. The findings advance a more contextualized and historically grounded understanding, demonstrating how union threat takes on greater meaning in contexts where authorities side with employers relative to labor. This study improves upon prior labor scholarship by including data on both union and employer organization, each of which are shown to be influential for right-to-work outcomes independent of notable political opportunities. I conclude by discussing the implications of the findings for scholarship on labor and social movements more generally. Keywords: labor unions, labor politics, social movements, political repression, protest.

The American labor movement experienced a dramatic reversal of fortune following its meteoric rise during the New Deal years and World War II. In the 1940s and 1950s, labor unions faced a political backlash and a string of defeats that would ultimately limit union influence to a narrow geographic and industrial space. These setbacks for unions remain puzzling given that they occurred when union ascendance appeared most probable—even as late as 1946 critics like *Fortune Magazine* saw little capable of stopping labor's momentum (Goldfield 1997). The Taft-Hartley Act of 1947, a major blow for unions, is the most documented and well-known piece of this story (Dubofsky 1994). Yet, while scholarship has examined this and other important changes for labor nationally (e.g., Brueggemann and Brown 2003; McCammon 1994; Stepan-Norris and Zeitlin 2003), few studies have examined the critical developments underway in the states that contributed to the union fallout.

This study asks how union and employer mobilization affected one such crucial state-level policy development during this period in right-to-work laws. Right-to-work, which preceded any federal recognition by Taft-Hartley, diminished the financial and organizational capacity of state labor movements (Ellwood and Fine 1987; Moore 1998). After winning an election, unions are legally bound to collectively bargain for all workers covered by the contract, but in a right-to-work state unions cannot compel all workers to eventually join. Right-to-work thus piqued the interest of employers and political representatives during the 1940s as a means of curbing labor influence. Though sociological scholarship has offered important insight on the problem (e.g., Canak and Miller 1990; Jacobs and Dixon 2006), it has largely ignored the pivotal years of right-to-work activism and the series of policy setbacks across states during 1940s and 1950s.

The author wishes to thank Editor Ted Chiricos and the anonymous reviewers, as well as Matissa Hollister, John Reynolds, Vincent Roscigno, and Dan Tope for their helpful comments on earlier drafts. Direct correspondence to: Marc Dixon, 6104 Silsby Hall, Department of Sociology, Dartmouth College, Hanover, NH, 03755. E-mail: Marc.D.Dixon@Dartmouth.edu.

***Social Problems*, Vol. 57, Issue 2, pp. 157–174, ISSN 0037-7791, electronic ISSN 1533-8533.**
DOI: 10.1525/sp.2010.57.2.157.

Perspectives on social movements offer a useful window into the right-to-work problem. Literature on social movement repression emphasizes the threat posed by challengers in explaining state response (Earl et al. 2003), while perspectives that prioritize social movement organization detail the pressure that SMOs and their opponents can bring to bear in the policy process (Andrews 2001; Soule and Olzak 2004). Moreover, each can be extended in important ways when considering the right-to-work case. Research on social movement repression, for example, has largely turned to the policing of protest as a testing ground, leaving out a host of less coercive political processes. And, while a growing body of work posits the influence of social movement organization for policy outcomes, studies on labor movements in particular have lacked the data to assess both union *and* countermovement influence.

I build on these insights, as well as research on unions and labor politics following the New Deal, in order to extend the literature on the politics of social movements and labor in particular. After evaluating these perspectives relative to the right-to-work case, I undertake an event history analysis of right-to-work adoption across states between 1944 and 1960. I conclude by discussing the findings relative to prior studies on labor and more general perspectives on social movements.

Social Movement Research and the Case of Right-to-Work

Social Movement Repression

Perhaps the most consistent finding in the literature on social movement repression is that authorities respond to the relative threat posed by challengers (Davenport 2007). Threat on the part of social movements is typically gauged by the scope of disruptive protest or a group's particular motives (whether or not they aim to displace political leaders; Gamson 1990). The bulk of this work pertains especially to the coercive responses of state actors. Here sociologists have most often turned to the policing of protest as a testing ground, showing how confrontational protest tactics and larger protests increase the likelihood of authorities using force to quell unrest (e.g., Earl et al. 2003; Earl and Soule 2006; McAdam 1982; Soule and Davenport 2009).

By comparison, social movement researchers have been slow to consider the determinants of less coercive forms of state repression such as *channeling*—a form of repression most applicable to the right-to-work case. Channeling by states involves a variety of strategies "meant to affect the forms of protest available, the timing of protests, and/or flows of resources to movements" (Earl 2003:48). This includes activity from police permitting requirements for protests to more sweeping legislative restrictions that hamper mobilization. Yet, even here there is evidence supporting a similar *threat-state response* relationship. For example, studies pertaining to campus activism (Gibson 1989), civil rights era rioting (Jacobs and Helms 2001), and strikes (McCammon 1994) each link disruptive protest to various legislative or judicial sanctions. If this is the case, the patterning of labor protest should likewise figure into the adoption of right-to-work laws.

Social movement strength is also shown to matter for repressive action. While some studies link movement strength to threat and repression (Griffin, Wallace, and Rubin 1986), others suggest that it provides necessary resources for challengers to resist attacks, thus making repression a more costly option for authorities (Gamson 1990). Jennifer Earl's (2003) typology is instructive in this regard. It suggests that those movements that are both threatening (via disruptive protest or claims-making) *and* relatively weak are more likely to face repression. Rather than targeting powerful movements, authorities are more apt to single out *weak but nonetheless threatening* challengers. The public relations concerns of authorities are argued to be paramount in this regard as the potential for failure should be reduced by singling out weak challengers. While Earl (2003:60) suggests that these concerns make the threat-weakness

hypothesis most applicable to coercive forms of repression, authorities may single out weak groups through various means and for various motives, including political gain.

The threat-weakness argument is plausible for the case at hand given the hostile reception to the postwar southern labor organizing drives. Beginning in 1946, the Congress of Industrial Organizations (CIO), soon to be followed by its rival, the American Federation of Labor (AFL), attempted to extend the union movement to the South. Both federations devoted sizeable financial and human resources to organizing campaigns in several states (Griffith 1988; Marshall 1967). While unions had historically suffered in the region and were indeed weak relative to their counterparts in the Midwest or Northeast, labor organizing was nevertheless threatening to employers and southern politicians alike.

Organizing drew the ire of southern politicians in part because it held the potential to upend the race-based political economy of the region. It is for this reason that Sean Farhang and Ira Katznelson (2005) link union gains during the 1940s to the readjustment of the southern congressional delegation on labor issues.[1] What is more, however, union certification elections carried out in the 1940s under the supervision of the federal National Labor Relations Board (NLRB)—an organization that in its early days not only sought to *foster* collective bargaining, but CIO industrial style unionism in particular—coupled with National War Labor Board enforcement of temporary union security (or "union shop") provisions challenged the prerogatives of local authorities and bolstered labor's potential as a political challenger in the region (Dubofsky 1994; Lichtenstein 1989).

There is anecdotal evidence supporting the regionally specific *threat-weakness* explanation. Gilbert Gall (1988) notes that right-to-work activism accelerated in the region in response to labor organizing. To date, however, no sociological studies have followed up on this point and systematically analyzed these associations between labor organizing and labor politics; nor have studies assessed the threat-weakness hypothesis for channeling more generally.

The possibility of a regionally specific threat-weakness relationship suggests a more contextualized understanding of social movement threat. Rather than viewing labor protest as a universal threat, that, when sufficient in scope, will prompt repression, the implications of threat may be enhanced in certain contexts. The assumption in the repression literature is that *authorities* perceive some behavioral threat and act accordingly. Yet, even in contexts where policy-making authorities do not perceive labor unrest as a direct threat, the willingness of states to repress labor protest may still vary by the receptiveness of authorities to the concerns of employers (who do perceive unionism as a threat). If the union threat is indirect—where labor unrest threatens employers but not necessarily authorities—the problem then becomes identifying the particular contexts in which a threat to employers is more likely to be treated as a threat to the state itself.

Though the perceptions of authorities and their ties to employers are complex and somewhat fluid, partisan distinctions offer an important clue into the variable impact of union threat. Outside of the South, the emerging industrial union-Democratic Party coalition of the 1930s and 1940s meant that Republicans became an increasingly important ally for business interests generally, and for right-to-work advocates in particular (Gall 1988). This partisan split along business-labor lines was accentuated by the labor political action committees formed during the 1940s, particularly the CIO-PAC. While formally nonpartisan, these organizations overwhelmingly backed Democrats (Greenstone 1977). If employers found a more receptive audience in Republicans, it is plausible that labor protest was also more likely to be treated as a threat and met with restrictions in Republican-dominated contexts.

1. The dust had mostly settled on both the labor organizing drives and right-to-work prior to the takeoff of the southern civil rights movement. Though the intersection of civil rights and labor issues, with implications for labor politics, would explode on the national scene in the 1960s (Jacobs and Dixon 2006; Quadagno 1992), the threat was certainly not lost on employers or authorities in the region during the 1940s. For notable local attempts to fuse civil rights and labor issues in the 1940s, see Honey (1994) and Korstad (2003).

This discussion suggests that the patterning of threat and repression may play out unevenly across different contexts, depending in part on the sensitivity of states both to labor protest and to the interests of employers relative to labor. Several possibilities follow for the enactment of right-to-work laws. The most general of the threat-based explanations suggests that *labor organizing or otherwise threatening protest by unions will increase the likelihood of right-to-work.* Alternatively, *the effect of union threat on political repression should be enhanced in settings where unions are weak, or where they have suffered historically such as the South.* Finally, and given a more contextualized understanding of threat, *the impact of union threat on repression should be enhanced in Republican-dominated settings.*

The repression literature is instructive for this case but not sufficient to account for the series of union setbacks. Social movement researchers often restrict the range of repressive agents under consideration to authorities closely tied to the state and therefore omit private actors such as employers and countermovements. Earl (2004:56) contends that this is a costly omission, pointing to the history of the labor movement in particular as an example of what is missed by this narrow state focus. Historically, responses to labor protest have indeed been wide-ranging—responses that have spanned state and private actors, coercion, and channeling (Bernstein 1960; Dixon 2007; Isaac 2002). This suggests a potentially close connection between determinants of social movement repression and movement-countermovement dynamics.

Movement/Countermovement Organization and Policy Adoption

If the repression literature has mostly ignored private actors in favor of state, the literature on movements and countermovements focuses squarely on the organizational capacity of these contestants and their ability to sway political decision makers. SMOs, it is argued, wield influence by navigating multiple institutional arenas and by employing a range of tactics beyond disruptive protest, including litigation and lobbying (Kane 2007), electoral activism (Andrews 2001), coalition work (Staggenborg 1986; Turner and Cornfield 2007), and public outreach and the strategic framing of movement issues (Cress and Snow 2000; Rohlinger 2006).

These processes are argued to be the causal linkages between enhanced movement presence on the one hand and policy enactment or enforcement on the other (Andrews 2001). Countermovement actors often wield influence in similar ways (Meyer and Staggenborg 1996). Countermovements and other nonstate antagonists engage in a wide range of political mobilization, take framing tasks seriously, turn to grassroots efforts, and otherwise affect the political prospects of social movement challengers (Quadagno 2004; Soule and Olzak 2004; Walker 2009). Employer associations in particular have long proven a thorn in labor's side. However, most quantitative labor analyses have lacked data on these actors and have therefore been unable to assess their influence (see Griffin et al. 1986 for a notable exception).

The most straightforward implication is that the presence of union and countermovement organization should be important for the adoption of right-to-work laws across states. Further, some suggest that the interplay of movement and countermovement actors is influential in contests over policy (Dixon 2008; Meyer and Staggenborg 1996). For example, Sarah Soule's (2004) study of mobilization around same-sex marriage bans finds that where gay and lesbian movement organizations and advocates of the marriage bans are both active, advocates fare better and legislative bans are more likely to be adopted. This may be attributable to the difficulty associated with taking a defensive stance on a policy issue and "catching up" to the groundwork laid by its proponents.

Movement-countermovement dynamics like these may be difficult to separate from the aforementioned discussion of union threat. Disruptive labor protest in the form of striking or organizing requires extensive staff and financial resources (Martin 2007). This means that where unions are most active on the ground, they may find themselves at an even greater

deficit to right-to-work advocates. This possibility is consistent with the contentiousness argument described above, but suggests resource allocation as a potential mechanism. Historical accounts of postwar organizing efforts offer some support for this position, noting the near complete decoupling of labor organizing from labor political activity in the states (Lichtenstein 1989). Employers, by contrast, appear to balance an especially diverse tactical repertoire when it comes to preventing and managing protest (Earl 2004).

This discussion suggests an edge for employers in settings where both unions and employers are active, yet not all movement or countermovement organizations are equally suited, or motivated, to navigate the political process. For example, prior research (Jacobs and Dixon 2006) finds that it is not just employers, but small business interests in particular, who are most ardently opposed to unionism and that are especially active in right-to-work politics. Given that these actors have a hard time passing on higher wage costs to consumers, it is unsurprising that they were often at the front of efforts to curb union advances, particularly during the early years of right-to-work (Gall 1988).

Labor's response to right-to-work has likewise been uneven. William Canak and Berkeley Miller's study (1990) of right-to-work activism in Louisiana illustrates the debilitating effects of interunion conflict for political mobilization. Such union divisions have been implicated in many of labor's political shortcomings for the period in question (Quadagno 2004), and continue to be a source of debate given the recent defections from the AFL-CIO (Masters, Gibney, and Zagenczyk 2006).

This literature suggests a number of possibilities regarding right-to-work that can enrich the prior discussion on social movement repression. First, the presence of *employer opposition should be positively associated with the adoption of right-to-work laws* as these actors engage in countermovement political advocacy. But employer interests and motivations are diverse. I expect *small business presence in particular to be positively associated with right-to-work.* Union characteristics are likewise meaningful. *Enhanced union presence should diminish the likelihood of right-to-work, while union divisions should limit labor's effectiveness in this regard.* Beyond movement and countermovement presence, the interplay of these actors should be influential. *Contentious settings marked by enhanced activity on both sides of the debate will generally favor employers over labor unions.* This may be attributable both to the difficulty associated with taking a defensive stance on a policy issue and to resource allocation problems on the part of unions relative to more tactically adept employers.

It is important to acknowledge that the prospects for right-to-work are influenced by a host of factors external to movements themselves. The willingness of states to restrict unions in this manner varies in part by whether or not unionism is viewed as a direct threat, as well as by the receptiveness of states to the concerns of employers who may be harmed by union advances. These contextual features, I argue, can help explain why labor protest is met with legislative restrictions in some contexts but not others. For political opportunity theorists, such state characteristics matter in their own right for policy adoption and are argued to be of greater importance than movement or countermovement organization (Burstein and Linton 2002; Jenkins et al. 2003; Meyer and Minkoff 2004).

Scholars have often criticized the political opportunity/process tradition for serving as a vague, catchall category for the social movement environment (Armstrong and Bernstein 2008; Gamson and Meyer 1996; Jasper and Goodwin 1999). One problem lies in the specification of opportunities relevant to particular movements, as broad environmental features are unlikely to impact all contestants equally (Soule and Olzak 2004). Yet, when cast in terms of the receptiveness of states to employer interests, political opportunities hold clear implications for the right-to-work case and offer a useful counterpart to movement/countermovement explanations.

Viewed in this way, political arrangements such as the one-party South and Republican Party control should favor right-to-work activists over unions given the closeness between state and employer interests. First, unionism arguably threatened southern employers and

politicians alike (Farhang and Katznelson 2005; Lichtenstein 1989), while the limited electorate of the region in the pre-civil rights era favored elite interests more generally (Amenta and Halfmann 2000; Quadagno 2004). Indeed, it is here that state and employer interests relative to the labor question most closely aligned. Elsewhere, the receptiveness of states to employer interests was more likely to vary along partisan lines, with Republicans more consistently favoring employers (Dubofsky 1994).

These claims are consistent with political opportunity explanations that prioritize the presence of allies in government for policy outcomes, and suggest a potentially competing explanation relative to movement/countermovement perspectives. For example, David Meyer and Debra Minkoff (2004) find that government support is the key factor for movement success in swaying policy (see also Burstein and Linton 2002). In a similar but more stringent line of argument, Edwin Amenta and colleague's (Amenta, Caren, and Olasky 2005) political mediation variant suggests that movements will *only* be successful in conjunction with such political allies given that movements often operate at the margins of institutional politics. If this is the case, right-to-work advocates are unlikely to exert any independent influence on policy adoption, but instead their impact will be conditional on the presence of political allies. In the analyses that follow, I weigh these possibilities relative to the hypotheses derived from the repression and movement/countermovement literatures.

Data and Analytic Strategy

Dependent Variable and Estimation Technique

To assess these perspectives, I employ a discrete time event history analysis of right-to-work adoption across states and over time between 1944 and 1960. The data are organized in state-year format and the dependent variable is a dichotomous indicator of whether or not a state adopted a right-to-work law in a given year. Table 1 displays the 22 states that adopted right-to-work laws between 1944 and 1960. The first state-level campaigns were launched in 1944, which marks the beginning point for the analysis (as states first became "at risk" of adopting right-to-work in this year). I experimented with alternative starting points, including beginning the risk set in the year prior and this did not alter the results. Nineteen-sixty marks the end of the peak period of activity, after which point labor strength and organizing efforts were contained to a narrow geographic space (Rogers 1990). Data on right-to-work come from the *Annual Digest of State and Federal Labor Legislation* (U.S. Bureau of Labor Standards 1940–1960) published by the U.S. Department of Labor.

Table 1 • ***Right-to-Work Adoption, 1944–1960***

Year of Right-to-Work Passage	*State(s)*
1944	Arkansas; Florida
1945	South Dakota
1946	Arizona; Nebraska
1947	Delaware; Georgia; Iowa; New Hampshire; North Carolina; North Dakota; Tennessee; Texas; Virginia
1951	Nevada
1953	Alabama
1954	Louisiana; Mississippi; South Carolina
1955	Utah
1957	Indiana
1958	Kansas

The dependent variable is scored "1" if a given state in a given year adopted a right-to-work law, after which point these states are dropped from the analysis as they are no longer at risk of adopting the law. Discrete time methods then assess the probability of an event (right-to-work law) occurring in a given state in a given year provided that it has not already occurred. In the analysis that follows, the discrete time models are estimated as a logistic regression using Stata version 10 (Box-Steffensmeier and Jones 2004; Singer and Willett 1993).

Discrete time methods are appropriate for several reasons. First, the event of interest, whether or not a state adopts right-to-work, can only occur in discrete (annual) time-units. The measurement of time here is relatively inexact and thus not appropriate for a continuous time approach. Second, the data set contains a number of "ties" because several states passed right-to-work in the same years, which discrete time methods are particularly adept at handling. Third, this approach easily incorporates time-varying explanatory variables. For many of these reasons, discrete time methods have become an increasingly common approach for the study of social movements and policy outcomes (e.g., Chen 2007; Kane 2007; Soule and Olzak 2004).

Explanatory Variables—Union Threat

The explanatory variables for this analysis come from various published and archival sources, all of which are described in detail in the Appendix. Unless otherwise noted, all data are annual, state-level measures. I follow social policy researchers and lag the independent variables by one year to give the forces in question sufficient time to be influential.

To assess hypotheses concerning union threat and social movement repression, I first include *striking,* the percentage of nonagricultural workers involved in strikes. This tactic is arguably the most disruptive in labor's repertoire and often served as a rallying cry for their opponents. I also consider the impact of *union organizing* on right-to-work, as measured by the percentage of nonagricultural workers involved in NLRB certification elections. The organizing data come from the annual report of the NLRB and are only available beginning in 1946. Because this data limitation automatically drops the first two years of the risk set when including this variable, I draw on an additional organizing measure—one available for the entire sample—in *union representation cases filed with the NLRB.* Representation cases typically arise at the end of a union organizing campaign when an employer refuses to recognize a union as an exclusive representative and thus capture contentiousness surrounding union organizing (NLRB Annual Report 1942:54). I standardize representation cases by the total number of nonagricultural employees in a state.

Because the repression literature posits the simultaneous influence of threat and weakness, and because the postwar southern organizing drives (where unions were historically weak) prompted considerable backlash, I include an interaction term for union organizing in Southern states. I also assess whether Republican dominated contexts may condition the impact of union threat.

Movement/Countermovement Organization

I employ the standard measure of *union strength* in the percentage of nonagricultural workers belonging to unions (union density), which should diminish the likelihood of right-to-work. Union density is available only in irregular intervals for this period with remarkable union growth; there is a 15-year gap between the state-level data points collected by Leo Troy (1965). I therefore opt not to interpolate this measure and instead use a state's score for 1939 to capture early centers of union strength (I obtain similar results when using an interpolated measure). I also include a measure of *labor divisions* since this should diminish labor's political effectiveness. This is coded by whether or not rival state AFL and CIO labor federations

merged following the national merger in 1955 (some remained separate for years due to lingering hostilities).

I assess the influence of employer organization in a number of ways. I first use a dichotomous indicator of *employer opposition*. This variable is time-invariant and is scored "1" for those states where employers and their associations were active in promoting restrictive labor legislation, lobbying on labor-related bills, or publicly campaigning for labor restrictions at the beginning of the right-to-work movement. The measure was constructed from the state legislative files of the AFL housed at the Wisconsin Historical Society and supplemented through an extensive search of secondary materials on labor politics in the states. The AFL files contain the correspondence between AFL officers in each state and the national office. Because officers were charged to report on state legislative affairs relevant to labor, these files offer an unusually systematic window into the activities of labor's opponents in the political process and allow me to code for the presence of employer opposition across states.[2]

Second, I include a measure of *National Association of Manufacturers (NAM) membership* by state—the organization most often cited in supporting anti-labor campaigns in the states (Fones-Wolf 1994; Gall 1988). This measure is time invariant and scored as the number of NAM employer members over the total number of business enterprises in a given state in 1951, the midpoint of the sample. This is the only known state-level membership data for the period and comes from the NAM collection at the Hagley Archives in Wilmington, Delaware. The first two employer measures capture the presence and capacity of employer opposition. The NAM variable comes closest to standard definitions of countermovements, being that it is comprised of "networks of individuals and organizations that share many of the same objects of concern as the social movements they oppose" and that often make competing or opposing claims on the state (Meyer and Staggenborg 1996:1632; see especially Griffin et al. 1986 for labor research that conceives of the NAM in this way).

Research suggests that business hostility to unionism was greatest among small business interests, who were often at the forefront of right-to-work campaigns (Jacobs and Dixon 2006). For this reason, I include a measure of *small producers* as indicated by the percentage of manufacturers in a given state that employ fewer than twenty workers. This measure is restricted to manufacturers as data on all small enterprises are not available for the early years of this sample. While this measure necessarily omits many small employers, it does capture an important demographic that was arguably more inclined to participate in anti-labor politics.[3] The data on small producers are from the Census of Manufacturers (U.S. Bureau of the Census 1939–1958).

Finally, because those contentious settings marked by enhanced activity on both sides of the debate are argued to favor employers over labor, I include a measure of organizational *contentiousness*. States are coded "1" if they are marked both by high NAM membership and

2. The AFL state legislative files have coverage on every state during the mid-1940s, the beginning of my sample period. States are scored a "1" if there is reference in the correspondence to an employer or employer association active in anti-labor politics during the years 1943–47. This includes employer presence and/or testimony at hearings on labor-related bills, the lobbying of individual state representatives, as well as activity outside of state legislatures such as initiating or carrying out petition drives to put anti-labor measures on the ballot. Each of the 48 states considered at least some form of restrictive labor legislation during this period (most states indeed considered *several* bills of this nature, see Millis and Brown 1950). Because AFL officers in the states were charged to report on these efforts to the national office, this serves as the best available state-level evidence on employer political mobilization. While it is plausible that AFL officers were more likely to report back on employer efforts where unions themselves were well-established, there is only a minimal correlation between union density and employer opposition (.0005). Alternative specifications such as a count of the total number of organizations involved did not prove significant or alter the results.

3. State-level data on the distribution of all enterprises by size are not available until 1947. I experimented with a small business variable from these data (and dropping the first three years of the risk set) but this did not prove statistically significant. However, the small manufactures variable still captures an important employer demographic—an employer demographic concerned with the advances of AFL and CIO unions alike. As of the late 1940s, even AFL unions continued to recruit manufacturing workers in textiles, lumber, and furniture production among other industries. Upwards of 68 percent of union election victories by AFL unions in the late 1940s were in manufacturing industries (NLRB 1946–1948).

high union representation cases, as indicated by scores at or above the 75th percentile on these variables. These settings capture enhanced union organizing and countermovement presence. If resource allocation problems related to union organizing dampened labor's political mobilization relative to that of employers—as historical accounts suggest—this variable should positively affect right-to-work adoption.

Political Opportunities and Controls

I include a dichotomous measure of *republican control*, whether or not Republicans control the legislative and executive branches of state government (yes = 1), and a separate variable scored "1" for *southern states*, since both of these political arrangements are argued to favor right-to-work advocates pursuing policy change. Political mediation arguments further point to the interactive effect of political movements and allies in government. To assess this argument in the analyses that follow, I consider how right-to-work advocates may combine with favorable political arrangements to impact policy outcomes.

Because research suggests a close linkage between movement outcomes and the policy preferences of the electorate (Burstein and Linton 2002), I include a measure of *public opinion* on right-to-work. State-level public opinion data on right-to-work are scarce during the sample period. Here I employ Gallup survey data from 1945 (N = 2,974). To gauge support for right-to-work, I first computed the proportion of a state's residents that favored the "open shop—that is, not requiring any worker to join a union but letting each one decide whether or not to join," when presented with a choice between this and closed and union shop arrangements (Gallup 1945). I then use a dichotomous indicator scored "1" if a state's score of support for the open shop option is above the mean. Though the measure cannot capture shifts in public opinion, it serves as the best available state-level evidence on which way states were leaning at the beginning of the right-to-work case.[4]

I also control for other political and contextual features that may be relevant for policy adoption more generally. I use a measure of *electoral competition* developed by Anthony Chen (2007:1743) that captures dominant party control based on gubernatorial election results and the margin of seats in the state legislature. This time-varying measure can range from 0 (grossly uncompetitive states) to 100 (highly competitive states). Labor, as a subordinate group challenger during these years, should benefit from a more open and competitive electoral system. I therefore expect the probability of right-to-work to be reduced in more competitive settings.

I follow prior studies and control for *industrialization*. I use the logged score for value added in manufacturing per capita. These data are from the Census of Manufacturers (U.S. Bureau of the Census 1939–1958). Finally, because nine states adopted right-to-work in 1947 alone (see Table 1), all models include a dummy variable for this year.[5]

4. This variable is constructed by disaggregating data from what is meant to be a nationally representative sample and is therefore less than ideal. The median number of respondents per state is 77, with a high of 267 (New York) and a low of 10 (Montana). To assess potential error associated with disaggregation, I computed the proportion of survey respondents having 12 years or more of formal education by state and compared this to the census estimates of education in each state. The correlation between the survey data and census estimates of education is considerable at .53 (N = 48). This does not speak directly to the usefulness of the opinion data, but it indicates that the disaggregation process from survey to state is not altogether inappropriate. Unfortunately, annual opinion data on right-to-work and labor unions more generally are not available. I experimented with an alternative measure of more general support for labor unions constructed from a repeated question over four survey years during the 1944–1960 period, but this had no effect on right-to-work and did not alter the results. The annual state-level citizen ideology scores developed by Berry and associates (1998) are not available until 1960, the last year of the sample. Using the 1960 scores data as a time-invariant measure of state-level liberalism also had no effect on right-to-work and did not alter the results.

5. A very general way to control for time is to include temporal dummy variables for each year of the analysis (minus one), yet this strategy can quickly consume several degrees of freedom and offers little substantive meaning as the interpretation of numerous dummy variables becomes increasingly unwieldy (Box-Steffensmeir and Jones 2004:75). I include the indicator for 1947 because this was the single most tumultuous year of right-to-work activism and anti-labor politics more generally.

Notable demographic variables such as the percentage of African Americans in a state are omitted here. While race no doubt loomed heavily in the background of labor organizing in the South (Boswell et al. 2006), the measure is highly collinear with southern states and does not prove statistically significant with any number of alternative modeling strategies.[6] What I argue here is that the threat of upending the racialized political economy of the region posed by organizing was most influential.

Event History Results

I first present coefficients for movement/countermovement organization and political opportunity variables and controls and then consider the historically informed hypotheses on union threat. Observations are clustered by state and robust standard errors are shown in parentheses. The findings presented in model 1 of Table 2 support perspectives that prioritize social movement organization. As expected, union strength exhibits a negative and significant effect on right-to-work adoption. Labor divisions do not appear to affect right-to-work adoption across states and over time, although this measure is an admittedly rough proxy.[7]

Employer organization likewise matters, independent of political opportunities and public opinion. Employer opposition and the percentage of small producers in a state each exhibit positive and statistically significant effects on right-to-work adoption. NAM membership is also positively associated with right-to-work and approaches statistical significance at $p < .1$. While qualitative and historical work on labor and industrial policy has long posited an influence of employer organization (Canak and Miller 1990; Prechel 1990), most quantitative studies have lacked the necessary data to assess this possibility across different locales. The coefficient for contentiousness is positive and marginally significant, lending some support to the claim that enhanced activism on both sides of the right-to-work debate generally favored employers over labor, a point I return to below.

Notable political opportunities are also influential and are consistent with theoretical expectations. Republican control of a state legislature positively affects the adoption of right-to-work laws ($p < .1$), while southern states are significantly more likely to adopt right-to-work. Two additional political measures, electoral competition and public opinion, have the expected signs but do not reach statistical significance. Industrialization as indicated by value added in manufacturing has no effect on right-to-work after accounting for movement/countermovement organization and political opportunities, while the coefficient for the 1947 dummy variable is positive and statistically significant.

I assess union threat hypotheses in models 2 through 5. For interpretation purposes I enter each threat variable separately; the results are the same when they are entered simultaneously. I first consider the impact of striking. While striking clearly holds disruptive potential, it has no effect on right-to-work. In model 3, I consider union organizing and particularly the interaction of organizing in the southern states. For the interaction terms that follow I center the predictors at their means. First, when introducing the union organizing measure by itself (results not shown), there is no significant association with right-to-work. However, the interaction term for organizing and southern states is positive and statistically significant. On average, while labor organizing does not appear to be influential elsewhere, it positively affects the adoption of right-to-work in the South.

6. Jacobs and Dixon (2006) find that when civil rights exploded on the national scene in the 1960s and forced unions to grapple publicly with issues of race, persistent divisions within the labor movement diminished labor mobilization and effectiveness on labor policy and right-to-work in particular (see also Quadagno 1992).

7. There is less than ideal variation on this measure as all states are considered divided prior to the national AFL-CIO merger of 1955. While beyond the scope of this study, renewed union infighting, this time around the ascendance and practices of the Service Employees International Union, has once again raised concern within labor circles on the potential impact of divisions on labor's legislative objectives (Greenhouse 2009).

Table 2 • *Discrete Time Event History Estimates of Right-to-Work Adoption, 1944–1960*

	(1)	*(2)*	*(3)*	*(4)*	*(5)*	*(6)*
Union threat						
Striking		.051			−.105	−.199†
		(.052)			(.082)	(.106)
Organizing			−.583			−.623
			(.504)			(.769)
Union rep. cases w/NLRB				−.007		
				(.006)		
Organizing*Sthrn states			1.453*			1.593*
			(.700)			(.769)
Rep cases*Sthrn states				.009†		
				(.005)		
Striking*Rep. control					.255*	.440*
					(.078)	(.114)
Organization						
Union strength	−.090*	−.106*	−.122*	−.080*	−.080*	−.144*
	(.038)	(.043)	(.047)	(.036)	(.040)	(.052)
Labor divisions	.290	.313	.153	.249	.382	
	(1.071)	(1.063)	(1.120)	(1.092)	(1.017)	
Employer opposition	1.234*	1.225*	1.179*	1.167*	1.293*	1.558*
	(.501)	(.496)	(.593)	(.502)	(.554)	(.769)
NAM	.030†	.031†	.027	.025	.033†	.035
	(.018)	(.018)	(.022)	(.017)	(.019)	(.024)
Small producers	.142*	.152*	.118	.150*	.139*	.135†
	(.065)	(.065)	(.077)	(.069)	(.068)	(.074)
Contentiousness	1.422†	1.340†	1.844†	1.855*	1.331†	1.574
	(.853)	.850	(1.001)	(.969)	(.840)	(1.054)
Political opportunities & controls						
Republican control	1.516†	1.586†	1.403	1.852†	1.725*	1.700†
	(.920)	(.924)	(1.033)	(1.117)	(.890)	(.977)
Southern states	2.479*	2.618*	1.491	2.937*	2.870*	2.400
	(1.213)	(1.330)	(1.614)	(1.241)	(1.389)	(1.586)
Public opinion	.655	.698	1.036†	.208	.705	.936
	(.471)	(.483)	(.612)	(.611)	(.472)	(.586)
Electoral competition	−.033	−.032	−.038	−.029	−.032	
	(.021)	(.021)	(.026)	(.023)	(.022)	
Industrialization	−.268	−.264	−.099	−.101	−.414	−.167
	(.327)	(.337)	(.414)	(.506)	(.323)	(.394)
1 if 1947	2.382*	2.391*	1.739*	2.379*	2.329*	1.662*
	(.533)	(.534)	(.567)	(.592)	(.531)	(.564)
Constant	−12.054†	−12.879†	−11.503	−17.755†	−10.384	−13.433†
	(7.185)	(7.190)	(8.144)	(9.719)	(7.259)	(7.581)
Observations	580	580	485	580	580	485

Note: Robust standard errors in parentheses.
*$p < .05$ †$p < .10$ (two-tailed tests)

The reader will note that the first two years of the risk set are dropped when including the organizing term in model 3 as these data are only available beginning in 1946. While the data correspond to the timing of the postwar organizing drives, the more limited sample is less than ideal. To assess the impact of organizing the entire sample period, I use an alternative measure in model 4: union representation cases filed with the NLRB, which captures contentiousness surrounding union organizing. The results are similar. Representation cases have no impact on their own (results not shown) but have a positive association with right-to-work adoption

in southern states as indicated by the positive interaction term that approaches significance at $p < .1$.

Taken together, the findings provide fairly consistent support for the regionally specific threat-weakness explanation and the contention that the massive postwar southern organizing drives prompted a political backlash that accelerated activism around right-to-work. As unions tried to solidify their wartime gains and establish theirs as a truly national social movement, they were met with statutes that raised the costs of collective action and that subsequently dampened organizing efforts. Anecdotal reports from organizers in the field often suggested as much (Gall 1988), and these findings provide statistical support for this contention.

To assess the possibility that the patterning of union threat and right-to-work may depend in part on the receptiveness of states to employer interests, I interacted threat variables with a more favorable political environment for employers in the form of Republican control. The lone significant interaction term presented in model 5 suggests that striking, while not influential for right-to-work on average (see model 2), is significantly more likely to be treated as a threat and met with legislative restrictions in contexts where political decision makers tend to side with employers instead of labor. Regarding social movement perspectives on repression, disruptive tactics like striking and union organizing by themselves do not appear to influence the timing of labor policy. Instead, the findings presented in models 3 through 5 support a more contextualized and historically grounded understanding of social movement threat.

Findings pertaining to union and countermovement influence remain consistent across each of the threat models, with the exception of the limited sample model (3), where the coefficients for NAM membership and small producers are reduced to the point of nonsignificance. Union strength and employer opposition retain significance at $p < .05$ across each of the models, while labor divisions has no effect. The contentiousness coefficient is always positive in direction and marginally significant across each of the models (reaching $p < .05$ in model 4). The finding is consistent with historical evidence that points to a decoupling and inability to balance labor organizing and labor politics during the period as one reason for labor's difficulties (Lichtenstein 1989). It is at least suggestive of an overlap between union threat and movement-countermovement dynamics described above. State labor movements often found themselves on their own to counter right-to-work political initiatives while the national federations instead devoted considerable resources and expertise to organizing drives, making it difficult for union officers in the states to "catch up" to the groundwork laid by mobilized employers.[8]

One other change across the threat models is that the coefficient for public opinion in favor of right-to-work approaches statistical significance at $p < .1$ in model 3. The coefficient for public opinion is positive in direction (if not always significant) across all of the models, offering some support for the linkage between citizen leanings and policy adoption (Burstein and Linton 2002). Other political opportunity variables such as Republican control are consistently positive and approach statistical significance in each of the models. Because political mediation accounts suggest that movements and countermovements are *only* influential in conjunction with allies in government, I tested for several interactions between employer organization variables and Republican control (not shown). None of these approached statistical significance or altered any of the findings; there was no evidence that allies in government *condition* the influence of employer organization in right-to-work contests.

Finally, in model 6 I include only the significant threat interactions and the organization and political opportunity variables that reached or approached significance in the prior models

8. Many national labor leaders, intently focused on organizing, were hardly aware of the right-to-work problem as late as the spring of 1947 (Dixon 2007). And the decoupling of resources for organizing and politics was sometimes intentional. The CIO, for example, anticipated a backlash from their organizing efforts and their solution was to completely separate their organizing and political operations (to avoid being labeled as a Communist or liberal Democrat when approaching workers), and to disband coalition efforts with left-leaning organizations (Lichtenstein 1989).

along with controls. The findings are consistent with previous models. Union threat positively and significantly impacts right-to-work only in contexts where policy-making authorities tend to side with employers over labor. Outside of Republican-dominated contexts, for example, the relationship between striking and this restrictive policy is a negative one. Relative to social movement research, the findings suggest that threat does matter when expanding the testing ground to less coercive forms of repression like right-to-work, but the impact is uneven and highly contextualized.

Across each of the models, movement/countermovement organization exhibit significant and independent effects on right-to-work. Union strength and employer opposition are always influential, while the coefficient for small producers is always positive in direction and is significant or nearly significant in five of the six models. NAM membership exhibits a positive association with right-to-work adoption but is less consistent in its impact than the other employer variables. The coefficient for organizational contentiousness, still positive, does not reach statistical significance in the final model.

Political opportunities directly relevant to the contestants in right-to-work disputes are shown to be influential, though not as consistently as movement and countermovement organization. Other specifications, including different treatments of unionization, region, and the inclusion of various controls, did not alter the main findings or improve the model fit.[9]

Conclusion

In this study I set out to understand the remarkable string of policy setbacks that American labor unions experienced during the 1940s and 1950s. Given that they occurred when union ascendance was most probable in the United States—indeed, on the heels of the explosive activism and growth of the New Deal years and World War II—these defeats for labor remain puzzling. The implications of the union fallout at mid-century are substantial. The legislative setbacks helped contain unions to a narrow industrial and geographic space by the dawn of the 1960s, assuring that any postwar accord between labor and management was tenuous and short lived (Lichtenstein 1989). To make sense of these developments, I turned to social movement perspectives on repression and movement-countermovement organization.

Results from an event history analysis of the adoption of state right-to-work laws demonstrate that these legislative setbacks are associated with the threat posed by union activism, consistent with insights from social movement research on repression. Notably, however, the findings suggest a more nuanced understanding of threat than is common in the literature. Union organizing is shown to stimulate the adoption of right-to-work laws only in the southern region, supporting a *threat-weakness* interpretation of political repression (Earl 2003). Striking is positively associated with right-to-work laws only in contexts where political representatives tend to side with employers relative to labor. Even within the borders of a democratic nation-state, there is considerable variation in the degree to which enhanced levels of activism will be treated as a threat and met with repression.

The findings presented here thus advance a contextualized and historically grounded understanding of social movement threat. The threat posed by union activism is shown to take on meaning to the extent that policy-making authorities are able and willing to follow through in their response—both where authorities are threatened directly by union advances, and where they are receptive to the concerns of those (employers) who are. Unfortunately,

9. Additional test results support these specifications. The models pass the link test for misspecification. I experimented with other treatments of time and racial demographic variables, as well as controls for neighboring states with right-to-work and urbanization. None of these proved statistically significant or substantially altered the findings. Moreover, collinearity does not distort the findings presented here. The "collin" test in STATA version 10 shows no VIF score above 4.

the data for this study do not allow for a close inspection of the calculations of authorities. Those studies that have been able to assess such deliberations (e.g., Cunningham 2004) suggest this is a fruitful line of inquiry for understanding the variable impact of threat and just when it is likely to prompt state action.

Relative to the labor movement, the findings suggest that right-to-work was adopted not just where unions were weak, but where they were attempting to solidify their wartime gains, the focal points of their postwar organizing efforts. But union and countermovement strength were clearly influential. Consistent with prior studies, union strength diminishes the prospects for right-to-work. Importantly, employer opposition is shown to be central to any understanding of the right-to-work issue and labor's political setbacks. Larry Griffin and colleague's (1986) seminal work on resistance to unionism prior to the New Deal demonstrated how employer organizations like the NAM critically affected union organization nationally, but studies since then have lacked the data to systematically assess employer influence, particularly when it comes to contention in the states.

This study brings state-level employer data to bear on the right-to-work problem and demonstrates how employer involvement in labor politics, small business presence, and, to a lesser extent, NAM membership, positively impact the adoption of this policy. This consistent influence supports perspectives that emphasize the pressure SMOs bring to bear in the policy process (Andrews 2001; Soule and Olzak 2004). And, while the results reveal the importance of employer allies in government as suggested by political opportunity theory, movement/countermovement influence was not conditional upon such political allies.

This study also points to a potentially close linkage between threat and repression on the one hand and movement-countermovement dynamics on the other. Earl's (2004) work shows that such countermovements and other nonstate actors are an influential but understudied factor in the social control of protest. As the history of the labor movement suggests, these actors may double as countermovement adversaries and repressive agents; their organizations, strategies, and effectiveness thus figure into repression outcomes. Future research that brings greater scrutiny to the role of private actors in these processes, including studies that draw upon social movement organizational perspectives, should advance our understanding both of labor movement outcomes and the patterning of social movement repression more generally.

Appendix

Table A1 • *Descriptive Statistics and Sources for Key Independent Variables*

Variable	*Description & Source*	*Mean*
Striking	% of nonagricultural workforce involved in strikes. *Work Stoppages Caused by Labor-Management Disputes* (U.S. Department of Labor 1944–1960).	4.00
Union organizing	% of nonagricultural workforce involved in union organizing campaigns. *Annual Report of the National Labor Relations Board* (NLRB 1942–1960)	1.22
Representation cases filed with the NLRB	Union representation cases standardized by the total nonagricultural workforce. *Annual Report of the National Labor Relations Board* (NLRB 1942–1960)	.17
Union strength	% of nonagricultural workforce belonging to unions Troy (1965).	27.84
Labor divisions	Whether or not state AFL & CIO labor federations merged (1 = yes). George Meany Labor Archives.	.13
Employer opposition	Whether or not employers or employer associations promoted anti-labor legislation, lobbied state representatives on labor bills, or publicly campaigned for labor restrictions during the mid-1940s (1 = yes). Wisconsin Historical Society, American Federation of Labor Collection, State Legislative Files.	.45
NAM membership	National Association of Manufacturers' employer members over the total number of business enterprises by state in 1951. Hagley Archives, NAM collection.	.51
Small producers	% of manufacturers employing fewer than 20 workers. *Census of Manufacturers* (U.S. Bureau of the Census 1939–1958).	67.25
Organizational contentiousness	Scored "1" if NAM membership and representation cases in the 75th percentile.	.28
Republican control	Whether or not Republicans controlled both the legislative and executive branches of state government (1 = yes). *Statistical Abstract of the U.S.* (U.S. Bureau of the Census 1942–1960).	.41
Southern states	1 if within southern census region	.23
Public opinion	1 if proportion of residents favoring the "open shop" is above the mean. Gallup (1945).	.38
Electoral competition	Dominant party control based on gubernatorial election results and the margin of seats in the state legislature, ranges from 0 (grossly uncompetitive states) to 100 (highly competitive states). *Statistical Abstract of the U.S.* (U.S. Bureau of the Census 1942–1960).	28.56
Industrialization	Value added in manufacturing per capita (Ln). *Census of Manufacturers* (U.S. Bureau of the Census 1939–1958).	13.30

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