

Labor and Business at Congressional Hearings, 1877–1990: Unequal Power and the Significance of Elections

Testimony before Congressional committees forms an important body of evidence in many works of historical and political science scholarship. Routine testimony with regard to specific bills as well as special Congressional investigations¹ have provided source material for students of topics ranging from labor-capital relations to working-class culture to business ideology.² As a subject in its own right, however, testifying before Congress is relatively little studied—yet, as the most accessible form of (federal) lobbying, Congressional hearings can offer a window into the efforts of a variety of interest groups, not only the most powerful ones, to be heard by the state.

The main work on historical patterns in testimony before Congress is by Daniel Tichenor and Richard Harris, who, pointing out that “political scientists know precious little about the contours of interest group politics in the United States before the 1960s,” use Congressional hearings metadata to map out a broad overview of the rise and fall of interest groups for the period 1833–1917.³ With regard to labor, some scholarship exists on the internal dynamics of e.g. the famous La Follette Committee on Civil Liberties in the 1930s, and recent work has also made use of late-20th-century Congressional testimony data: Kyle Albert, for example, uses it to investigate the differences between union legislative strategies.⁴ This paper takes a first stab at combining a historical overview approach with a focus on labor both as a topic and an actor, considering Congressional attention to work-related topics over time and comparing labor’s testimony frequency to that of business particularly on such topics.

The American labor movement and its allies have repeatedly debated the wisdom of engaging in politics or asking for state protection, even as unionists of all stripes from voluntarists to socialists have well understood the significance of the state, not only as a potential source of pro-worker legislation but also as a repressive

1. For example, investigations into the causes of economic depressions (e.g. 1878–79), the problems of industrial relations (1900–01, 1913–15), anti-labor practices (1936–41), and alleged malfeasance within labor unions (1957–60).

2. The literature is substantial; for a few examples, see e.g. Julie Greene, *Pure and Simple Politics: The American Federation of Labor and Political Activism, 1881–1917* (New York: Cambridge University Press, 1998); Joseph A. McCartin, *Labor’s Great War: The Struggle for Industrial Democracy and the Origins of Modern American Labor Relations, 1912–1921* (Chapel Hill: University of North Carolina Press, 1997); David Scott Witwer, *Corruption and Reform in the Teamsters Union* (Urbana: University of Illinois Press, 2003).

3. Daniel J. Tichenor and Richard A. Harris, “The Development of Interest Group Politics in America: Beyond the Conceits of Modern Times,” *Annual Review of Political Science* 8, no. 1 (2005): 253; Daniel J. Tichenor and Richard A. Harris, “Organized Interests and American Political Development,” *Political Science Quarterly* 117, no. 4 (Winter 2002–2003): 587–612. For an early study arguing for the significance of interest groups in lobbying by the 1920s, see E. Pendleton Herring, *Group Representation before Congress* (Baltimore, MD: Johns Hopkins University Press, 1929). See also Elisabeth S. Clemens, *The People’s Lobby: Organizational Innovation and the Rise of Interest Group Politics in the United States, 1890–1925* (Chicago, IL: University of Chicago Press, 1997) for relevant work on historical lobbying by grassroots organizations.

4. Jerold S. Auerbach, *Labor and Liberty: The La Follette Committee and the New Deal* (Indianapolis, IN: Bobbs-Merrill, 1966); Kyle W. Albert, “An Analysis of Labor Union Participation in U.S. Congressional Hearings,” *Sociological Forum* 28, no. 3 (2013): 574–596.

force deployed against labor.⁵ These divisions have intertwined with debates about whether a labor union is fundamentally a social movement or an institution, whether workers are best served by “responsible” negotiation and political alliances aiming to build long-term institutional presence or by radical protest and critique from the outside, and whether American “business unionism” has done too little to engage the state on broader social issues.⁶ Examining long-term shifts in Congressional attention to work-related issues and the access of labor representatives to Congressional hearings on such subjects can shed partial light on each of these questions.

A preliminary analysis of the patterns in the presence of labor topics and witnesses over time suggests that labor’s concerns have incorporated social issues, and that both short-term, radical disruptions and long-term institutionalized strength have played a role in getting the Congress to pay attention to work-related issues. At the same time, the hearings data offers a sober view of labor’s power: business representatives outweighed labor witnesses on nearly on all topics and in all periods.

AN OVERVIEW OF THE DATA

The data set used here is metadata derived from the ProQuest Congressional database, extracted from XML files.⁷ It contains the hearing title, hearing date, committee and subcommittee, witness name, subjects, and other assorted fields for all Congressional hearings held between 1877 and 1990.⁸ Due to the structure of the files, some of the fields are very reliable (hearing title, date, witness names) while others are less so (organizational affiliation is not always successfully extracted even when present, for example.)

The data set contains between about 62,500 and 85,000 unique hearings and a total of 941,302 instances of testimony.⁹ The number of Congressional hearings increased dramatically over the course of the 20th century: from a handful of hearings per year before 1900 to hundreds per year in the early 20th century, onward past the 1,000-mark in the 1940s, and approaching 2,000 a year by the 1970s. The average number of witnesses (or testimonies) per hearing is 12.2.

The basic data was further processed to attempt to assign witnesses into broader categories by their organizational affiliation; such category designation was assigned to about 40 percent of the witnesses.¹⁰ Overall,

5. The literature on labor, politics, and repression is too sizable to cite here; for some overviews, see David Brian Robertson, *Capital, Labor and State: The Battle for American Labor Markets from the Civil War to the New Deal* (Lanham, MD: Rowman & Littlefield Publishers, Inc., 2000); Rosemary Feurer and Chad Pearson, eds., *Against Labor: How U.S. Employers Organized to Defeat Union Activism* (Urbana: University of Illinois Press, 2017), accessed January 26, 2019.

6. See e.g. Kim Moody, *An Injury to All: The Decline of American Unionism* (New York: Verso, 1988); Joe Burns, “Strike!: Why Mothballing Labor’s Key Weapon Is Wrong,” *New Labor Forum* 19, no. 2 (June 2010): 59–65. See also Lichtenstein’s new introduction to the reissue of Nelson Lichtenstein, *Labor’s War at Home: The CIO in World War II* (Philadelphia: Temple University Press, 2003 [1982]).

7. <https://congressional.proquest.com/> The CU Boulder University Libraries negotiated access to this data, which cannot be distributed publicly.

8. I have restricted the data to these years because pre-1877 hearings are very different and rather spotty, and because a glitch in the data causes errors in the post-1990 material. In principle everything from the early 1800s to 2018 is available.

9. The number of hearings with a unique title is 62,451; the number of unique hearing identification numbers is 85,087. The latter exaggerates the number of hearings as different parts of hearings are assigned unique identifiers, but the count by title likely undercounts as some hearings will have the same title. As far as I can tell, there is no feasible way of gaining an exact count. The number of unique witnesses is of course much lower than the number of individual testimonies.

10. At present I have not attempted to identify public-interest organizations (churches, charities, women’s groups, etc.) which in part accounts for the low category designation percentage. The procedure for categorizing was iterative and is not error-free. A number of regular-expression searches were performed on the full list of organizations to try to extract organizations belonging to a particular category. For example, searching for words like “company,” “railroad,” “bank” from the list of organizations and writing those into a file that serves as the basis for a list of businesses. That preliminary categorization is then manually inspected

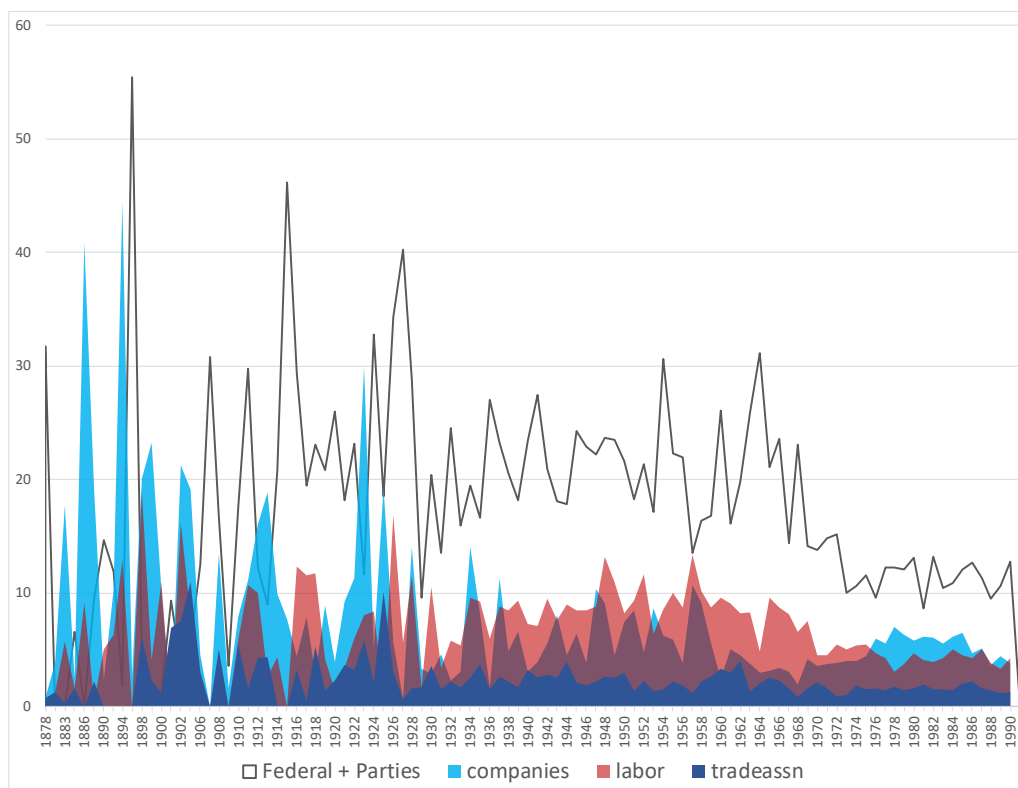


Figure 1: Representation of different groups over time at Congressional hearings related to work, jobs, labor etc., 1877–1990, as percentage of all witnesses that year.

the largest category of witnesses thus identified were representatives of political parties (usually legislators) and of the federal bureaucracy and executive branch. Among non-state witnesses, the largest group of testimonies came from companies and trade associations; labor and workers accounted for only just over 2 percent of all testimonies. Labor has, however, been much better represented on hearings related to work, jobs, industrial relations, and the like, and such concerns have not been an insignificant part of Congressional hearings activity, hovering on either side of 10 percent of all hearings for most of the twentieth century and rising to about 20 percent in the late 1970s and early 1980s.

ANALYSIS: REPRESENTATION OVER TIME AT WORK-RELATED HEARINGS

Figure 1 shows the strength over time of selected groups of witnesses at hearings related to work, jobs, labor, etc.¹¹ In two notable ways, the figure emphasizes the significance of electoral politics.

and re-processed to remove false hits like e.g. “railroad brotherhoods” which should be in the labor list instead. The resulting final lists are then used for assigning a category (that is, if an organization is in the labor list, it gets categorized as labor, and so on.) Although this serves for preliminary analysis, and seems to tally with results others have come to, future work should invest more time in more careful cleaning of the data.

11. The category of “hearings related to work” comprises only those hearings where either the title of the hearing, the title of the committee or commission, or the subjects considered in the hearing relate to work, workers, labor unions, jobs, or industrial relations. This did *not* include all hearings held by the House Committee on Labor and the Senate Committee on Education of Labor; those were only included if the title or one of the subjects included keywords related specifically to labor unions, industrial relations, workers, or jobs.

First, the sustained heavy presence of witnesses from party and government bureaucracies underlines the need to have allies in the halls of government: if all such partisan or expert testimony ignored or opposed one's concerns, outweighing it would be a momentous task. And indeed, even the American Federation of Labor's early-twentieth-century leadership, known for its skepticism toward the state, nevertheless took very seriously the importance of the Bureau of Labor and starkly opposed watering it down by folding it into a Department of Labor and Commerce.¹²

The second pattern that catches one's eye is the solidity of the labor representation from about 1934 to about 1969—the height of New Deal liberalism and an era when labor's alliance with the Democrats (who mostly controlled Congress) was at its most robust. Even though companies and trade associations, if added together, still overshadowed labor in these years, the presence of labor witnesses is substantial.

The usefulness of labor's alliance with the Democrats, of course, was linked to labor's strength in the broader society. Union density in the 1930s–1960s was far higher than before or since; union power made labor a more attractive political partner, and increased the resources that unions could invest in sustained contact with Congressional staffers, essential in ensuring that unions received invitations to testify.¹³ As union density declined, so did labor's presence at hearings.¹⁴

ANALYSIS: TOPICS AND COMMITTEES

Testimony at hearings happens, of course, under the auspices of specific Congressional committees. Labor historians have generally mainly made use of hearings at the labor and judiciary committees and the special investigative commissions that are the most closely linked to the development of labor policy. Yet if we examine what committees over time have considered matters related to work, employment, industrial relations, and jobs—all matters of import to working people—a more complex picture emerges, as seen in Figure 2.¹⁵

One pattern in this figure is the shift from sporadic hearings clearly representing the limited-time intense activity of a subcommittee or special commission (e.g. the Industrial Commission with its masses of testimony around the turn of the 20th century, or the 1883 investigation under the Committee on Education and Labor on labor-capital relations) toward a lower-level but more sustained attention to work-related matters in the latter half of the time period. Probably indicative in part of the overall bureaucratization and regularization of the work of Congress, this trend also dovetails the shift of “the labor question” from early-twentieth-century volatility to a more staid and routinized status in the post-World War II era.¹⁶

12. Vilja Hulden, “Employers, Unite! Organized Employer Reactions to the Labor Union Challenge in the Progressive Era” (PhD diss., University of Arizona, 2011), 241–242.

13. Obtaining exact and reliable historical union density figures is a non-trivial problem, but the Bureau of Labor Statistics has compiled for overall densities since the 1930s. Caleb Southworth and Judith Stepan-Norris, “American Trade Unions and Data Limitations: A New Agenda for Labor Studies,” *Annual Review of Sociology* 35 (January 2009): 297–320; Gerald Mayer, *Union Membership Trends in the United States* (Washington, D.C.: Congressional Research Service, 2004), 42. On the role of Congressional staffers in issuing invitations, see Kevin M. Leyden, “Interest Group Resources and Testimony at Congressional Hearings,” *Legislative Studies Quarterly* 20, no. 3 (1995): 431–439.

14. Albert's analysis of labor testimony in the years from 1972 to 2008 also finds this decline in the 1970s and 1980s and documents it as continuing steadily, tracking the decline in union density. Albert, “An Analysis of Labor Union Participation in U.S. Congressional Hearings.”

15. Only the main committee title was used here, i.e., subcommittee was ignored, as was the designation of whether this was a House or Senate Committee. Sometimes, of course, House and Senate committees have different titles (e.g. Senate Committee on Education and Labor vs. House Committee on Labor), but for the sake of the clarity of visualization, listing each committee separately for the House and the Senate seemed undesirable.

16. The literature on the extent to which concern over labor conflict dominated the early twentieth century is broad and deep; for

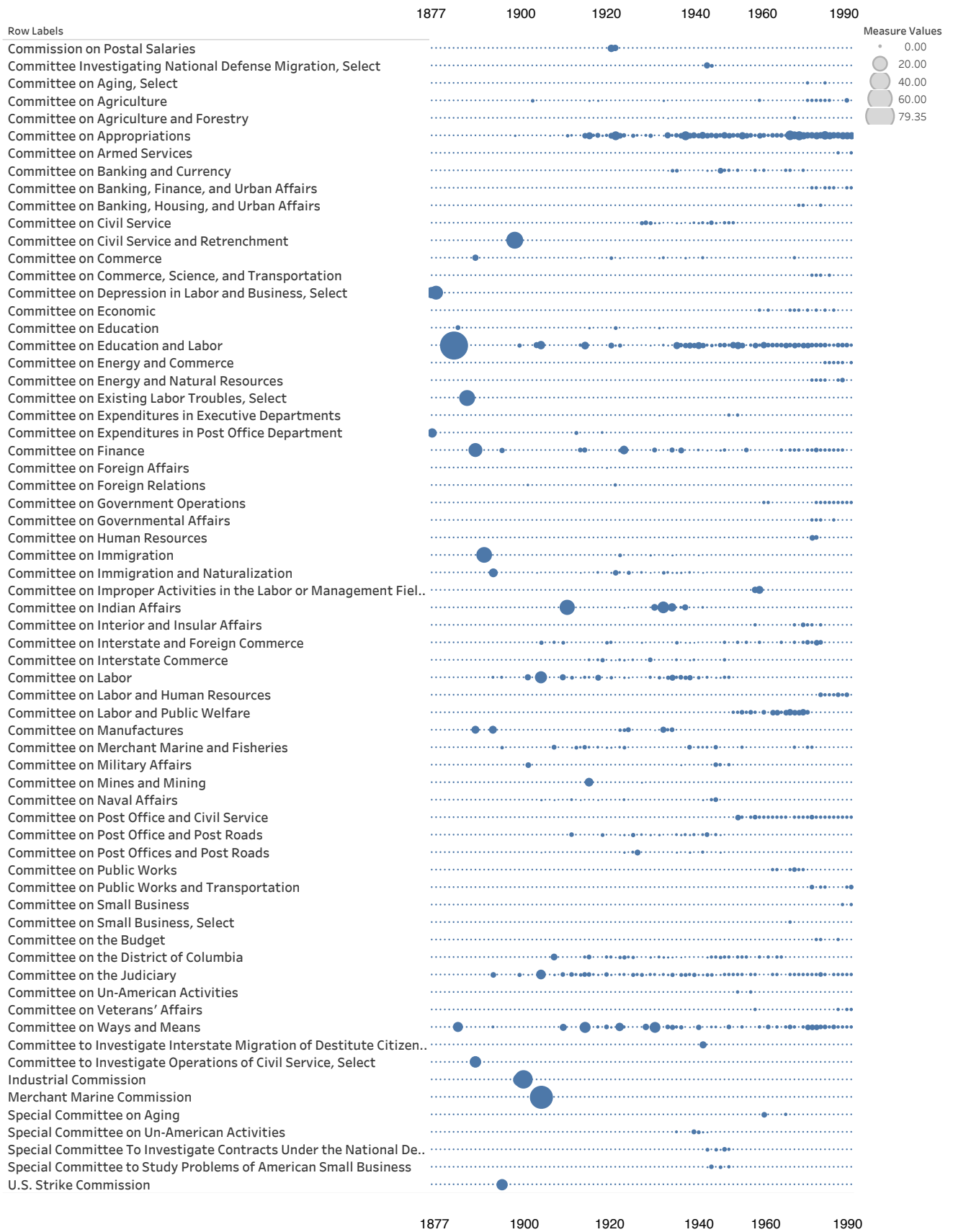


Figure 2: The top Congressional committees considering matters related to work, jobs, employment, labor, etc., as measured by number of testimonies at hearings related to such matters, 1877–1990. The size of the bubbles indicates weight of testimony at that committee as percentage of all testimony that year.

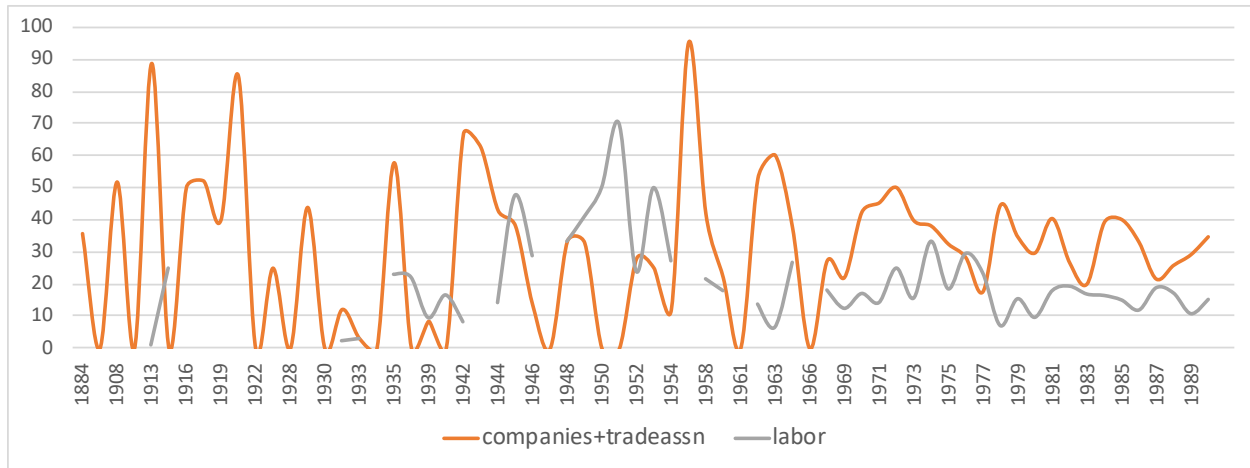


Figure 3: Companies and trade associations vs. labor at Ways and Means, percentage of identified testimony, 1884–1990.

Another noteworthy pattern is the significance of two committees that are generally not thought of as labor-related but that nevertheless heard a constant patter of work- and employment-related issues: the Committees on Appropriations (House and Senate) and the Committee on Ways and Means (House). Much of importance to working people happens at these committees. The House Ways and Means Committee not only has the power to write tax and tariff legislation, but also has jurisdiction over such important programs as Social Security, Medicare, and unemployment benefits. The House and Senate Appropriations Committees, meanwhile, are the committees that hold the power of the purse.

The Appropriations Committees hold few hearings, and the testimony they take comes almost exclusively from the federal bureaucracy and legislators, who together account for about 75 percent of testimonies for which an organizational affiliation was identified. Neither business nor labor, then, has a strong role as witnesses (though they make use of other avenues of influence; an appointment at the Appropriations Committee is generally considered a boon for one's ability to raise campaign funding.)¹⁷ At the Ways and Means Committee, testimony is much more prominent, but labor has not been well represented: even on work-related matters, business testimonies have been twice as numerous as labor ones, although here too labor has been somewhat better represented at times, particularly in the 1940s and 1950s (see Figure 3.)

On the other hand, a closer examination of labor testimony at the Ways and Means committee (Figure 4) highlights the breadth of labor's concerns, especially in the post-WWII years. Labor witnesses have testified on unemployment, social security, national health insurance, and welfare, as well as on trade and tariffs. This calls attention to the significance of labor's involvement in social legislation, whereas the bulk of scholarship relating labor to the state focuses on collective bargaining and its legal framework.¹⁸ It also reinforces recent scholarship arguing that criticism of labor's indifference toward broad social legislation may be misguided, and that we should instead look for an explanation of the meager social protections in the

one thoughtful treatment, see Shelton Stromquist, *Reinventing "The People": The Progressive Movement, the Class Problem, and the Origins of Modern Liberalism* (Urbana: University of Illinois Press, 2006).

17. The literature on campaign contributions and Congressional voting is of course extensive; see e.g. Matthew C. Fellowes and Patrick J. Wolf, "Funding Mechanisms and Policy Instruments: How Business Campaign Contributions Influence Congressional Votes," *Political Research Quarterly* 57, no. 2 (2004): 315–324.

18. For overviews of labor and the state, see Christopher L. Tomlins, *The State and the Unions: Labor Relations, Law, and the Organized Labor Movement in America, 1880–1960* (New York: Cambridge University Press, 1984); Melvyn Dubofsky, *The State and Labor in Modern America* (Chapel Hill: The University of North Carolina Press, 1994).

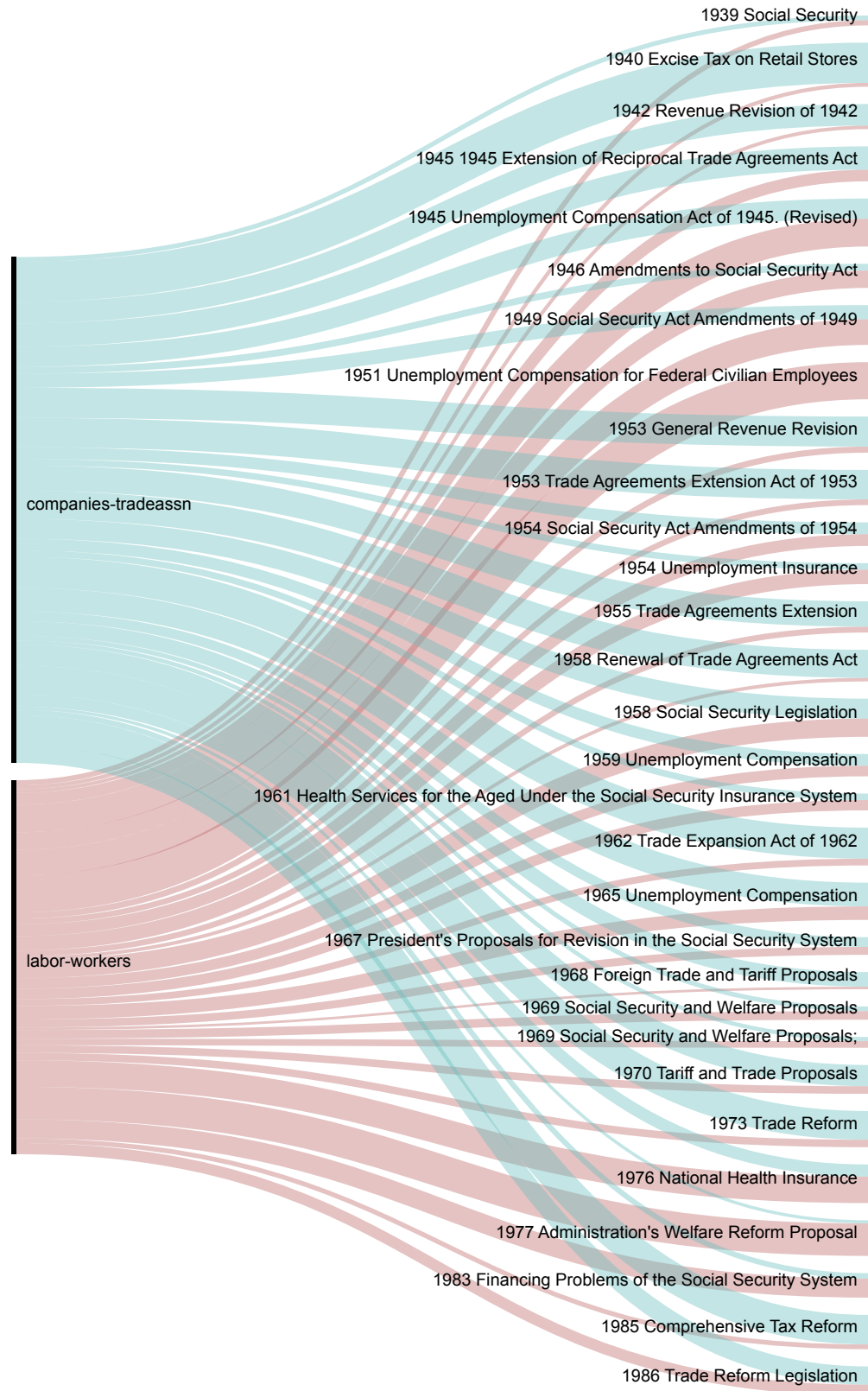


Figure 4: Business and labor testimonies at the hearings at the House Ways and Means Committee, showing top 30 committees by number of labor testimonies

efficient exploitation of Congressional rules by conservative and business actors.¹⁹ Focusing on the broader public policies in which labor took an interest can illuminate both the meanings that workers attached to unionism and the complex ways in which the efforts of labor organizations, activists, and political actors reinforced and fed off of each other and shaped the political climate.²⁰

DISCUSSION

The basic argument here is that examining Congressional hearings metadata underlines the significance of political alliances and electoral shifts both in gaining labor access to hearings and potentially in shaping the testimony of the many government and party witnesses, while at the same time calling attention to a possible relationship between the force with which labor asserts its power outside of electoral politics and how much and how intense attention Congress pays to work-related issues.²¹

There are of course multiple caveats to these preliminary results, and future research would need to dig deeper to verify the patterns noted here as well as provide more nuanced examinations of them. Most obviously, the data set is not clean and the choices made in e.g. how to define “work-related” may not be optimal. Moreover, “representation” is here defined as mere presence—but of course, presence at Congressional hearings is not necessarily the same as influence, and may even be an indication of censure, as with labor leaders required to testify at hearings on union corruption or industrial leaders called to carpet by a pro-labor Congressional investigation. Nor is “labor” a uniform, monolithic category; indeed, at the very moment when the Congress of Industrial Organizations (CIO) was cooperating closely with the La Follette Committee on Civil Liberties to indict employers for dictatorial behavior, the American Federation of Labor (AFL) was busy testifying before the Dies Committee on Un-American Activities to accuse both the CIO and the La Follette Committee of “Communist conspiracy.”²² Less dramatically, multiple political and policy fault lines have run through the labor movement—public vs. private sector, service vs. core industries, social democracy vs. bread-and-butter issues. More fine-grained research focusing on specific labor actors among Congressional witnesses would contribute to a growing body of scholarship emphasizing the need to better incorporate all these different types of unions into our understanding of the labor movement.²³ An analysis combining the overviews here with case studies of actual outcomes of specific Congressional hearings might also help shed light on the debates about the significance of militancy and pressure outside the political process versus embeddedness in the political process itself.

19. Tracy Roof, *American Labor, Congress, and the Welfare State, 1935–2010* (Baltimore, MD: Johns Hopkins University Press, 2013).

20. For an example, concerning how Congress of Industrial Organization (CIO) interest in housing shaped social policy as well as American ideas of democracy, see Jo Ann E. Argersinger, “Contested Visions of American Democracy: Citizenship, Public Housing, and the International Arena,” *Journal of Urban History* 36, no. 6 (November 2010): 792–813.

21. Labor has sometimes also deployed an explicit lobbying-plus-economic pressure strategy, as in the late 1940s, when the CIO pushed for better pensions partly in an effort to reduce employer opposition to guaranteeing the future of Social Security. Seth Wigderson, “How the CIO Saved Social Security,” *Labor History* 44, no. 4 (2003): 483–507.

22. Auerbach, *Labor and Liberty*, 164.

23. See especially Lane Windham, *Knocking on Labor’s Door: Union Organizing in the 1970s and the Roots of a New Economic Divide* (Chapel Hill: University of North Carolina Press, 2017).