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## Limiting Labor: Business Political Mobilization and Union Setback in the States

The 1940s were heady times for the American labor movement. The tight wartime labor market and the backing of the federal government in defense industries facilitated impressive membership gains for both AFL and CIO unions. By 1945, labor unions represented almost 35 percent of the workforce—a more than fivefold increase from the early 1930s. What is more, union membership gains penetrated previously unorganized and resistant regions like the South.<sup>1</sup> Unions indeed appeared on the verge of recruiting millions of new members and establishing a truly national social movement. Critics and supporters alike viewed unions as the most powerful institutions of the day. Following the war, *Fortune Magazine* foresaw little resistance to unionism and to the postwar southern labor organizing drives, while sympathetic scholars like C. Wright Mills viewed labor leaders as the “new men of power.”<sup>2</sup>

The labor upsurge, however, was relatively short-lived. By the end of the decade the union movement found many of their organizing and political efforts thwarted. Business-led efforts to curtail unionism at the national level culminated in the highly restrictive Taft-Hartley Act of 1947. Among other things, the Taft-Hartley Act outlawed secondary boycotts, allowed for “employer free speech” during union election drives, and ceded jurisdiction to the states in the regulation of union security and Right-to-Work laws.<sup>3</sup> Nelson Lichtenstein thus points to the mobilization of business and conservative forces in the immediate postwar years as a crucial turning point for labor, when the ambitions of an ascendant

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union movement were decidedly curbed. In explaining labor's failures during the decade, Sean Farhang and Ira Katznelson's recent work probes the institutional context in which the labor movement operated, and specifically the readjustment of southern congressional representatives on labor issues. The anti-labor orientation of the southern congressional delegation in the 1940s, the authors argue, was driven in large part by the swelling union membership in the region and the threat it posed to the prevailing racial order.<sup>4</sup>

Notably, the deference to the states embedded in the Taft-Hartley Act raised the stakes of anti-labor political activity occurring across different locales. Anti-labor mobilization included a diverse set of organizations, employers, and political representatives in the states. Beginning with the conservative resurgence at the end of the 1930s and accelerating after World War II, business forces mobilized at the state level and were successful in agitating for an array of legislative restrictions on union activity, including limitations on picketing, increased state oversight of union finances, and, most important, Right-to-Work laws that outlawed union security agreements and increased the costs of collective action for labor unions. Yet, relatively little is known about the processes underlying union setbacks in the states—just how employers campaigned to curtail union organization, how they made labor into a political issue, and the responses of unions to these efforts.<sup>5</sup> This article provides an important and necessary compliment to analyses of national labor policy by considering the varied business responses to unionism and the spread of restrictive labor legislation across states during the 1940s.

I use a case study of Texas labor politics to provide a window into the anti-labor mobilization of the decade. Texas is an important case for a number of reasons. First, it was an innovator in 1940s restrictive state labor legislation. The state was the first to pass a so-called "antiviolence" statute designed to limit labor picketing, which would then spread across several states during the decade. The modern Right-to-Work movement and political mobilization championing this slogan, moreover, was spearheaded by the Christian American Association out of Houston in the early 1940s. Second, the policy setbacks for labor unions were not predetermined. While Texas shared certain characteristics with other southern states that were unfavorable to unionism—most notably, an undemocratic political system and a racially divided workforce—rapid industrialization during the 1940s alongside notable political openings made it one of the best candidates for union advancement in the southern region. In the changing industrial landscape, unions were on the rise. Membership increased in the state by more than 225 percent and Texas had more than

twice as many union members as any other southern state by the end of the decade.<sup>6</sup>

This particular case is useful in other ways. The state was perhaps exceptional in terms of the sheer range of anti-labor initiatives posed during the decade and the actors involved. Rather than being a drawback, I believe these characteristics allow us to more closely examine the diverse sources of anti-labor mobilization that were active nationwide. Indeed, as I describe below, employer activists in the Texas case represented the gamut of state-level anti-labor mobilization—from conservative industrialists to more far-right actors—and thus provide insight into the various actors and strategies that labor confronted during the 1940s.<sup>7</sup> In addition, Texas was one of the big winners of World War II investments in manufacturing, contributing to expanded industrial employment in the years following. This made the outcomes of such labor struggles particularly significant for the postwar industrial landscape and the geography of American unionism.<sup>8</sup> By examining the processes underlying union setback in the states, and in this important case, we not only can gain insight into the origins of certain policy innovations, such as Right-to-Work, but also a more complete picture of labor politics during the decade.

In what follows, I illustrate how a fast-rising union movement was ill-prepared to counter the variegated anti-labor campaigns initiated by employer organizations and political representatives during the decade, culminating in the passage of Right-to-Work legislation in early 1947. The processes underlying labor's political failures were complex and there were indeed brief openings for unionism in the state. Yet, labor's political mobilization was circumscribed by deep divisions among rival labor federations and the lack of meaningful assistance from, or coordination with, their national parent organizations. These deficits were magnified in the immediate postwar years when employers increased their political mobilization in both sophistication and scope. The policy setbacks in the states were influential in containing unions to a narrow geographic and industrial space, and offer important insight into the decline of the American labor movement.

### Business Mobilization in the States

Employers had long organized to counter the advance of labor unions, but the New Deal profoundly altered the opportunities available to them in labor disputes and politicized their labor relations. The Wagner Act, passed in 1935 and upheld by the U.S. Supreme Court in 1937, gave

federal backing for unionism. The act ruled many of the favored employer tactics illegal by establishing a set of unfair labor practices, and it stipulated uniform election procedures and established the National Labor Relations Board (NLRB) to oversee its administration. Union membership increased substantially in this newfound favorable environment.<sup>9</sup>

Employer responses to unionism under the Wagner Act varied somewhat by region and especially by employer size. Following the dramatic CIO breakthroughs with General Motors in the winter of 1937, and the surprising agreement reached between U.S. Steel and the Steel Workers Organizing Committee (SWOC) soon thereafter, the so-called Little Steel firms dug in and fiercely resisted SWOC efforts. Yet, despite such notable differences in ideology and practice, Howell John Harris suggests that a majority of employers, large and small, favored either the modification or the repeal of the Wagner Act and sought to curb the new union rights.<sup>10</sup> And because the prospects for completely dismantling Roosevelt's national labor policy in the late 1930s were still not great, many employers and their associations began to target labor unions throughout the states.<sup>11</sup>

Small-business interests were especially active in state-level political mobilization during the late 1930s and early 1940s. These efforts were spearheaded by state and local affiliates of the U.S. Chamber of Commerce, as well as state and regionally-based employer organizations like the American Farm Bureau Federation, the Southern States Industrial Council, and the Christian American Association. The National Association of Manufacturers (NAM) and its state affiliates also supported this activity through its National Industrial Council.<sup>12</sup>

Employer activism first concerned restrictions on union organizing activities and picketing since the Wagner Act contained no such limits. Supreme Court rulings in the *Senn* and *Thornhill* cases of 1937 and 1940 protected peaceful picketing from legislative attack. In response, many organizations campaigned for "antiviolence" statutes that fell within the policing powers of states but that similarly limited labor picketing.<sup>13</sup> Texas was the first state to pass an antiviolence law in 1941, following which point several other states (mostly in the South) considered or adopted similar legislation. The political setbacks for labor, however, extended beyond the ostensibly union-resistant South. For example, on the West Coast, the Associated Farmers of California and Merchants and Manufacturers of Los Angeles sponsored extremely restrictive state and local ballot initiatives. The Oregon initiative that passed in 1938 outlawed boycotts and striking except in disputes directly related to wages, hours, and working conditions.<sup>14</sup> Early laws of this type sometimes conflicted with the Wagner Act or otherwise proved constitutionally

dubious. Although many were overturned following legal challenges, they nonetheless chilled labor organizing efforts. State labor federations, the local political vehicles for unions, were forced to devote considerable resources to challenging these provisions in court.

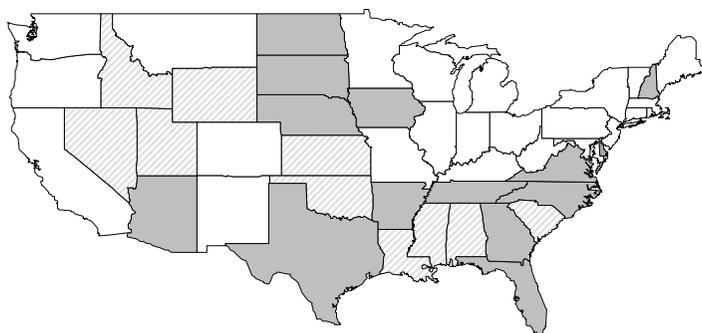
Beginning in the early 1940s, employers and their associations turned their attention to Right-to-Work laws that banned union security agreements. Right-to-Work laws increased the costs of collective action for labor unions.<sup>15</sup> After winning an election, unions were legally bound to collectively bargain for wages and benefits and to process grievances for all workers covered by the contract. In a Right-to-Work state, however, unions could not compel all workers to eventually join and pay dues. This issue took on increased importance when National War Labor Board (NWLB) backed union security arrangements in defense industries. In June 1942, the NWLB granted labor with a maintenance of membership union security provision whereby workers in unionized plants in defense industries were required to remain in the union and pay dues for the length of the contract. Maintenance of membership applied to all unions that agreed to cooperate with defense production and that enforced a no-strike pledge.<sup>16</sup>

In addition to the federal backing, unions benefited from the incredibly tight wartime labor market. Unemployment reached a minuscule 1.3 percent in 1943. The combination of state-enforced union security and low unemployment was a boon for labor organizations and particularly for CIO unions. CIO membership nearly doubled during the war years. The United Steel Workers saw their net worth increase dramatically in just one year following the NWLB maintenance-of-membership provision. This provided resources for organizing drives far from the traditional areas of union strength, including the South.<sup>17</sup> Indeed, union membership doubled in the South during the 1940s. The growth rate in the South surpassed that of any other region during the decade, with most of the gains coming during the war.<sup>18</sup> While in previous decades employer efforts to maintain the "Open Shop" centered on direct resistance to unions in the workplace, the NWLB action and the tremendous wartime union growth put issues of union security and the Right-to-Work squarely in the political process.

Union advances in the South had far-reaching implications. CIO gains challenged the race-based political economy of the region. While there was considerable variation in terms of the actual practices of CIO unions, they tended to be more racially progressive than AFL unions. They largely supported Roosevelt's Fair Employment Practices Committee, and often initiated campaigns to eliminate the poll tax in southern states

during the early to mid-1940s.<sup>19</sup> CIO gains thus drew the ire of southern politicians and contributed to the shifting orientation of the southern congressional delegation on labor issues.<sup>20</sup> But labor union gains also stimulated considerable local opposition. The widely unpopular coal strikes of 1943 served as a lightning rod for this anti-labor mobilization and fueled public antagonism toward labor.<sup>21</sup> Regional and state-based associations like the Christian American Association, while not active in the major coal-producing states, were quick to make John L. Lewis a focal point for their claims on labor legislation. The Christian American Association indeed pointed to Lewis in its claims for Right-to-Work, claiming that “we read the Holy Bible [and] fail to find a provision that tribute must be first paid for this God-given right and duty to John L. Lewis.”<sup>22</sup>

It is in this context of swelling union membership, public angst over wartime strikes, and an aroused opposition to unionism that Right-to-Work took off as a political issue. Several employer associations launched public referendum campaigns for Right-to-Work in 1944; Arkansas and Florida were the first to adopt these laws that same year.<sup>23</sup> The acceleration of Right-to-Work mobilization in the immediate postwar years coincided with the reorganization of some business groups, most notably the NAM, which revamped its public relations approach to unions and labor policy. As Elizabeth Fones-Wolf demonstrates, the NAM increasingly called for restrictions on unions in the name of the public interest and individual rights.<sup>24</sup> Importantly, they also provided assistance to state and local business organizations for political mobilization and for their other dealings with labor. Increased business group political mobilization in the immediate postwar years caught the labor movement off guard. While some national labor leaders acknowledged the mounting problems resulting from anti-labor mobilization in the states, there was surprisingly little coordination between national and state organizations on these issues. For example, AFL President William Green issued press releases condemning anti-labor mobilization in the states and the “reactionary groups” involved in this activity during the war years and after, but the AFL stuck to challenging state laws in court and did not provide its affiliates with meaningful assistance for legislative action.<sup>25</sup> Rival AFL and CIO state labor federations likewise did not coordinate on legislative issues, candidates, or voter turnout.



States adopting Right-to-Work prior to Taft-Hartley =   
 States adopting Right-to-Work after Taft-Hartley = 

**Map 1. Geographic Distribution of Right-to-Work Laws Pre and Post-Taft-Hartley**

Year of Passage

AL	1953	IA	1947	NH	1947	SD	1945
AR	1944	ID	1986	NC	1947	TN	1947
AZ	1946	LA	1976	ND	1947	TX	1947
DE	1947	KS	1958	NV	1951	UT	1955
FL	1944	MS	1954	OK	2001	VA	1947
GA	1947	NE	1946	SC	1954	WY	1963

*Notes:* Delaware and New Hampshire repealed Right-to-Work in 1949. Louisiana passed (1954) and repealed (1956) Right-to-Work prior to the 1976 legislation. Indiana passed Right-to-Work in 1957 and repealed the law in 1965. Sources: *Annual Digest of State and Federal Labor Legislation*; Jacobs and Dixon, "The Politics of Labor and Management."

Labor unions experienced decisive policy setbacks in the immediate postwar years. In addition to their well-documented problems at the national level, some fourteen states enacted Right-to-Work laws through the spring of 1947—prior to the passage of the Taft-Hartley Act—while several others adopted various restrictions on union activities.<sup>26</sup> Early Right-to-Work successes inspired conservatives in Congress to include protections for these state laws in what would become section 14(b) of the Taft-Hartley Act.<sup>27</sup> Map 1 displays the distribution of Right-to-Work laws, distinguishing those states that adopted Right-to-Work prior to Taft-Hartley. Commenting on the rollback on labor and New Deal policy during the 1940s, Amenta remarks that by the end of the decade “the right to work meant not the right to a job, provided in the last instance by the government, but the ‘right’ not to join a union.”<sup>28</sup> The highly publicized postwar southern labor organizing drives also faltered. This fallout for labor was in contrast to the sanguine predictions made by many labor observers of the period.

## The Case of Texas

Texas provides an important window into the anti-labor political mobilization of the 1940s. The state was an innovator in state labor policy and adopted some of the most far-reaching restrictions on labor unions, many of which spread to other states during the decade. Between 1941 and 1947, Texas legislators placed limitations on picketing, outlawed public employee unionism, required state oversight of union finances and union officers, and passed Right-to-Work legislation.<sup>29</sup> These features made Texas a hotbed for anti-labor mobilization and they yield insight into the range of employer activists and strategies involved in state-level campaigning to curb union advances.

These labor policies were initiated by a diverse group of employers, business associations, and political representatives. Employer mobilization consisted of at least two distinct camps that spanned the conservative and far-right segments of the business community. Writing in the late 1940s, Manning Dauer identified key strands of southern political thought, including that promoted by what he termed conservative industrialists.<sup>30</sup> These actors championed limited government regulation, the expansion of industry, and the open shop. The Southern States Industrial Council and the NAM and its state affiliates were the chief organizations promoting this position. In the Texas case, the Texas Manufacturers Association (TMA) best fits this first category of conservative industrialists. The TMA was the major employer organization involved in labor politics. It claimed more than three thousand member employers in the state and was affiliated with the NAM through its National Industrial Council. Its labor policies were almost uniformly consistent with those of the NAM. Along with prominent individual employers like Herman Brown of the Brown and Root Construction Company, as well as executives of the Texas Power Saw Company, and Sheffield Steel, the TMA was part of what George Green terms the “establishment” in Texas politics during the 1940s.<sup>31</sup>

The Christian American Association and the Fight for Free Enterprise were somewhat distinct from the aforementioned employers and organizations. The latter associations promoted what Manning Dauer identified as an antidemocratic conservative variant of southern political thought. He specifically identified the Christian American Association as one of the “many types of movements which openly or covertly depart from the democratic condition.”<sup>32</sup> The organization formed in Houston in 1936 to counter New Deal efforts and Roosevelt’s reelection, but they would eventually become a leading advocate for

restrictive labor legislation throughout the region. In their campaigning against unions, they aligned with Texas governor and then U.S. senator W. Lee O' Daniel. Christian American was headed by Vance Muse, a long-term lobbyist for oil firms, and their early financial backing came from the Maco Stewart and Kirby oil firms in Texas, as well as some eastern industrialists.<sup>33</sup> Aside from these firms, however, Christian American relied mostly on rural and small-business interests for support. Membership figures are not available, but they had a small full-time staff that lobbied in several states during the decade and that drew rebukes from labor representatives and supporters throughout the country.

The Christian American Association was the first in the nation to champion the "Right-to-Work" as a full-blown political slogan. Vance Muse became intrigued by the use of the Right-to-Work term in a 1941 Labor Day editorial in the *Dallas Morning News* that called for an open-shop amendment to the constitution. After traveling to Dallas and consulting with the editor, Muse was encouraged to use and promote the idea of Right-to-Work. This became their primary cause and they campaigned extensively for Right-to-Work legislation throughout the country, and especially within Texas.<sup>34</sup>

Along with the Christian American Association, the Fight for Free Enterprise represented the far right in Texas labor politics. The organization was based in San Antonio and drew on familiar sources of support in its campaigning against labor; its base consisted of mostly contractors and small businessmen from the area, although it claimed a statewide membership.<sup>35</sup> It gained notoriety in the mid-1940s for attempting to introduce state legislation to require labor organizers to wear identifying head gear (red for the CIO and gray for the AFL).<sup>36</sup> While it is certainly debatable just how antidemocratic these organizations were, they represented a distinct segment of anti-labor mobilization in the state that fell to the right of the TMA and notable individual employers in both ideology and practice. Green suggests that these organizations represented the fringe of the establishment in Texas politics. Drawing from Dauer's categorization, I use the terms "conservative" and "far right" to capture these differences.

The Texas labor movement faced an uphill battle in many respects. On the eve of the 1940s, Texas unions were still relatively weak, representing approximately 110,000 workers and just over 10 percent of the workforce.<sup>37</sup> The one-party, conservative Democratic rule looked much like the rest of the South. Following the defeat of New Deal governor James Allred in 1938, the state was ruled by a series of conservative Democratic governors who were mostly hostile to labor. The poll tax, as in neighboring states, disenfranchised African Americans and many poor whites and diminished wide-scale

political participation. African Americans comprised approximately 14 percent of the population, while Mexican Americans, concentrated in the far south of the state, comprised 12 percent.<sup>38</sup> Many Mexican agricultural workers labored in Texas through a temporary Bracero program that was still active in the early 1940s, but AFL unions made no attempts to organize Texas farmworkers in the first half of the century.<sup>39</sup> Where racial cleavages did emerge, it was mostly between whites and African Americans in the urban employment centers. Many unions maintained segregated locals. The CIO unions in the state were more progressive on race than the AFL and the Texas State Industrial Council (TSIUC) of the CIO undertook poll tax drives during the decade. Yet, they were mostly unsuccessful in forging a broad, classwide movement.<sup>40</sup>

Some local unions were active in state politics including locals of the Oil Workers, the Communication Workers, and members of the building trades. Most labor political activity was channeled through the state labor federations that represented AFL- and CIO-affiliated unions, the Texas State Federation of Labor (TSFL) and the TSIUC, respectively. The TSIUC of the CIO did not have a presence at the statehouse in Austin until 1943.<sup>41</sup> The labor federations, moreover, were deeply divided and did not coordinate on candidates or voter turnout. There were some attempts to combine legislative activities. In the face of mounting anti-labor initiatives, Clyde Ingram of the TSIUC called for a meeting with the TSFL and the railroad brotherhoods in Houston in 1943. From this meeting the federations briefly formed a United Labor Committee to coordinate legislative activities and to fend off pending anti-labor legislation. But the coalition efforts were short lived. The AFL quickly withdrew from the committee and from other liberal-labor coalition efforts such as the Texas Social and Legislative Conference. On the ground, AFL unions often failed to respect CIO picket lines—a position that the TSFL officially endorsed at its 1946 convention.<sup>42</sup> The inability to sustain coalition efforts flowed in part from the cleavage between the national federations, but also from differences among Texas unions as to the perceived threat of various anti-labor initiatives. As I describe in the following section, early attempts to limit picketing explicitly targeted industrial unions, while the TSIUC initially perceived Right-to-Work as primarily a craft-union problem.

Despite such divisions and the relatively unfavorable climate for labor activism, the industrial and political landscapes were changing. Texas was rapidly industrializing during the 1940s as war industry flocked to the state. Federal investments in war industries contributed significantly to the growth of manufacturing in Texas. The number of production workers employed in manufacturing increased by nearly 130

percent during the decade, and the urban population grew considerably. The percent of workers employed in manufacturing surpassed the percent employed in agriculture during the 1940s and the majority of the state's population switched over to reside in metropolitan as opposed to rural areas. Labor organization soon followed. Unionization increased by more than 225 percent, representing approximately 16 percent of the workforce by the end of the decade.<sup>43</sup> The Texas union movement was still comparatively weak in relation to the heavily unionized states of the Midwest, yet the pace of growth in the state was one of the highest in the nation. The trends in industrial employment and unionism all pointed to Texas coming more in line with the rest of the country.<sup>44</sup>

Industrialization and union gains helped foster an especially bitter intraparty struggle along New Deal–anti-New Deal lines in the state. Unions were an important part of an emerging liberal Democratic coalition, which favored the policies of northern Democrats. It was such intraparty factionalism and the rise of labor as a potential force that led political scientist V. O. Key to point to Texas as the most likely candidate to break out of the one-party Democratic rule that characterized the South.<sup>45</sup> Key believed that the growth of unions would encourage more wide-scale political participation, eventually foster interracial class alliances, and, in the short term, would lead to a greater propensity of southern upper-class whites to turn to Republicans as allies.

### Wartime Labor Politics

Texas employers found a welcome reception from eccentric governor W. Lee “Pappy” O’Daniel at the beginning of the 1940s. After two years in office, O’Daniel found the antiunion movement to be a profitable political issue.<sup>46</sup> With mounting national anxiety over work stoppages in defense production, O’Daniel called for an immediate joint session of the legislature in March 1941 to champion an antiviolence bill—a bill, O’Daniel claimed, to rid the state of “labor leader racketeers” and to assure uninterrupted defense production.<sup>47</sup> The bill was supported by the Texas Manufacturers Association, and especially the Christian American association, which formed a lasting alliance with the governor. The director of public safety testified that there had been sabotage attempts and O’Daniel made a passionate plea for restrictions on unions for the sake of defense preparedness, yet there was little labor unrest in the state. Unions were still relatively weak and strike activity was minimal. In 1941, for example, there were fifty-five strikes that involved a total of 11,800

workers, or less than one percent of the state's nonagricultural workforce. This figure put Texas below several other southern states. Even with union expansion during the decade, wartime strikes between the beginning of 1943 and August 1945 totaled only eighty-seven for the three-state region of Texas, Louisiana, and Oklahoma.<sup>48</sup>

A revised version of O'Daniel's antiviolence statute nonetheless passed easily. It put stiff restrictions on picketing for all Texas unions, whether they were engaged in defense production or not. As O'Daniel warned, it did serve notice to labor activists; the law became a model for other states considering punitive restrictions on unions during the war years. Following its passage, the Christian American Association campaigned throughout the region for similar laws. Mississippi adopted an antiviolence statute in 1942; Florida, Arkansas, and Alabama passed similar laws in 1943. The Christian American Association claimed credit for each. While the extent of their influence in these cases is not clear, they were the primary organization campaigning for, and generating interest in, this particular approach to unionism. They sent thousands of mailings to state legislators and employers throughout the country, typically including excerpts from an O'Daniel speech. They also sent staff to several southern states to lobby and generate support and funding from local employers.<sup>49</sup>

Notably, the Christian American Association's political mobilization backfired in Louisiana in 1942, when its rhetoric angered the Catholic Church and Catholic legislators in the state. A coalition of labor unions, Catholic officials, and legislators helped stave off anti-labor legislation, and asked the FBI to investigate the activities of the Christian America Association. This prompted the organization to label Louisiana the "red spot" on the Gulf Coast.<sup>50</sup> Christian American continued its alliance with O'Daniel, who left the governorship for the U.S. Senate in a special election in 1941, and it increasingly turned its attention to the promotion of Right-to-Work laws.

Texas labor unions experienced another setback with the passage of the Manford Act when the state legislature next met in 1943. The Act required union organizers to register with the state and required unions to file an itemized financial report. The Act was supported by the Christian American Association and the TMA, and was notable by being the first law to contain "right-to-work" language, although it did not prohibit union security arrangements. It was also notable in that it was the most far-reaching state law overseeing the internal affairs of unions. Several other states considered similar legislation in the mid-1940s following the Texas case. In a direct blow to CIO unions, the law exempted labor organizations that had been in existence for more than

fifteen years. Governor Coke Stevenson, who was more sympathetic to labor—or at least to AFL unions—than O’Daniel, let it become law without his signature.<sup>51</sup>

Texas labor unions mounted little resistance to the early legislative attacks. The national AFL supported the TSFL by challenging many of these provisions in court. They were somewhat successful, as I describe below, but they did not assist the state federation with lobbying or electoral efforts. There were brief political coalition efforts between the state AFL, the TSIUC, and the railroad brotherhoods, but these faltered when the AFL withdrew in 1943. And it was not until 1943 that the TSIUC had a full-time presence at the statehouse in Austin. But the landscape was changing in favorable ways for Texas unions. With the aid of the wartime state and the NWLB, both AFL and CIO unions made substantial membership gains in Texas during the war years. The NWLB often prodded employers to obey the results of union elections and, importantly, it granted a limited maintenance of membership form of union security to unions in defense industries. The combination of the tight wartime economy and the backing of the federal government thus provided a major boost for Texas unions. The Texas State Federation of Labor’s revenues increased by more than five times between 1940 and 1946. CIO unions, still far smaller than AFL unions in the state, likewise made significant organizational and financial advances, approximately doubling their membership during the war.<sup>52</sup>

Union membership gains coincided with notable political openings in the middle of the decade. In 1944, an emerging faction of New Deal and liberal forces captured the Texas Democratic party at the state convention. This prompted conservatives to flee and form a separate party, the “Texas Regulars.” The new party rallied to “fight New Deal radicals to the end,” but received only limited support at the polls that fall. The liberal faction of the state Democratic party and, to some extent, labor, were influential in reelecting Roosevelt and a more liberal slate at the state level.<sup>53</sup> At the same time, the U.S. Supreme Court ruled the Texas all-white primary unconstitutional in *Smith v. Allwright*. What is more, the TSIUC undertook a major poll-tax drive in the home county of notoriously anti-labor Congressman Martin Dies, ultimately forcing Dies into an early retirement.<sup>54</sup> The combination of these events threatened the existing political and social order and spurred reorganization efforts both among employers and within the state Democratic party. These events also posed opportunities for a nascent Texas union movement. They suggested potential for more widespread political participation, the erosion of one-party Democratic rule, and for Texas

politics and industrial relations coming in line with much of the rest of the country.

It is in this slightly more favorable political context that Texas unions entered the 1945 legislative session. Right-to-Work gained a hearing in state politics for the first time. Representative Marshall Bell of San Antonio introduced a Right-to-Work bill in the Texas House in early 1945. He pointed to the plight of returning veterans in arguing for the bill, noting that since the armed forces were not “required to join a union in order to defend their country we, as loyal Texans, feel that they should not be coerced or forced to join labor unions to do an honest days work in support of their families.”<sup>55</sup> The bill had the active support of the Christian American Association, the Fight for Free Enterprise and vehemently antiunion Lieutenant Governor John Lee Smith. Conservative business organizations and employers like the TMA and Herman Brown, while undoubtedly supportive of Right-to-Work, did not take a public lead in promoting the 1945 bill. Lieutenant Governor Smith, supported by the Fight for Free Enterprise, took out ads in the state’s major dailies, invariably playing to the plight of veterans and soldiers abroad, stating: “Surely they did not die to make other men pay tribute to labor racketeers before they can enjoy the God-given right to work.” Smith and supporters, however, were unable to obtain the support of many veterans’ organizations for their Right-to-Work efforts.<sup>56</sup>

The 1945 Right-to-Work bill passed the Texas House of Representatives by a 60 to 53 margin, but a group of pro-labor Senators from the urban districts held up the measure in the Senate and the session adjourned before it could be brought up for a vote.<sup>57</sup> The early labor response to Right-to-Work is noteworthy and indicative of some important limitations facing labor unions and their political vehicles in the states. The rival state labor federations did not coordinate their legislative efforts and their respective national parent organizations provided little assistance. For example, W. H. Akin, the legislative representative of TSIUC testified at public hearings on the bill and argued that Right-to-Work was a misnomer as it did not provide any jobs for veterans or anyone else. He also suggested that the bill might actually benefit CIO unions in the state by opening up some of the older “closed shop” industries that the AFL had organized. CIO unions in the state did not have many closed-shop contracts. Nonetheless, they had several union shop security agreements and they benefited tremendously from the maintenance of membership agreements that the NLRB enforced during the war years. Right-to-Work would of course outlaw all forms of union security.<sup>58</sup>

Harry Acreman of the TSFL also testified against the 1945 bill. He argued that it was spearheaded by fascist elements, particularly the Christian American Association. He also invoked race as an issue, arguing that Right-to-Work would end segregation in southern workplaces. Acreman's testimony captured one clear difference between the state organizations. The AFL had long been more racially conservative than the CIO, and most union activities in the state were still segregated—something the closed shop helped perpetuate in many cases.<sup>59</sup> This also reflected the lack of national assistance or expertise provided to state federations during the 1940s, as the national AFL did not argue against Right-to-Work on segregationist grounds. Like elsewhere in the South, race figured heavily into the calculations of labor unions and into labor politics. Many southern politicians had special dislike for the CIO because of their racial politics. But Right-to-Work was a complicated problem. Texas employers, after all, did not campaign for Right-to-Work on integrationist principles. The most vocal proponents of Right to Work in the early period included the Christian American Association. This organization derided labor and especially the CIO as Communist and integrationist, and did not perceive Right-to-Work as an affront on segregated workplaces.<sup>60</sup>

The early labor response was poorly coordinated. CIO testimony actually undercut the AFL's position. The changing political circumstances of the mid-1940s, and the gains of the left were enough to temporarily derail Right-to-Work efforts in the Texas legislature. Neither of the labor federations received assistance or expertise from their national counterparts for legislative activism. The AFL assisted the TSFL in challenging earlier anti-labor provisions in court, and it was somewhat successful. Portions of the Manford and O'Daniel Acts were ruled invalid after court challenges. The outcomes of court challenges may have provided a false sense of security among the AFL regarding anti-labor mobilization in the states. For example, in August 1945, AFL General Counsel Joseph Padaway stated that court challenges had effectively halted the momentum of anti-labor legislation in the states and that there were few obstacles to unionism.<sup>61</sup>

Despite legislative setbacks, Texas unions benefited from federally mandated union security arrangements in defense industries and the tight wartime labor market. Indeed, this combination of factors appeared to counter, or at least limit the effects of the early legislative restrictions; both AFL and CIO unions emerged from World War II considerably stronger than they had been at the beginning of the decade. As of the spring of 1946, there were also favorable political openings for Texas labor unions marked by the split within the state Democratic party. Unions appeared

ready to capitalize. Fueling the worries of Texas employers, the CIO announced the launch of its major southern labor organizing drive, Operation Dixie, which included Texas. The AFL introduced its own drive to organize southern workers soon thereafter. By early indications, Texas labor organizing efforts appeared quite successful.

### Postwar Employer Mobilization and Right-to-Work

Texas employers responded quickly to labor advances. In the spring of 1946, the TMA moved its headquarters to Houston, the state's principal industrial city, and reorganized to make political mobilization a focus.<sup>62</sup> Its efforts mirrored the wartime changes that national business groups like the NAM underwent to counter liberal and labor political gains. Fones-Wolf, Workman, and other scholars document the considerable reorganization efforts carried out by the NAM.<sup>63</sup> After finding that their messages came across to the broader public as reactionary, and were too easily subverted by labor, the NAM completely revamped its public relations program during the war. It doubled its research staff and produced a more sophisticated campaign that emphasized individual rights and that advocated for a labor relations in the public interest. If their labor strategy had not changed in intent, it certainly offered a carefully crafted message that was likely to capture more of the political center when pushing for restrictions on labor. The TMA drew on some of these resources in formulating its approach to labor in Texas.

Prior to the TMA reorganization in Texas, however, individual employers sought to counter union advances in the workplace. Workers walked off the job in record numbers in the postwar strike wave of 1945 and 1946. Over the two-year period, 169 strikes involving more than 150,000 workers occurred in Texas. This far surpassed the figures for any two-year period leading up to or during the war years in Texas, although they are still far smaller number than those for the heavily industrialized states of the Midwest, as well as some other southern states including Virginia and Tennessee.<sup>64</sup> Employers made little effort to negotiate during the strikes. Instead, many employers took their case to the public. Several national corporations took out full-page ads in the nation's daily papers criticizing labor, the strikes, and price controls issued by the Office of Price Administration. In the major Texas papers, ads deriding labor appeared from General Motors, General Electric, U.S. Steel, and the NAM, as well as some local employers. For example, Sheffield Steel took out a full-page ad in the *Houston Press* criticizing the local steelworkers' strike as well as

the maintenance-of-membership union security arrangement that the union had benefited from, declaring union security “a gross injustice to honest employees.”<sup>65</sup> Several of the state’s dailies likewise editorialized against labor. One study found that three-fourths of all editorials on labor issues in Texas dailies during the immediate postwar period were decidedly anti-labor.<sup>66</sup>

Texas labor unions still had little in the way of a public relations program and had almost no response to the mounting business claims. Neither the national AFL or CIO offered financial resources or expertise to their state affiliates in this regard, although there was not a great model for local affiliates to draw on in the first place. Gerald Pomper concluded that in the mid-1940s and immediate postwar years, labor public relations efforts were channeled through the CIO Political Action Committee (PAC) and consisted in large part of distributing flyers and printed materials.<sup>67</sup> During the war years, the TSFL sponsored some radio spots to emphasize labor’s contribution to the war effort. The TSIUC sought to forge ties with religious groups to improve their public relations, but there was little progress on this front in the immediate postwar years. Sociologist Robert Lynd compared labor’s public relations efforts to that of business during this period and saw little more than defensive action on the part of unions. These efforts, he argued, were no match to the increasingly sophisticated grass-roots campaigns that business groups and the NAM were running throughout the states and rural areas—on “main street USA.”<sup>68</sup>

As the strikes were beginning to wind down and as labor unions turned their attention to organizing Texas workplaces, the TMA revamped its political operations. Under the direction of its chair Ed Burris, the TMA formed committees in every House and Senate district and in every county of the state. It also established more direct partnerships with existing trade associations and local organizations. As of the early postwar years, the TMA had 3,200 member employers. The CIO claimed that the TMA had a war chest of more than three million dollars versus the Texas CIO-PAC treasury of just over three thousand dollars (there are no available figures on TMA funding).<sup>69</sup> The TMA sponsored several conferences around the state with representatives from the NAM for the purpose of educating Texas employers on politics and labor issues. It also formed a labor relations committee, staffed with research assistants, to provide consulting services and expertise to member employers.

One component of the reorganization process involved the public claims of Texas employers. The TMA initiated a “public relations program . . . to ‘get industry out of the dog house,’” and adopted a more sophisticated critique of unions.<sup>70</sup> Rather than dismissing unionism in principle, it

advocated for the right of individuals to join or refrain from joining labor unions, to place management and labor on equal footing, and to protect the public welfare in labor disputes. An influential segment of the Texas business community, now politically organized and more active, sought to curtail labor on grounds of individual rights and the public welfare rather than to thwart some communist-CIO conspiracy as the far right persistently advocated. Indeed, this differed in important ways from organizations such as the Fight for Free Enterprise, which, in its public relations approach to labor and labor policy, specifically identified tying the CIO to communism as a "weapon of greatest importance."<sup>71</sup>

Employer mobilization to counter what many feared as a growing labor and liberal influence in the state appeared to be justified by the summer of 1946. Labor organizing efforts in Texas were initially quite successful. CIO unions in particular were on their way toward organizing the major industrial plants in the state. Organizing successes were concentrated among oil, steel, auto, textiles, and packing-house industries, but they even made inroads into agricultural east Texas. Most of the gains were in mid-size plants employing fewer than five hundred production workers. Over the summer and fall of 1946, CIO unions added nearly fifteen thousand workers. By comparison, they added approximately thirty thousand members during the war years. AFL unions also made substantial gains.<sup>72</sup> The organizing successes in Texas contrasted with labor's experience throughout much of the South. Operation Dixie's focus on the very large textile mills throughout the region faltered quickly; several of the major unionization campaigns in textiles had failed by the fall of 1946.<sup>73</sup>

Unfortunately for existing Texas unions, the organizing drives were markedly disconnected from local politics. The limited attention of the CIO to local mobilization is well documented, and it no doubt posed a political dilemma for the union movement. As Joel Rogers has aptly described, the postwar union movement emerged as a regional phenomenon highlighted by a few large internationals built up around organized industries. This meant that where labor was strong at a local level—such as in the building trades—it was also apolitical. At the same time, labor's greatest political strength, which resided in the industrial union-Democratic party coalition, was confined to a narrow geographic-industrial space and characterized by weak local organization.<sup>74</sup> The postwar organizing drives both held some potential to alter this imbalance and exposed its severe limitations at the same time.

Considering the unsuccessful push to expand labor's reach in Operation Dixie, CIO strategists anticipated a political backlash and sought to keep political and organizing operations completely separate.

They abandoned coalition efforts with left-leaning and Popular Front organizations such as the Southern Conference for Human Welfare and the Highlander Folk School, and distanced themselves from Communist-led unions.<sup>75</sup> Some attribute the eventual failure of Operation Dixie to the abandonment of such organizations, and to the tactical decision to focus on the mostly white textile workforce. As Michael Honey demonstrates, where the CIO was successful, it often relied heavily on black support and on leftist union leadership, such as in woodworking and food-processing industries.<sup>76</sup> Yet, for the Texas case, a large share of the gains for CIO unions came in steel and auto and were led by unions that were mostly inhospitable to Communists.

The resource allocation and focus stemming from Operation Dixie did affect TSIUC mobilization. While the national CIO provided organizers and financial resources for Operation Dixie, it did not assist the Texas CIO-PAC, the TSIUC, or local unions with finances or expertise. The disconnect between organizing and politics meant that political activists were on their own to counter the political efforts of business groups. The political situation of the AFL unions, in their organizing drive to bring “real American unionism” to the state, differed little in this regard. The organizing drives in fact exacerbated long-standing tensions between AFL and CIO unions as they competed for workers. Figure 1 illustrates the AFL’s approach in Texas and throughout the region. This involved pitching the AFL as an alternative between antiunion employers and Communist (CIO) unions.

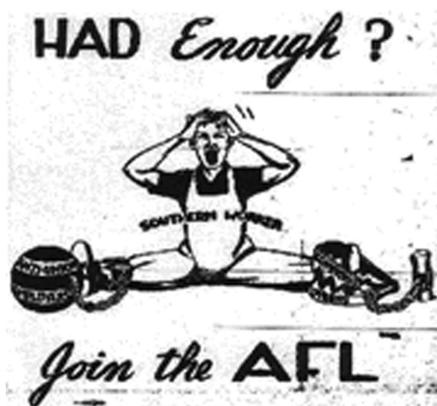


Figure 1. Labor Divisions in Organizing: The AFL Approach in Texas

Appeared in the *Houston Labor Messenger*, February 7, 1947, p. 1, in connection with local AFL organizing in the metal trades.

What did these divisions entail for political mobilization on the part of labor? The state TSFL adopted a “go it alone” approach to politics rather than coordinating efforts with the Industrial Union Council or any other liberal groups. There was no coordination between the federations on individual candidates, voter turnout efforts, poll-tax drives, or any broader legislative program. For example, at the 1946 TSFL convention, delegates spent more time dealing with the rival CIO than the mounting threat of anti-labor legislation. The TSFL passed a resolution refusing to honor CIO picket lines. While several such anti-CIO resolutions were proposed, a labor-unity resolution was soundly defeated. Some TSFL leaders even strategized to withhold endorsements from candidates with CIO support.<sup>77</sup>

These deficits were reflected in the 1946 elections when Texas voters for the first time had the chance to choose along New Deal and anti-New Deal lines in the race for governor. Beufard Jester, a former lawyer for the Magnolia Oil Company, and Homer Rainey, the left-leaning former president of the University of Texas, emerged as the front-runners in the Democratic primary. Although performing well up until election day, Rainey lost decisively, and would again lose to Jester in a runoff election. Observers credited the success of Jester to the remobilization of mainstream business interests, the more general rightward shift in politics, public dissatisfaction with unions, and to the poor turnout generated by labor and the Left. The TSIUC organized a get-out-the-vote campaign, but with little success. With an influential segment of the TSFL apparently more concerned with the challenge posed by the CIO than with the reorganization and renewed activity of business groups, labor was not able to provide a sizable voter turnout, most notably in urban areas with a growing union presence.<sup>78</sup>

The electoral outcomes were disastrous for Texas unions. Going into the 1947 legislative session, the TSFL identified only 45 friendly or pro-labor House members out of 149 representatives, and only 8 out of 30 in the Senate.<sup>79</sup> Political openings for unionism and for two-party politics that emerged just two years earlier were not realized. The legislature remained one hundred percent Democratic, and conservatives recaptured the state Democratic party. This occurred despite the increased presence of labor in the state as indicated by organizing successes and wartime growth—union organization approached 16 percent of the workforce and more than three hundred thousand members by the late 1940s, by far the largest contingent in the South region.

Governor-elect Jester, although no friend of unions, campaigned as somewhat of a moderate on labor issues and did not publicly seek punitive restrictions on unions. This notwithstanding, and as state CIO representative

H. W. Akin warned in 1946, the reorganization and increased finances of Texas employers could “buy a lot of anti-union legislation, it will buy a lot of politicians, it will buy a lot of newspaper ads.”<sup>80</sup> The combination of the electoral defeats, the reorganization of business, persistent divisions between the labor federations, and the lack of any sophisticated labor political or public relations program did not bode well for Texas unions in 1947.

Employers congregated in Austin at the beginning of the 1947 legislative session determined to alter what they perceived as an imbalance of power in labor relations. Among those present at committee hearings were Herman Brown and his lobbyists for the Brown and Root Construction Company, led by his chief lobbyist and former secretary of state Ed Clark.<sup>81</sup> Previously content to work against unfavorable legislation, Brown now pursued an aggressive legislative agenda of his own that sought to curb labor influence. Brown joined the TMA, local branches of the Chamber of Commerce, and other, established Texas employers that called for restrictions on unions in the name of individual rights and the public interest. These were not the only employer voices represented. Vance Muse and the Christian American Association were active in 1947, as was the Fight for Free Enterprise, who together promoted the far-right attack on labor and especially the CIO. By 1947, however, conservative Texas employers largely steered clear of the far-right organizations and Vance Muse in particular.

Unions were represented by the TSFL, the TSIUC, the railroad brotherhoods, and the Communication Workers. The Texas Social and Legislative Conference, a liberal coalition group, also had some presence in Austin. While all worked against Right-to-Work and other anti-labor initiatives, there was no coordination on legislative action. With business well represented in Austin, several anti-labor bills were introduced early on in the session. Representative Marshall Bell of San Antonio introduced a revised version of his 1945 Right-to-Work bill in the Texas House on February 4. He did so now with the active support of Herman Brown, the TMA, and other notable Texas employers.<sup>82</sup> Unfortunately for unions, the most notable and highly publicized moment in testimony over Right-to-Work came on February 17, when Ruth Koeing, the self-declared head of the Communist Party in Texas, testified against the bill. Union representatives were apparently unaware that she was going to testify and were not able to prevent it. It is unlikely that the Communist Party had much of a presence in the state or in Texas unions. AFL unions still represented the large majority of organized Texas workers. Moreover, of the unions experiencing significant growth in the state, none were Communist controlled.<sup>83</sup> Koeing’s testimony nonetheless gave some

conservative legislators a field day. The Christian American Association distributed flyers alerting Texans to “Communists in the Legislature,” listing those who did not support Right-to-Work and tied them to Ruth Koeing, stating, “Where She Leads Us, We Will Follow.” This did not have the intended effect, however, as some legislators, including the bill’s sponsor, representative Marshall Bell, sought to remove Vance Muse and the Christian American Association from the premises.<sup>84</sup>

While labor tried to dissociate itself from the Communist “kiss of death,” the TMA and prominent Texas employers did not pursue this line of attack in their lobbying efforts. “Instead of identifying the CIO with communism,” as one observer noted, “these groups talked about the excessive power that, they alleged, trade unions had achieved and were achieving, and about protecting the individual worker from the abuses of this power.”<sup>85</sup> Employers, in their public claims at least, were not opposed to labor entirely, but rather sought legislation to protect the public and honest, hard working, individual employees.

Labor representatives had no answer for these claims. In fact, few addressed the TMA’s claims, or even their presence. Instead, nearly all attributed Right-to-Work agitation to the Christian American Association and other like-minded “fascist” elements. A representative from the railroad brotherhoods argued that Right-to-Work and other anti-labor efforts would drive working people “to some kind of ‘ism if it doesn’t stop.” A TSFL representative declared that the bill “would finally destroy collective bargaining and organized labor.”<sup>86</sup> Labor union appeals to Texas legislators lumped all legislative attacks as driven by the far-right, ignoring the more moderate claims against unions that Texas employers and the TMA promoted in the early postwar years. The labor response thus did not match the changing composition of employer activism. Unions did not adjust to the new landscape where organizations like the TMA were more politically active and vocal. In the 1947 legislative session, many politicians, including sponsors of Right-to-Work, sought to distance themselves from far-right organizations such as the Christian American Association. It is not clear to what extent, if any, Christian American Association supporters overlapped with the TMA by this point. One Texas statehouse reporter suggested that the Christian American Association was still able to draw “sucker money” from a few frightened industrialists, but that their influence had waned.<sup>87</sup>

Right-to-Work passed in the Texas House on March 4 by an 82-42 margin. The Senate passed a Right-to-Work measure on March 20, 23-24, and Governor Jester signed the bill in April despite publicly favoring less punitive restrictions on unions.<sup>88</sup> The governor initially supported a more

moderate labor relations bill modeled after a similar act in Minnesota. This provided labor leaders with hope of avoiding Right-to-Work, but employers voiced considerable opposition. After the TMA and others flooded the governor's office with telegrams against the bill, the possibilities for more moderate legislation quickly faded. Whereas labor support in the previous legislative session was primarily from urban areas, they received almost no votes from representatives of the larger cities in 1947. And, following the Right-to-Work outcome, the session only got worse for labor. The state legislature passed nine different restrictions on labor unions, including an anti-dues checkoff law, and measures outlawing mass-picketing, secondary boycotts, and public employee unionism.<sup>89</sup>

Following the session, the TMA claimed that with its hard work "the big stick held in the hands of labor unions over the heads of industry" had been whittled down considerably by the Texas legislature.<sup>90</sup> While the TMA drew on the resources of the NAM and its National Industrial Council, neither of the labor federations received similar assistance from their parent organizations. The divergent experiences are illustrated by the views of national NAM and CIO leaders on the legislative activism in the states. On a southern-cities speaking tour in early 1947, NAM president Earl Bunting pointed to the Right-to-Work successes in the states as an important confirmation of his organization's approach to labor problems, stating that "such legislative activity confirm NAM's position that congressional action supporting the right to work will meet with widespread approval." By contrast, at the CIO executive board meeting of May 1947, General Counsel Lee Pressman still had to warn board members of the problems in the states: "I don't know whether the members of the Board recognize it, but in about 12 or 13 states, in addition to this Federal Congress, legislation has already been enacted. . . . I am afraid that not too serious efforts were made in the various states to combat state legislation, and I think to some degree our efforts have been hampered here in connection with the Federal Congress."<sup>91</sup>

Unions were caught off guard by the reorganization and political mobilization of Texas employers in the early postwar years. Divisions between rival AFL and CIO federations crippled political coalition work and electoral activism. After the disappointing voter turnout and statewide returns in the 1946 elections, Texas labor unions were still unable to sway even some of the labor-friendly representatives in the legislature to vote against Right-to-Work. The TSFL's assessment of the legislative session lamented the fact that it were only able to secure one favorable vote on Right-to-Work from representatives of the major cities (Houston), while representatives and senators from Dallas, Fort Worth,

and San Antonio uniformly sided with employers.<sup>92</sup> The rapid growth of unions in the state, and the potential openings in Texas politics notwithstanding, the labor movement was not able to translate these gains into political successes, or even to hold par. They were routed. Despite renewed political activism and organizing in the following years, Texas unions and their liberal allies were not able to repeal Right-to-Work or any of the other anti-labor statutes. Expensive legal challenges also proved fruitless.<sup>93</sup>

## Conclusion

This article traces the political efforts of employers to counter union ascendance in the states. Following the labor upheavals of the 1930s, employers and their associations took their case to state legislatures across the country, making labor, and Right-to-Work in particular, a heated political issue. The political battles that ensued resulted in a wave of legislative restrictions on unions and helped contain the labor movement to a decidedly narrow geographic and industrial space. Restrictive labor laws were not adopted solely where union organization was weak, but rather where unions were actively organizing to solidify their movement as a national force and, indeed, where there were notable openings for union activism. Business mobilization in the states complicated the fortunes of the national labor movement.

I use the case of Texas to illustrate the diverse set of employers, organizations, and political representatives advocating for union restrictions in the states. While labor unions faced an uphill battle—complicated by one-party politics, a racially divided workforce and union movement, and national trends of public antagonism over labor strife and a rightward shift in postwar politics—I contend that the changing industrial landscape and notable political openings provided important opportunities for Texas unions. I argue that their decisive policy setbacks were also influenced in important ways by heightened employer mobilization, the lack of expertise or assistance from national labor organizations, and deep divisions between rival labor federations. In addition, I suggest that the union setbacks in Texas, and related struggles throughout the states, offer an important part of the story of union decline in the United States.

Early restrictive labor legislation was championed by far-right organizations like the Christian American Association. Along with political allies like W. Lee O'Daniel, they were successful in promoting punitive restrictions on unions. Several states considered and adopted similar measures following the Texas example. By the early postwar period, however,

the composition of anti-labor mobilization had changed. The TMA regrouped following union advances in the state. They made political mobilization a focus and adopted more sophisticated approach to labor problems. In advocating for legislative restrictions on unions, they were aided by the expertise of nationally-oriented pro-business associations like the NAM and its National Industrial Council. This assistance enhanced both their public claims and more direct lobbying efforts. The appeals of the TMA and notable Texas employers in the early postwar years were more carefully crafted to capture the political center, and differed markedly from the efforts of the Christian American Association and the Fight for Free Enterprise. The TMA approach likely resonated with key Right-to-Work supporters in the legislature who, by the 1947 legislative session, sought to distance themselves from the far-right organizations.

Despite impressive membership gains, Texas unions were unable to adapt to or counter the redoubled efforts of Texas employers following the war. Texas labor activists received virtually no support from their national counterparts—local officials and activists were on their own to fight Right-to-Work. The heavily funded postwar southern labor organizing drives also were disconnected from political mobilization. The national AFL and CIO understandably focused on securing federal safeguards for unionism and in staving off Taft-Hartley. Yet, their near complete inattention to the mounting state campaigns backfired when the law passed. The AFL's primary state strategy of court challenges fell flat two years later when the Supreme Court protected state Right-to-Work laws in the *Lincoln* decision.<sup>94</sup>

The end result of this disconnect and lack of professionalized assistance was that the union response to increasing Right-to-Work agitation was muted. Texas labor unions had no political or public relations program of their own, and had little response for increasingly sophisticated employer campaigning. This points to an important problem in terms of employer and union framing and counter-framing of labor issues and its implications for a host of processes—something that this study could not fully address. The extent to which these attempts to frame the debate on unions affected not only battles over labor policy occurring throughout the states but also membership recruitment efforts, warrants further investigation and indeed poses important questions and opportunities for labor scholars. Research in this vein could speak to the processes through which worker interests and allegiances were formed and altered during these pivotal years.

Finally, this article demonstrates how deep divisions between the rival labor federations were especially damaging for the Texas labor

movement. These deficits limited labor's political capacity. Some TSFL leaders strategized against candidates with CIO support. The postwar organizing drives exacerbated these tensions as AFL and CIO unions competed over workers. On a daily basis labor divisions gutted some of the key electoral and advocacy work that make unions and their umbrella federations effective political vehicles. Nascent labor unity coalitions were quickly abandoned. AFL and CIO unions in the state did not coordinate on voter turnout or statewide candidates. Following a split within the state Democratic party that suggested openings for union influence, labor was unable to muster much of a turnout in the 1946 elections, particularly in the urban areas with a growing union presence. Divisions also limited labor's ability to sway votes of somewhat favorable political representatives on important issues like Right-to-Work. There was no coordination on lobbying, and public testimony on labor legislation often appeared contradictory. Early testimony on Right-to-work by the TSIUC indeed appeared lackadaisical as they viewed the issue as primarily an AFL problem.

Considerable research now demonstrates a range of factors contributing to the decisive setbacks for unions during the remarkable growth period of the 1940s. These include shifting political opportunities, aroused opposition to unionism among business and conservative activists, and the failed southern organizing drives, to name just a few. This article suggests that labor struggles in the states were likewise influential and hold insight into the trajectory of the American labor movement. The policy setbacks in the states were interconnected with, and in some ways contributed to, labor's difficulties at the national level. They also reveal a distinct set of processes that involved far-ranging employer and political actors, diverse strategies to make labor into a key political issue, and mostly limited union responses. The political battles that played out across states in the 1940s are no doubt of lasting consequence. The early spread of Right-to-Work laws, largely unnoticed by national union leaders, helped forge an inhospitable legal climate for unionism—something that became more pressing for labor with postwar shifts in production and population, and which remains influential for the fortunes of the union movement.

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## Notes

1. For wartime gains in union membership, see Melvyn Dubofsky, *The State and Labor in Modern America* (Chapel Hill, 1994); Leo Troy, *Distribution of Union Membership Among the States* (New York, 1957).

2. Fortune reference in Michael Goldfield, *Race and the Mainsprings of American Politics* (New York, 1997), 243. C. Wright Mills, *The New Men of Power* (Urbana 2001[1948]). Mills viewed union leaders as influential, strategic actors. This was the view of many labor observers during the 1940s. Yet, union gains were under attack even as Mills was writing, and by the end of the decade the very title of the book did not correspond with the diminished status of labor.

3. James A. Gross, "Conflicting Statutory Purposes: Another Look at Fifty Years of NLRB Law Making," *Industrial and Labor Relations Review* 39 (1985): 7–18; Harry Millis and Emily Clark Brown, *From the Wagner Act to the Taft-Hartley Act* (Chicago, 1950).

4. Sean Farhang and Ira Katznelson, "The Southern Imposition: Congress and Labor in the New Deal and Fair Deal," *Studies in American Political Development* 19 (2005): 1–30; Nelson Lichtenstein, "From Corporatism to Collective Bargaining: Organized Labor and the Eclipse of Social Democracy in the Postwar Era," in *The Rise and Fall of the New Deal Order*, ed. Steve Fraser and Gary Gerstle (Princeton, 1989).

5. For important exceptions, see William Canak and Berkeley Miller, "Gumbo Politics: Unions, Business, and Louisiana Right-to-Work Legislation," *Industrial and Labor Relations Review* 43 (1990): 258–71; Gilbert Gall, *The Politics of Right-to-Work: The Labor Federations as Special Interests, 1943–1979* (New York, 1988).

6. E. Merrick Dodd, "Some State Legislatures Go to War—On Labor Unions," *Iowa Law Review* 29 (1943): 148–75; George Norris Green, *The Establishment in Texas Politics: The Primitive Years, 1938–1957* (Westport, Conn., 1979); Troy, *Distribution of Union Membership Among the States*.

7. The composition of activists promoting Right-to-Work shifted in the immediate postwar years when mainstream conservatives, including the National Association of Manufacturers, began to see Right-to-Work as an especially useful tool. Before this, the most vocal proponents were more often tied to extreme right-wing politics, particularly in the South with organizations like the Christian American Association. See Gall, *The Politics of Right-to-Work*, 35–36. A useful feature of the Texas case is that both types of organizations were present and active to varying degrees throughout the decade. The intensity and range of antilabor mobilization enhance the insight this particular case can provide into the origins of, and shifts in, Right-to-Work and other antilabor activism, and to the diverse actors involved in these struggles.

8. Gregory Hooks and Leonard E. Bloomquist, "The Legacy of World War II for Regional Growth and Decline: The Cumulative Effects of Wartime Investments on U.S. Manufacturing," *Social Forces* 71 (1992): 303–37.

9. On the adoption of the Wagner Act, see Michael Goldfield, "Worker Insurgency, Radical Organization, and New Deal Labor Legislation," *American Political Science Review* 83 (1989): 1257–82. On the NLRB and its administration, see James A. Gross, *The Making of the National Labor Relations Board: A Study in Economics, Politics, and Law*, vol. 1 (Albany, 1974).

10. Howell John Harris, *The Right to Manage* (Madison, 1982).

11. Nearly every state considered legislative restrictions on union activities during the late 1930s and 1940s. A handful of states did consider and adopt progressive labor legislation along the lines of the Wagner Act. For examples, see Charles C. Killingsworth, *State Labor Relations Acts* (Chicago, 1948); Darryl Holter, "Labor Law and the Road to Taft Hartley: Wisconsin's Little Wagner Act, 1935–1945," *Labor Studies Journal* 15 (1990): 20–47.

12. Millis and Brown, *From the Wagner Act to the Taft-Hartley Act*; Richard C. Wilcox, "Industrial Management's Policies Toward Unionism," in *Labor and the New Deal*, ed. Milton Derber and Edwin Young (Madison, 1957).
13. Harold A. Katz, "Two Decades of State Labor Legislation, 1937-1957," *University of Chicago Law Review* 25 (1958):109-41; U.S. Department of Labor, *Annual Digest of State and Federal Labor Legislation* (Washington, D.C., various years).
14. Millis and Brown, *From the Wagner Act to the Taft-Hartley Act*, 319; Nelson Pichardo, "The Power Elite and Elite Driven Counter-movements: The Associated Farmers of California," *Sociological Forum*10 (1995): 21-49.
15. On the negative effects of Right-to-Work laws on union density and union organizing flows, see David T. Elwood and Glenn Fine, "The Impact of Right-to-Work Laws on Union Organizing," *Journal of Political Economy* 95 (1987): 250-73; William J. Moore, "The Determinants and Effects of Right-to-Work Laws: A Review of the Recent Literature," *Journal of Labor Research*19 (1998): 445-69.
16. See Nelson Lichtenstein, *Labor's War at Home: The CIO in World War II* (New York, 1982), 80-81.
17. *Ibid.*
18. Leo Troy, "The Growth of Union Membership in the South, 1939-1953," *Southern Economic Journal* 24 (1958): 407-20.
19. Zeitlin and Weyher's analysis shows that increased CIO presence had an independent and significant effect on reductions in black-white employment inequality between 1940 and 1950 in some nonsouthern states. See Maurice Zeitlin and L. Frank Weyher, "'Black and White, Unite and Fight': Interracial Working-Class Solidarity and Racial Employment Equality," *American Journal of Sociology* 107 (2001): 430-67.
20. Farhang and Katznelson, "The Southern Imposition." For two important works on the CIO and African American workers in the South during this period, see Michael Honey, *Southern Labor and Black Civil Rights: Organizing Memphis Workers* (Urbana, 1993); Robert Korstad, *Civil Rights Unionism: Tobacco Workers and the Struggle for Democracy in the Mid-Twentieth Century South* (Chapel Hill, 2003).
21. Lewis was the central figure for antiunion advocates during the war years and early postwar period. He was a featured target in many national news magazines, who variously characterized him as a racketeer or dictator, including one *Newsweek* cover featuring his face and the headline "Lewis: The Power to Paralyze." News features on Lewis from Melvin Dubofsky and Warren Van Tyne, *John Lewis: A Biography* (Urbana, 1986), 323.
22. In F. Ray Marshall, *Labor in the South* (Cambridge, Mass., 1967), 241.
23. Gall, *The Politics of Right-to-Work*.
24. Elizabeth Fones-Wolf, *Selling Free Enterprise* (Urbana, 1994).
25. American Federation of Labor, "Statement by the Executive Council of the American Federation of Labor," for release in Friday morning papers, 21 May 1943, in American Federation of Labor Papers, series 3, State Legislation Files, Box 1 (Florida), Wisconsin Historical Society.
26. U.S. Department of Labor, *Annual Digest of State and Federal Labor Legislation*.
27. Gall, *The Politics of Right-to-Work*, 42.
28. Edwin Amenta, *Bold Relief: Institutional Politics and the Origins of Modern American Social Policy* (Princeton, 1998), 192.
29. Thomas B. Brewer, "State Anti-Labor Legislation: Texas—A Case Study," *Labor History* 10 (1970): 59-76; Marshall, *Labor in the South*.
30. Manning J. Dauer, "Recent Southern Political Thought," *Journal of Politics* 10 (1948): 327-53.
31. Green, *The Establishment in Texas Politics*, 17.
32. Dauer, "Recent Southern Political Thought," 334-35.
33. Canak and Miller contend that Christian American received some support from the Du Pont family ("Gumbo Politics," 260). See also the account of writer Stetson

Kennedy, *Southern Exposure* (Garden City, N.Y., 1946), 251–54, which points to prominent industrialists as early sources of support for Christian American and Vance Muse.

34. Green, *The Establishment in Texas Politics*, 61–63.

35. Building contractors were no doubt a driving force behind the Open Shop efforts of the early twentieth century, including those activities in Texas. Notably, however, in some northern cities in the 1920s, contractors might just as often have viewed unions as a stabilizing force, and were thus, at least in these circumstances, a less potent source of antiunion activism. See Colin Gordon, *New Deals: Business, Labor, and Politics in America, 1920–1935* (Cambridge, 1994), 118; Clarence E. Bonnett, *A History of Employers' Associations in the United States* (New York, 1956), 471–77; Larry J. Griffin, Michael E. Wallace, and Beth A. Rubin, "Capitalist Resistance to the Organization of Labor Before the New Deal: Why? How? Success?" *American Sociological Review* 51 (1986):147–67.

36. Brewer, "State Anti-Labor Legislation," 71; Murray Emanuel Polakoff, "The Development of the Texas State CIO Council" (Ph.D. diss., Columbia University, 1955).

37. Troy, "The Growth of Union Membership in the South."

38. See Chandler Davidson, *Race and Class in Texas Politics* (Princeton, 1990); David R. Mayhew, *Placing Parties in American Politics: Organization, Electoral Settings, and Government Activity in the Twentieth Century* (Princeton, 1986), 139.

39. See Emilio Zamora, *The World of the Mexican Worker in Texas* (College Station, 1993). There are vivid historical examples of Mexican workers being used as strikebreakers, and the Bracero program likely intensified such fears on the part of unions. However, the primary racial cleavages among workers in urbanizing Texas during the 1940s revolved around black-white relations.

40. Polakoff, "The Development of the Texas State CIO Council."

41. Brewer, "State Anti-Labor Legislation."

42. Grady Mullenix, "A History of the Texas State Federation of Labor" (Ph.D. diss., University of Texas, 1955). There are TSIUC references to "United Action" on the part of craft and industrial factions as late as 1946. But this apparently did not carry over into legislative activism following the disbanding of the United Labor Committee. Texas State Industrial Union Council, *CIO Notes* (2 December 1946), 2.

43. Troy, *Distribution of Union Membership Among the States*; U.S. Bureau of the Census, *Census of Manufacturers* (Washington, D.C., 1947).

44. Solidarity was admittedly far from assured among Texas workers. Just how workers' interests are formed, and whether or not they align with labor organization and the varied goals of particular unions, are of course complex processes and are beyond the scope of this study. What this article contends is that there were favorable openings for unionism, and, indeed, notable union gains during the decade.

45. V. O. Key, *Southern Politics in State and Nation* (New York, 1949), 260.

46. Green, *The Establishment in Texas Politics*.

47. In Polakoff, "The Development of the Texas State CIO Council," 272.

48. Brewer, "State Anti-Labor Legislation," 70–71; U.S. Bureau of Labor Statistics, *Work Stoppages Caused by Labor-Management Disputes* (Washington, D.C., various years).

49. Green, *The Establishment in Texas Politics*, 61. Reports of lobbying by the Christian American Association across several states are frequent in correspondence between AFL officers in the states and AFL president William Green, in American Federation of Labor Papers, series 3, State Legislation Files, Box 1 (Arkansas, Florida), Wisconsin Historical Society.

50. In Canak and Miller, "Gumbo Politics," 261.

51. Some labor leaders signed a no-strike pledge with Stevenson (it had been in effect orally for more than a year) in a failed effort to stave off the legislation. Marshall, *Labor in the South*, 243; Mullenix, "A History of the Texas State Federation of Labor."

52. Mullenix, "A History of the Texas State Federation of Labor"; Troy, "The Growth of Union Membership in the South."

53. See S. S. McKay, *Texas Politics, 1906–1944* (Lubbock, 1952), 431–52; Texas Regular Party, “Why Is There a Texas Regular Party?” in Collection 239, Margaret Carter Papers, Texas Labor Archives, University of Texas at Arlington.

54. Stephen Amberg, “Governing Labor in Modernizing Texas,” *Social Science History* 28 (2004): 145–88.

55. In Polakoff, “The Development of the Texas State CIO Council,” 300.

56. Ad in Green, *The Establishment in Texas Politics*, 90. Some Texas labor activists saw Smith as tightly connected with the Fight for Free Enterprise. A Texas House committee investigated lobbying efforts related to Right-to-Work—including that of the Fight for Free Enterprise—but found no wrongdoing. See Texas State Industrial Union Council, *CIO Notes* (19 July 1945).

57. Gall, *The Politics of Right-to-Work*, 231.

58. CIO and AFL testimony in Polakoff, “The Development of the Texas State CIO Council,” 302. The CIO did not devote much time or resources to the Right-to-Work problem until the mid-1950s. It is not until after the merger in 1957 that the labor movement establishes a formal committee to deal with Right-to-Work in the states. See Fones-Wolf, *Selling Free Enterprise*.

59. On notable differences in the racial practices of AFL and CIO unions during this period, see Honey, *Southern Labor and Black Civil Rights*; Zeitlin and Wheyer, “Black and White, Unite and Fight.”

60. When the Right-to-Work issue gained interest in the Midwestern states in the late 1950s, some employers did try to appeal to black workers, noting the opportunities that the laws would generate. By this point, however, union appeals in the states had changed significantly; unions increasingly attempted to reach out to minority workers and their appeals were more streamlined with those of the national union movement. See Gall, *The Politics of Right-to-Work*; David Jacobs and Marc Dixon, “The Politics of Labor-Management Relations: Detecting the Conditions that Affect Changes in Right-to-Work Laws,” *Social Problems* 53 (2006): 118–37.

61. Marshall, *Labor in the South*, 244.

62. Texas Manufacturers Association, *Texas Industry*, April 1946.

63. Fones-Wolf, *Selling Free Enterprise*; Andrew Workman, “Manufacturing Power: The Organizational Revival of the National Association of Manufacturers, 1941–1945,” *Business History Review* 72 (1998): 279–317. These changes undertaken by the NAM are consistent with literature on framing that probes the cultural work of social movement actors (and their antagonists) and the processes by which they generate and maintain meaning for potential supporters and other audiences. As this section shows, the TMA generally mirrored the efforts under way by national organizations like the NAM. Unfortunately, there are not enough surviving materials to code and systematically analyze the changes in their framing of the labor question relative to the varied union claims. Assessing the impact of employer and union framing efforts across place is undoubtedly an important task for labor researchers. For the impact of framing on other types of mobilization, see Daniel Cress and David Snow, “The Outcomes of Homeless Mobilization: The Influence of Organization, Disruption, Political Mediation, and Framing,” *American Journal of Sociology* 105 (2000): 1063–104; Lyndi Hewitt and Holly J. McCammon, “Explaining Suffrage Mobilization: Balance, Neutralization, and Range in Collective Action Frames, 1892–1919,” *Mobilization* 9 (2004): 149–66.

64. U.S. Bureau of Labor Statistics, *Work Stoppages Caused by Labor-Management Disputes* (Washington, D.C., various years).

65. See Lichtenstein, *Labor’s War at Home*, for employers, strikes, and the OPA. Sheffield Steel ad in *Houston Press*, 31 July 1945, 9. From Texas Labor Archives, Collection 110, Clippings, Box 11, University of Texas at Arlington.

66. Milton Gabriel and Hortense Gabriel, “Texas Newspaper Opinion: I,” *Public Opinion Quarterly* 10 (1946): 57–70.

67. Gerald Pomper, "The Public Relations of Organized Labor," *Public Opinion Quarterly* 23 (1959-60): 483-94.

68. Brewer, "State-Anti-Labor Legislation," 69; Robert Lynd, "Labor and the Grass-Roots Community," *Labor and Nation* (April-May 1946): 20-24.

69. In Barbara S. Griffith, *The Crisis of American Labor: Operation Dixie and the Defeat of the CIO* (Philadelphia, 1988), 90.

70. Texas Manufacturers Association, *Texas Industry*, April 1946, 22.

71. Marshall, *Labor in the South*, 244.

72. Texas State Industrial Union Council, *CIO Notes* (3 August 1946; 2 December 1946); Troy, "The Growth of Union Membership in the South."

73. See Griffith, *The Crisis of American Labor*, for an account of the organizing failures in textiles.

74. I am grateful to an anonymous reviewer for highlighting this political riddle. Many have demonstrated the political consequences of the narrow scope and orientation of the postwar union movement. See Joel Rogers, "Divide and Conquer: Further Reflections on the Distinctive Character of American Labor Laws," *Wisconsin Law Review* (1990): 1-128; William Form, *Segmented Labor, Fractured Politics* (New York, 1995).

75. This strategy intensified following the explosion of the Communist issue within the CIO. In 1949, the Steelworkers, among others, repeatedly raided and even broke those organizing unions hospitable to Communists. See Lichtenstein, "From Corporatism to Collective Bargaining," 137.

76. Honey, *Southern Labor and Black Civil Rights*, 227. See also Goldfield, *Race and the Mainsprings of American Politics*.

77. Mullenix, "A History of the Texas State Federation of Labor," 411.

78. Green, *The Establishment in Texas Politics*; Texas State Industrial Union Council, *CIO Notes* (18 April 1946). Before the *Baker* Supreme Court decision in 1962, unequal representation in state legislatures (including Texas) was the norm. David and Eisenberg's relative Right to Vote scores show significant declines in the value of the vote in the more urban counties in Texas between the early 1900s and 1950. See Paul T. David and Ralph Eisenberg, *Devaluation of the Urban and Suburban Vote* (Charlottesville, 1961), 15. Yet labor would even have trouble mustering support from these urban districts.

79. Texas State Federation of Labor, *State Labor Proceedings*, Microfilm Collection (1947), 119, Center for Research Libraries.

80. H. W. Akin, "Address to the Ninth Annual Convention of the Texas State Industrial Union Council" (1946), 4, in Texas State Industrial Union Council Records, Collection 110, Series 16, Box 8, Texas Labor Archives, University of Texas at Arlington.

81. Texas State Federation of Labor, "Report of Officers for Month of January, 1947," American Federation of Labor Papers, series 3, State Legislation Files, Box 2 (Texas), Wisconsin Historical Society; Texas State Federation of Labor, *State Labor Proceedings*, 119.

82. State of Texas, *Journal of the House of Representatives of the Regular Session of the Fiftieth Legislature* (Austin, 1947).

83. Green suggests that it is unlikely the Communist Party had much of a presence in Texas or in Texas unions (*The Establishment in Texas Politics*, 106). The affiliates accounting for almost half of the increase in unionism in the state included the Communication Workers, the Machinists, the UAW, the Carpenters, the Steelworkers, and the Plumbers (from Troy, "The Growth of Union Membership in the South," 411). None of the CIO unions represented here falls into the "Communist camp" of the late 1940s as identified by Judith Stepan-Norris and Maurice Zeitlin, and are not among those unions purged in 1949-50. See Judith Stepan-Norris and Maurice Zeitlin, *Left Out: Reds and America's Industrial Unions* (Cambridge, 2003), 13.

84. Koeing testimony from *Fort-Worth Star Telegram*, 19 February 1947, 1; *Houston Post*, 20 February 1947, 1,9. Labor reaction to Koeing's testimony and activities of Muse and the Christian American Association in *The Labor Advocate*, 28 February 1947; *Houston*

*Labor Messenger*, 21 March 1947, Texas Labor Newspaper Collection, Texas Labor Archives, University of Texas at Arlington.

85. Frederic Meyers, *The Right to Work in Practice* (New York, 1959), 3.

86. Labor testimony from the *Austin American*, 4 March 1947, 1; 6 March 1947, 2; *Fort-Worth Star Telegram*, 19 February 1947, 1.

87. Hart Stilwell quoted in Green, *The Establishment in Texas Politics*, 106.

88. State of Texas, *Journal of the House of Representatives; Journal of the Senate of the Regular Session of the Fiftieth Legislature* (Austin, 1947).

89. Texas State Federation of Labor, "Anti-Labor Laws Passed by the 50th Texas Legislature," in Collection 239, Margaret Carter Papers, Texas Labor Archives, University of Texas at Arlington.

90. Texas Manufacturers Association, *Texas Industry*, June 1947, 18.

91. Earl Bunting quote from National Association of Manufacturers, "For Release in Morning Newspapers of Wednesday, March 26, 1947," in the Records of the National Association of Manufacturers (Accession 1411), series VII, Box 197, Hagley Archives, Wilmington, Delaware. Lee Pressmen in CIO Executive Board Proceedings, 16-17 May 1947, 270-71, Walter P. Reuther Library, Wayne State University.

92. See Texas State Federation of Labor, *State Labor Proceedings*, 120.

93. Amberg, "Governing Labor in Modernizing Texas."

94. Gall, *The Politics of Right-to-Work*, 47.

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