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Governing Labor in Modernizing Texas

The United States is a country in which the working classes are not well organized to participate in politics and the workplace. Four theoretical approaches encompass most explanations. They are culture and identity theories, convergence theories, center-periphery theories, and institutional theories. Focusing on one specific case, the state of Texas, this article suggests that each approach can contribute to a political construction approach to the labor field that can better explain the patterns of organization. In Texas today working-class participation is very low, but 30 years ago union membership and voting were increasing; 100 years ago Texas was a fount of populism. A focus on the specific historical contexts of labor-management relations enables us to penetrate the contemporary post-facto image of Texas as one member of a category of conservative or nonunion states in contrast to liberal or union-friendly states. That binary image elides the actual more complex and diverse histories of labor struggles that constitute each side of this symbolic opposition. This article demonstrates that there is a real problem to investigate and suggests how we should think about it. What will become clear is that Texas is not exceptional when it comes to the status of workers in the polity. The specific historical pathways to the present suggest the significance of political struggles and ideological debate for the creation of a working class with influence and power.

The United States is a country in which the working classes are not well organized to participate in politics and the workplace. Union density in the United States is the second lowest in the OECD (Organization for Economic Co-operation and Development) world and the probability of voting shows a close correlation with increasing income and education. The under-representation of such a large segment of society has attracted attention for decades because the status of labor seems peculiar. Four theoretic-

cal approaches encompass most explanations. They are culture and identity theories, convergence theories, center-periphery theories, and institutional theories. This article suggests that each approach can contribute to a political construction approach to the labor field that can better explain the patterns of organization.

In cultural theories, working-class absence has been explained away as an outcome of essential qualities of American political culture and social identity. A political culture of liberal individualism made collective action unattractive to American workers and/or the heterogeneous identities of the working classes rooted in their immigrant and slave origins undermined class unity. The fact of widespread labor organization, especially during the New Deal era, however, is a major challenge to these explanations. Attitudes do not exist *apart* from what people can do *in part* because of laws that govern permissible collective action; moreover, laws are passed by legislators who must be elected; and so on. Alternatively, convergence theories that were once popular argued that American workers would become full participants in American society through the industrial relations system and interest group politics. The sharp decline in collective bargaining in the past quarter-century poses a difficult challenge to this approach. Center-periphery theories, in contrast, perceive not convergence but stable divergence between a participative industrial metropole and a nonparticipative periphery. Like the convergence theory, the theory of divergence depends on certain assumptions about economic development that make political interests and organization an outcome of regional and sectoral location. But both side-step discussion of the formation of these interests and the perception that markets, too, are institutions. Institutional explanations in many ways are the reverse of convergence and center-periphery theories because they focus on the ways that political parties, electoral institutions, and constitutional structure shape and vitiate class politics. These explanations observe that classes exist and their politics must be explained, but typically the focus is on the political institutions, whereas a class's interests are only generally sketched as part of a process of capitalist development, much as cultural explanations broadly refer to liberal, ethnic, and racial identities without inquiring about the formation of identity. Recent literature now has pushed to define all of these identities more clearly and we know much more about the specific histories of various groups, including employers. But the newer literature needs to work back to the theories of capitalist development and institutional structures to avoid

the errors of essentialist explanations and to save convergence/divergence and institutionalism from formalism (Pedraza 2000; Chandra 2001; Vila 2000, 2001; cf. Bourdieu 1990).

What this article suggests is that how groups are organized and how they are related to one another depend on historically specific conceptions of organizations that define a field on which battles take place over institutional order and public policy (cf. Hattam 1993; Berk 1994; Herrigel 1996; Sabel 1982). This claim is intuitively plausible because, just as the center-periphery theorists observe, there are wide divergences among regions and sectors in the United States in economic organization. Within a broad trend of labor demobilization in the past generation, in some regions certain kinds of workers have mobilized while in other regions the demobilization has become virtually complete. But like the institutionalists, rather than see labor-management relations as the outcome of economic interests, I argue that causality is nearly reverse: economic organization is an outcome of politics. The specific politics in regions establishes institutions with incentives, rules, and norms for how labor and management are coordinated and carry out productive activities. Changes in politics cause changes in class relations.

This article focuses on one specific case, the state of Texas. In Texas today, working-class participation as such is virtually absent: the private sector unionization rate was 3.6% in 1998 and voter turnout for statewide offices was 26% in 1998.¹ But a generation ago, union membership reached 15% and voter turnout was 45% and growing; 100 years ago, Texas was the fount of populism. A comparative analysis would be the most appropriate methodology for an argument that focuses on the variation of labor fields, and that analysis is the subject of another project, but a focus on one case has value as well. A focus on the specific historical contexts of labor-management relations enables us to penetrate the contemporary post-facto image of Texas as one member of a category of conservative or nonunion states versus liberal or union-friendly states. That binary image elides the actual more complex and diverse histories of labor struggles that constitute each side of this symbolic opposition. This binary imagery also reinforces the research program that focuses on the decline of organized labor rather than on the construction of labor fields. This article simply tries to demonstrate that there is a real problem to investigate and to suggest how we should think about it.

What will become clear is that Texas is not exceptional when it comes to the status of workers in the polity. The specific historical pathways to the

present suggest the significance of political struggles (including direct anti-union activities, battles over extending New Deal labor law, conflicts over immigration) and ideological debate (including discourse about what and who labor is, what are legitimate goals for unions and corporations, who is a citizen, and what is the role of government in setting standards) for the creation of a working class with influence and power. Employers in Texas were determined to prevent workers from organizing themselves and they adopted effective tactics to get their way. But it was not just employer actions that weakened unions; employers had to develop a vision of what they wanted and get organized, too. Nor were workers in Texas created as a class with common interests by a common labor market structure. On the contrary, when industrialization began in the late nineteenth century in Texas, workers were already context-bound by the histories of locale, race, ethnicity, and sex, and the development of new conceptions of class unity was a preoccupation of organizers.

This article is organized in the following way. First, there is a critical review of leading interpretations of the patterns of working-class organization in American politics that outlines an alternative theory of the construction of the labor-management field. The article then turns to the case of Texas to present a wide-ranging and necessarily schematic narrative analysis of working-class organization that attempts to address the key issues raised in the previous section. This section is organized in two parts, with the National Labor Relations Act of 1935 as a dividing line: what kind of experience did workers have before the New Deal and what changed afterward? The last section of the article presents some concluding remarks on class in Texas and the United States.

Structures of Interest and Fields of Action

A generation ago it was common to assume that economic modernization would lead employment relations to converge on pragmatic bargaining between organized workers and professional managers. According to F. Ray Marshall (1971: 137, 143), a keen observer of American labor,

Unions have become important institutions in Texas as well as in the nation, and their influence undoubtedly will rise steadily as collective bargaining is extended to federal, state, and local government employees, as labor's political power continues to increase, and as unions attempt to

organize agricultural and other unorganized workers. . . . As in the rest of the United States, the Texas labor movement originated with widespread industrialization. Industrialization formed the basis for organization by creating a working class with common interests . . . to protect themselves from increasing competition in the labor and product markets being widened by industrialization.

In fact, the unionization rate in Texas declined and state law still prohibits most public sector employees from collective bargaining and denies union rights to agricultural workers. Our understanding of class relations in Texas and the United States is closely associated with the frustration of expectations about political development based on a logic of industrialism: industrialization would create common class interests among workers that partly conflicted and partly overlapped with the class interests that developed among managers. Workers and managers would organize to defend their interests and bargain pragmatically over the terms of the employment relationship (Kerr et al. 1960).

The industrialism theory made two basic arguments. The first was that industrialization would homogenize economic conditions across the country because of factor price equalization in an open economy. The link between economic development and workers' organization was rarely spelled out, however, because of the assumption that individuals will act to protect their (structured) interests. The second argument was that pluralist industrial relations provided efficiency gains for the corporation and for society at large. Creating a constitutional government in the corporation was part of the process of professional management of large-scale organization. Again, the link between large-scale organization and labor-management relations was underspecified because of the assumption that markets and technology taught one lesson to managers about how to combine labor and capital efficiently (Dunlop 1958; Piore and Sabel 1984). That collective bargaining was established for only about one-third of American workers and the regional pattern to collective bargaining are anomalies that support theories of divergence.

Richard Bensel (1984) argues that political organization reflects the structure of the U.S. economy, which is based on the historical geographical priority of the Northeast (cf. Trubowitz 1998; Tarrow et al. 1978). The northeastern part of the United States was developed first and, Bensel argues, the investment of resources in that core area created a powerful incentive

for capitalist elites and their congressional allies to protect their investments from competitors located in peripheral areas. In economic terms, in contrast to the convergence mechanism of factor price equalization, there are sunk costs and agglomeration economies (cf. Krugman 1985; North 1990). The characteristic struggle from 1880 to 1980 was between the low-cost competitors in the South and West, on one side, and the high-cost competitors mostly in the Northeast and Midwest (plus some other “trade areas” as he calls them), on the other side. The southwesterners tried to gain advantage with their cheap inputs of land, minerals, and labor, while the northeasterners tried to protect their investments by fixing prices and otherwise attempting to impose higher costs on the periphery through business regulation, national standard-setting, and trade restrictions.

At the heart of the core/periphery dichotomy is the assumption that there is such a thing as *a* regional interest. A structural argument should enable us to distinguish types of society differently ordered by different structures, but in Bensel’s (1984) study there is but one structure and, therefore, one set of interests. In this way, Bensel shares basic assumptions with the industrialism theorists about structure and interests; there is not much discussion of organization. Contrary to Bensel, with his image of a national (indeed global) economy with an inherent periphery with low wage labor—rather than, say, regional economies that may or may not get linked in a variety of ways—I will point out that in Texas workers contested the distribution of authority over labor exchange during industrialization and were defeated. Because we know that there are conflicts between workers and employers (and others) and because we know that around 1900 the capitalist elites and their partisan allies suppressed populist political expression, the representatives sent to Congress to argue for regional interests were very likely more specifically the representatives of local elites. The “southern” interest was very much a political creation.

Similarly, the New Dealers’ attempt to raise labor standards across the board through the National Labor Relations Act (NLRA) and Fair Labor Standards Act (FLSA) can be interpreted by Bensel only as an attempt by “the core” to undermine the competitiveness of “the periphery.” That conclusion results from the assumption that the periphery’s lower-productivity enterprises left southern employers no choice but to pay their workers lower wages. This interpretation of the defeat of working-class organization in Texas in the New Deal era makes sense only if there is no alternative to

the low-wage strategy. But in global political economy, “new growth theory” points to the contribution of education and training, research and development, and investment policies (Gilpin 2001: 103–28; cf. Hall and Soskice 2001). For example, when southern employers argued against the national wage standards of the FLSA and for a differential “southern” wage structure, they claimed that “Negro” and “Mexican” labor was unproductive, but the institution of white supremacy in education probably had something to do with that (Shulman 1991). Moreover, many southern business leaders ran their firms to supply national (or core) markets rather than to try to develop their own trade areas. In short, the competitive advantage of the low-wage employer depends on maintaining the political conditions that enable his organization to continue its strategy to pay low wages. When these conditions are investigated, then the wage structure is called into question as a “reality” and the presumed interests of groups have to be explained some other way.

In sum, interregional conflict rather than a smooth progression toward industrial pluralism better describes the historical record, but the structuring of regional interests should be explained. Institutional explanations have shown how party, electoral, legislative, and constitutional institutions have shaped working- (and other) class interests by channeling access and galvanizing identities and, in particular, giving political coalitions and participation a regional pattern (Burnham 1967; Bridges 1986; Shefter 1988; Oestreicher 1998; Robertson 2000). What these explanations have yet to do is specify the links between politics and policy on the one hand and economic organization and class formation on the other. Markets are institutions, too, that are based on norms and rules. Extending institutional analysis, we would say convergence on organizational forms results from deliberate projects to copy organizations and policies. Divergence in organization would be maintained by political failures to adopt the appropriate policies and/or from deliberate projects to sustain regionally specific institutions and organizations.

This is why labor market relationships are politically determined. Employers may cast workers in the role of low-wage labor, but what can they make of it? Labor exchange is a transaction between unequally situated actors. The seller of labor does not command the resources to employ himself or herself but must wait for the decision of the buyer who may or may not hire this or that worker; the employer has alternative uses for his capital and gains a bargaining edge in the exchange. Labor exchange also depends on

the construction of the situation of the employer. Thus, a discourse of domination and appropriateness envelops labor exchange. Therefore, many different forms of labor-management relationship have been established even within democratic capitalist countries because the labor management field is constituted by the requirement for labor exchange and by political factors that influence the ways that actors participate in the exchange. The most clearly marked relationships are established in law and policy, but customary practice also is significant. The laws directly assign rights and obligations to employees and employers; assign rights and obligations to employers and employees separately but influence what the other can do (such as the obligations of managers to investors and permissible relationships among firms); and structure the processes by which employers and employees (and others) can engage in law-making. In the first category is employment law *tout court*: labor contract, labor relations. In the second category are property law and the law of corporations, plus civil rights, social welfare, and immigration law. Last are political processes governing voting, elections, and legislating. All of these operate as incentives, guidelines, and boundaries in economic life and discourse and they are in a relationship of some consistency with the assumptions and conventions that implicitly guide citizens in daily life, such as individual ambitions, religious practice, race relations, and sex roles (Bourdieu 1990). Moreover, sets of organizations or fields—industrial relations, party politics, monetary politics, race relations—are linked together to constitute a regime with a characteristic or appropriate action repertoire—organization form, style of action—that enables the regime elements to work together and persist (Clemens 1997). Finally, the specific regional and sector contexts are significant because, in the United States, states and industry sectors have significant autonomy to make policies that structure the labor market and influence the aspirations, strategies, and organizations of workers and others in the labor field.

This article suggests that employers worked with political leaders in Texas to structure the labor market in Texas in ways that made the state a low-wage haven. Employer and government actions denied unionists access and legitimacy. In the first two decades of the twentieth century the labor movement in Texas grew in membership almost every year. Employers, after years of determined effort and with the help of the governor, Texas Rangers, judges, imported strikebreakers, race-baiting, and violence, stopped the union membership surge and reversed the gains made by union organizations. Activ-

ist employers established a commanding advantage in the institutionalized decision-making processes of politics and the economy and deployed these advantages to deny that unions were an appropriate organizational form for the employment relationship. They called upon alternative images of appropriateness (individual rights versus collective action, whiteness versus nonwhites, Americanism versus immigrants, property rights versus communism, outsiders versus Texans/locals) and superior material resources (monopoly of state office, control of investment funds, domination of news media) to get their way. For decades thereafter, employers were vigilant to protect their labor cost advantage and they took additional steps in the New Deal era to deny legitimacy to working-class organization.

The Problematic Turning Point: New Deal Labor Law Reform

A historic breakthrough for working-class organization occurred when the New Deal Congress legislated new policies that restructured economic relationships and established a new status for workers. The National Labor Relations Act (1935) provided direct government support for a worker's right to bargain collectively over the terms of employment, and the Fair Labor Standards Act (1938) set national standards for wages and hours of work. In the narrative that follows, passage of the NLRA is the crucial change because of its explicit goal of aiding workers to organize to participate in the micro-organization of the economy. Workers organized virtually everywhere and in every sector in the 1930s and 1940s, but in many locations the movement was not able to copy the institutions and organizations associated with the New Deal. In states such as Texas the historically specific configuration of politics and markets framed the responses of Texans to the New Deal challenge for reform.

This does not mean that nothing changed in Texas. The institutional baseline of workers' status before the NLRA was the common law of the workplace administered by state judges and that changed everywhere (Orren 1991). In contrast to the equal access promised to white men in the electoral process, in the labor process before the NLRA a worker's role was carefully inscribed in ancient doctrines of master-servant law: even a white male worker was decidedly unequal to his employer. A principle of common law was that working-class individuals were not free economic agents.

When workers banded together, much as businessmen banded together to form joint stock companies and corporations to invade their rivals' territory, hoard scarce resources, and monopolize the labor market with private employment bureaus, judges denied the legitimacy of collective labor action. Congress decisively overrode common law doctrine to make workers free agents: workers were authorized by the NLRA to organize unions and employers were compelled to bargain with them. The traditional claim of a unitary interest in the workplace—a paternalistic interest in common law and/or a property-based interest in corporate liberal doctrine—was replaced by pluralism. The new doctrine of industrial pluralism bound employees and employer in a field of industrial relations newly characterized as a constitutional order with rights of participation and obligations to support the system (Selznick 1969; cf. Stone 1981). The act did not guarantee the success of workers' organizations—employers were not required to sign contracts—but it did mean that workers were entitled to organize themselves to participate at work. Karen Orren (1991) correctly points out that before the New Deal the central issue of debate was how to establish the status of workers in a liberal society.

Creating Modern Texas before the New Deal

Texas began an industrial take-off at the turn of the twentieth century. What should have occurred according to the industrialism theory is what occurred elsewhere. Industrial form, sectoral profile, and regulatory institutions all should have converged. The Texas industrial profile looked like a periphery because of the prominence of traditional resource extraction industries in coal and sulfur and of cotton agriculture and raising cattle, but that was what was about to change with industrialization. As far as the extent of unionization was concerned, the experience in Texas paralleled that in other parts of the United States; that is, steady growth in unionization followed by a crash of membership in the 1920s. The more important issue is what was the context of politics and policy for the ways that industrialization was organized. Economic organization was poised between two models in the late nineteenth century with many hybrid versions arrayed between them. The two were corporate liberalism and regional republicanism. At the center of the corporate liberal vision was the integrated business corporation, autarchic but encompassing, bureaucratizing many once market-based transactions in

resource and producer goods markets, employment relations, and consumer retailing. The integrated corporation placed professional managers at the head of a vast internal hierarchy. Investors were relegated to the sidelines of the corporate entity that judges agreed had a life of its own (Chandler 1977; Berk 1994). But corporate capitalism also invited government regulation to prevent monopoly abuses while corporate bureaucracy and specialization provoked cultural critics to oppose the militarization of work and the schools (that prepared citizens for productive lives) because they undermined the skills needed by democratic citizens (Feffer 1994). In contrast, regional republican capitalism envisioned regulated competition rather than regulated monopoly. Business hierarchies would be flatter because more transactions would be market-based, but the markets would be regulated by sector to ensure decentralized development—considered more consistent with a democratic society—and to promote best practice. Agricultural cooperatives and trade unions would thrive in the republican order. Even in “advanced” sectors like railroads, the viability of the organizational form that was consistent with regional republicanism was demonstrable (Berk 1994). The historical outcome was closer to the former model than the latter in all parts of the country, but the regional variation is significant.

Industrialization in the United States took place under comparatively democratic conditions, as Walter Dean Burnham (1984) has pointed out, which exposed industrializing elites to popular pressures through the representative system. This exposure was especially challenging in certain southern and western states. The People’s Party, the most powerful movement as well as the one with the most highly developed program of industrial development, enjoyed widespread support in Texas (Goodwyn 1976). On the one hand, political conflict was not about interest group competition but about the nature of group interests in the new regime. On the other hand, existing institutions encouraged workers to develop political identities consistent with the images of the two dominant political parties, which were organized on a federal basis and which made ethno-religious appeals to the heterogeneous immigrant groups (Lowi 1975; Shefter 1986; cf. Bridges 1986). But Martin Shefter (1988) argues convincingly that the parties were weak in much of the West because the organizations were younger and less developed. According to Ruth Allen (1941: 8), late-nineteenth-century Texas was “outstandingly an era of social questioning and economic revolt.” Texas elites found parties less useful as tools for social and economic ordering. Rather than liberal con-

sensus, intense conflict characterized Texas; rather than a culture of individualism, a combination of government incentives for favored forms and repression of unwanted alternatives contributed to the forms of participation in Texas. Because of the weakness of the parties as channels of conflict and policy making, much of the ordering of relationships was shaped through the resolution of workplace conflicts.

Competing Visions of Industrial Order

From 1880 to 1920, workers in Texas increasingly joined labor unions and associations and they did so with confidence in their right to act collectively and with substantial public approval. And yet workers were not yet “labor”: labor in Texas was formed through processes in which workers were participants. There already was a status order of class, ethnicity (or what in the late nineteenth century was “race”), race, and sex, but racial and ethnic identities and class solidarities were changing. Workers confronted employers who claimed authority over them and unionists struggled mightily to unify workers. Texans formed 213 local assemblies of the Knights of Labor (KOL). The Knights’ major concerns were “the rights and powers of the developing corporations and their tendencies toward monopoly control with the concomitant denial of the power of the worker as an individual or as an actor in combination with other workers” (Allen 1941: 22; cf. Grob 1961; Fink 1983). They championed the right of employees to join unions to establish strict standards for working conditions and they sought legislation to deny employers the authority to interfere in any way with union activity. They favored government establishment of the eight-hour day and public ownership of railroads and communications (Allen 1941: 22–25).

The KOL drew upon the existing norms of American democracy to gain acceptance of novel policy goals and social practices (cf. Clemens 1997). The Knights sought to unify all people understood as producers, and this group included minority ethnic and racial groups and women. For example, in San Antonio, which was the largest city in Texas until about 1925, the KOL enjoyed the favorable opinion of a leading newspaper as “sober, industrious, peaceful, law-abiding citizens. . . . They ask that the just fruits of their toil and the honest returns of the labor they perform be guaranteed them by the state, and that the wealth they create, as well as the lands owned by the people, be preserved to them and the people by such legislation as is

necessary” (Shapiro 1955: 161). Strong representation of blacks was reported at statewide meetings of the Knights although social mixing was carefully circumscribed (Marshall 1967). The Knights’ principle of organization built on existing social and economic divisions—local assemblies were created by race, ethnicity (including German), and occupation—to create a larger political unity.

The Knights did not succeed in reforming the United States in the image of regional republicanism. The American Federation of Labor’s (AFL) new practical doctrine focused on direct action at the workplace by those workers who had the greatest market power, namely, the craft workers, without whom many businesses simply could not operate. The AFL did not challenge corporate property doctrine; rather, the AFL challenged master-servant labor law and insisted that workers must have equal protection for their economic organizations (Orren 1991). As explained much later at a Texas State Federation of Labor (TSFL) convention, “a responsible labor organization is, in a true and legitimate sense, a BUSINESS institution, and is entitled to all the requisites necessary to establish, maintain and operate for the benefit of its membership” (TSFL 1946: 193). Despite the apparently accommodating image of unions as businesses, AFL unions in practice developed “such rules and regulations as are needed and essential to successful operation,” including seniority, the closed shop, wage standards, apprentice training requirements, occupational jurisdictions, and many more, which challenged the claim of employers to undivided authority over work. AFL unions could be extremely militant in pursuit of their conception of class interests and their exclusionary model of organization.² Moreover, the emerging AFL in Texas remained closely allied with populist farmers’ organizations in the new century—and thereby it did not follow the national AFL strategy to spurn producerist political alliances—and cooperated with the railroad brotherhoods (Marshall 1967; Sanders 1999; Allen 1941).

Antiunion employers launched a countercampaign that denied the appropriateness of union organization in the field of labor-management relations. They acted directly to reject the legitimacy of the unions’ action repertoire of closed shops, strikes, boycotts, and collective bargaining and increasingly demanded state action to impose their conception (Bridges 1998). The antiunion employers attacked the social status of unionists: unions meant racial and ethnic mixing, interference by “outsiders,” lack of patriotism and Americanism, violence, and disrespect for the middle-class and

community leaders. Employers used agents provocateurs to foment violence in strikes, won court injunctions against union activities, gained the support of the local and state governments to use police forces and the Texas Rangers to disrupt strikes, and deployed a wide range of tactics to control individual workers in the employment relationship.

In 1903 a national antiunion movement swept across industrial America and into Texas. The open shop campaign was a “crusade” for the “effacement of the organized labor pattern from the consciousness of the average American citizen” (Perlman and Taft 1935: 129, 133). The organizers of the open shop campaign in Texas came from the National Association of Manufacturers and the Citizens’ Industrial Association (Todes 1949). The campaign started with the street railway industry and workers in the public sector and then moved on to the building trades and industrial workers (*ibid.*). In Waco, the city government effectively banned outside strikebreakers and ordered the company to operate with union employees, but the company got a state court injunction against the city that broke the strike.³ In cities where the union and riders launched consumer boycotts that drained revenue from the company, the traction companies resorted to violence. In San Antonio railway cars were bombed and the local citizens’ committee identified the unions as the culprits in the bombing although a jury found the unionists innocent (*ibid.*; Allen 1941). Middle-class opinion was diverted to the issue of violence and the police were deployed against strikers and picketers. After the union was defeated in San Antonio, the traction company president refused to rehire strikers with the following words that reflect the vision of a unitary managerial hierarchy: “I would not have a man work for me who has talked of his superior officers as I have been talked of by these men. Entertaining the opinion of me they have expressed, they could not be loyal, and unless loyal they cannot give good service” (Todes 1949: 34).

Yet TSFL membership continued to grow. At the start of the First World War, the federation reported 17,000 members. War-related demand for production and the support of the Wilson administration for peaceful labor-management relations led to rapid growth for certain unions and TSFL membership reached 42,000 in 1919 and perhaps about 50,000 in 1920 (Allen 1941). In addition, probably more than 10,000 workers were members of the Industrial Workers of the World (IWW) and of the many unions formed by Mexicano workers during these years.

However, it goes too far to say, as one historian has written, that the

labor movement in Texas enjoyed “favorable” political conditions until 1917 (Brewer 1970: 59). It is true that a dozen pieces of “pro-labor” legislation were passed, but they were Progressive Democratic laws that required bureaucratic enforcement, which was not assured, and that did not engage workers’ own organizations (Marshall 1967; Gould 1971; Allen 1941; Zamora 1993). Beyond the confines of what later became bounded as the field of industrial relations, the legislature acted to deny the civil rights of black citizens, limit access to the polls, and control Mexican labor. The most prominent changes in the political process were the poll tax (1901), the white primary (1902), new voter registration requirements, and restrictions on new political parties, all of which contributed to a collapse of turnout (Davidson 1990; Kousser 1974).

The U.S. and Mexican governments gave special attention to the management of the border, but state and local laws as well as social controls also ruled Mexican workers.⁴ For example, such groups as the South Texas Cotton Growers’ Association fixed wages by crops and then prohibited labor mobility. During the war when competition for labor became acute, one employer association reinforced the threat of social ostracism with patriotism to prevent pirating when it stipulated to its members: “You shall inform the farmers of your community that efforts and schemes on the part of farmers to get labor away from their neighbors by offering them higher prices or other inducements will not be tolerated by this organization. You will let it be known in your community that such underhanded action on the part of any person will be considered as an unpatriotic and disloyal act” (Zamora 1993: 39). But employers turned to the state to establish their collective authority over labor. In 1918 Texas created a system of “free employment agencies” to allocate labor to employers with the aid of the federal Farm Labor Service. Other legal techniques were vagrancy laws, local pass systems, and labor taxes. When these techniques were not enough, growers resorted to debt peonage and physical intimidation (*ibid.*; Montejano 1987).

The TSFL was uninterested in farm labor organizing and wanted to keep Mexican farm labor where it was and out of the cities. Many Anglo craft workers demanded that urban employers deny jobs to Mexicanos (Zamora 1993; cf. Landolt 1975). At the turn of the century, the union leaders’ republicanism led them at first to make common cause with the Progressives’ uplift goals. To its almost immediate regret, according to Allen, the TSFL supported the imposition of the poll tax and then unsuccessfully opposed

it for decades. Also, the craft organization model of the AFL and railroad brotherhoods (which were not part of the AFL) was exclusionary by design—it could not succeed without keeping out workers who were not members of the craft local and who did not support its work rules; it depended on the unity of the workers to compel employers to bargain and sign contracts because the unions could not gain legal status in court (O'Brien 1998). This strategy placed many crafts in conflict with unorganized workers. Many AFL unions began to overlap the principle of exclusive organization with race. Thus, the railroad brotherhoods, which pioneered this practice, were able to monopolize the operating jobs for “white” workers, but the maintenance of way jobs and service occupations had many Mexicans and blacks. Still other craft unions adopted racial exclusion bylaws or operated segregated locals as a technique to organize and control workers who would otherwise pose a threat as strikebreakers (Marshall 1967). Black workers were neutralized to some degree when craft unions organized them but relegated them to lower status jobs with less pay and/or compelled them to work only in the black community (Allen 1941: 192–94; Obadele-Starks 2000).

The TSFL advocated restriction of immigration, but Emilio Zamora (1993: 50, 52) reports that “there is little evidence that the campaigns succeeded” and “neither the TSFL nor the AFL . . . effectively counteracted the clout of agribusiness in Washington.” The main effect of the TSFL’s actions was to contribute to the subordinate social status of Mexicans. Zamora judges the TSFL’s refusal to organize Mexican nationals in cooperation with Mexican unions racist, but that judgment is faulty. There were TSFL leaders and members who were racist, but international labor solidarity cannot be read off the capitalist division of labor. This assumption is similar to that made by the industrialism theory but from a leftwing perspective. Instead, politics and policy shaped the organizational possibilities for workers and, in these years (and for decades more), politics (including but not only racist politics) and policy denied Texas workers the authority to organize on a broad basis.

At the same time, because of the Anglo exclusion policy, employers used Mexican workers as strikebreakers in San Antonio, in Galveston against longshoremen in 1920, in the oil industry in 1920, and probably elsewhere, which only inflamed anti-Mexican prejudices (Zamora 1993). The conflict between Anglo and Mexican labor helps to account for the success of the American Plan movement in San Antonio. The San Antonio Chamber of Commerce opened a private employment agency and “placed over 2,000 nonunion

workers in 1920” in craft jobs. Most were Mexicanos and if the workers did not have skills, the chamber sent them to its training school (Marshall 1967: 27). The American Plan rhetoric about the liberty of individual workers to contract their labor free from the closed shop—which covered the practice of recruiting strikebreakers among blacks and Mexican labor—did not lead to equal pay for equal work, living wages, or equal opportunity for minority workers. Also, the Progressive vision barred certain kinds of labor action. The state deployed Texas Rangers against strikers and two governors declared martial law to break strikes: in 1920 in Galveston to break a longshoremen’s strike and in 1922 in 17 areas of the state to break the national railroad shop crafts’ strike (Brewer 1970; Dubofsky 1994; Green and Maroney 1982; Marshall 1967).

Even when workers organized on a “modern” nonexclusive basis and formed an industrial union in the oil industry, however, the antiunion forces were victorious. The greater potential unity of employees was harshly crushed. In the east Texas oil fields the AFL Oil Workers industrial union in 1916 led over 10,000 workers to bargain with the companies (Allen 1941; O’Connor 1950; cf. Brody 1980). Humble Oil (a subsidiary of Standard Oil of New Jersey) led the employers and refused to talk with the union representatives. It expressed the new ideology of privacy in labor-management relations, identifying the union as an “outsider.” The workers went on strike in 1917, hoping that the federal government would intervene and force an agreement. But in the face of unified corporate opposition to union recognition, the Wilson administration gave up. The state government sent in Texas Rangers to prevent IWW organizers from radicalizing the oil workers. The final blow to oil industry unionization commenced once the war ended and workers scrambled for fewer jobs. Oil workers banded together again, but this time, throughout the Texas oil region, white workers organized racially segregated locals; black workers were relegated to the worst jobs; and Mexican nationals were repatriated. The new tactics did not succeed, however, because the companies would not bargain with the union. Nationwide membership in the oil workers’ union plummeted from 24,800 in 1921 to 700 in 1926 and 300 in 1933 (Allen 1941: 248; O’Connor 1950: 26; Zamora 1993).

In sum, the political and policy context denied to workers the legitimacy to act collectively. A broad vision of class unity was broached and fought for, but many craft unions made race and ethnicity their organizational criteria and they resorted to coercive tactics to enforce closed shops. This turn alien-

ated blacks, Mexicans, and others. Antiunion employers exploited these divisions and argued in court and public opinion that they stood for individual freedom for workers. The fact that the corporate employer's own freedom had been constructed by a prior successful political campaign to rewrite the laws governing business was safely behind them and they called on the state to suppress unions. Union membership was cut in half by 1929 (Allen 1941). When a union was defeated, employers such as Standard Oil, the railroad shops, the stevedoring companies in Galveston, AT&T, and public school systems established racial job hierarchies and employee representation plans. To a significant degree, the management campaign of antiunionism in Texas was not very different from the experiences of unionists in other parts of the country nor was the range of responses by unionists. What was different in Texas was two things: the degree to which the defeat of unions was based on monopoly control of politics, and the creation of a racial caste system that included the special regulation of "the border" and Mexicano workers.

The New Deal and Texas

Previous analysts of the New Deal predicted that the emergence of class politics would subsume racial divisions. The NLRA gave legitimacy to collective action by workers, who could now act out their structured economic interests. Chandler Davidson (1990: 257–58) has closely examined this claim with respect to voting and found it wanting: "It was the race issue, perhaps more than any other, that undercut the potential solidarity of the Democrats." I have argued before that there is no inevitability to class politics. What Davidson's study suggests is that, rather than make an inquiry into the suppression of class politics, we should examine the ways in which class conflict emerged and how the role that labor was allowed to play in Texas was constructed. We need to see how the workers' movement was re-formed when the opportunity was created by the New Deal for unions to gain a new role in governing the economy as the exclusive bargaining agents for organized employees. Did the increased security for unions provided by the federal government lead workers to adopt new tactics of class unity across old organizational boundaries of race and ethnicity? How did state institutions and policies influence the construction of the field of employee-employer relations? How were attitudes and perceptions shaped through the organizing of unions and employer campaigns against union organization?

In fact, working-class organizations in Texas engaged in the greatest mobilization in a generation. Union membership quadrupled in the 15 years after the NLRA. By 1939, membership increased to 111,000 in the AFL, Congress of Industrial Organizations (CIO), and railroad brotherhoods combined. (The totals do not include independent unions, such as those in the Mexican community.) The TSFL and CIO continued to grow after the war and their combined memberships reached 375,000 in 1953. In 1939 and 1953 the number of union members in Texas was the largest by far of any southern state, although it ranked sixth by percentage out of 13 southern and border states in 1953 (Marshall 1967: table 5). Both the AFL and the CIO became increasingly active in electoral politics and they provided the core troops in a prolonged battle within the Texas Democratic Party to bring the New Deal to the state. Also, new civil rights activism emerged in the black and Mexican-American communities in the 1940s, galvanizing new forces to participate in the political process.

In retrospect, the efforts of the reformers were not enough to bring free agency to Texas workers. Union membership fell in the 1950s, rose again in the late 1960s, and fell again thereafter. Anti-New Deal elites successfully blocked the New Dealers' quest for control of the state Democratic Party for 30 years while simultaneously building a state Republican Party. Employers were able to prevent unions from becoming the "important institutions" in Texas that Marshall foresaw. The Democratic Texas legislature passed a dozen laws in the 1940s and 1950s to regulate and constrict the scope of legitimate collective action by workplace organizers. Even when unionists crossed the divides of race and ethnicity, the legacies of differences and organization weakness informed their actions. By the time that reformers rose to leadership in state politics and government in the mid-1970s, the New Deal era at the national level was over and the economy was entering an era of rapid change.

The New Deal Labor Project and Texas Labor Law

The federal government undoubtedly helped workers get organized in unions in Texas. The National War Labor Board (NWLB) in particular was influential because it could turn union election victories into actual contracts by stipulating contract terms. The board banned company unions, such as

those at Standard Oil, and compelled the company to bargain with the Oil Workers Union. The board also banned race discrimination in pay while the War Production Board ordered job desegregation at military bases. The companies did not always obey, but when they did not, such as at the Ingleside refinery of Humble Oil, the federal government seized the plant (Marshall 1967). In contrast, the NWLB declined jurisdiction over agricultural labor and refused to intervene when cotton planters defied a U.S. Bureau of Conciliation proposal to settle with the workers' union, the Cannery, Agricultural, Packing and Allied Workers Union, most of whose members were black and Mexican. Not only did agricultural workers not gain help, the government established the bracero program in 1942 to import agricultural labor from Mexico (Briggs 1975).

The policies of the NWLB have long been claimed to have made a decisive contribution to the postwar development of collective bargaining in the United States. When the war was over, the NWLB summed up its hope that managers had learned their lesson about the value of industrial pluralism: "Much that was formerly regarded as exclusively the prerogative of management . . . has now been brought within the province of collective bargaining. And the constant emphasis of the board and its representatives upon discussions and negotiations between parties and with the board has tended to break down the emotional obstacles to effective collective bargaining" (Marshall 1967: 230). Critics of this interpretation have argued that rather than national convergence the efforts of unionists themselves ensured the implementation of labor-management agreements in continuing battles after the war (Amberg 1994). However, in Texas, the organizational capacity of unions was not well developed. Class solidarity was comparatively weak and employers were in a commanding position in state politics to exploit this weakness. Texas employers for the most part rejected industrial pluralism and, without federal authority to place unions in the field for collective bargaining, they were able to use their control of the state government and the Democratic Party to block the advance of organized labor.

The rapid gains in union membership under the tutelage of the federal government alarmed Texas employers. The racial hierarchy also was threatened because the U.S. Supreme Court ruled, in *Smith v. Allwright* (322 U.S. 718 [1944]), that Texas's white primary was unconstitutional. Moreover, Texas New Dealers took control—temporarily, it turned out—of the state Democratic Party in 1944 and put into question the ideology of sec-

tional difference. Employers reacted to these threats to class and race domination by organizing anti–New Deal forces within the Democratic Party and by seeking to reestablish a statutory framework to circumscribe the scope of legitimate labor action (Garson 1974; Green 1982). The framework is evidence of the employers’ vision and when affirmed by judicial test—and not all of the laws prevailed in court—it became the official discourse of labor-management relations in Texas.

Employers portrayed unions as un-American, communistic, atheistic, and favorable to race mixing (Gall 1988; Brewer 1970). The leading groups were the Christian American Association, American Farm Bureau Federation, U.S. Chamber of Commerce, Southern States Industrial Council, and Texas Association of Manufacturers (Marshall 1967). In addition, individual employers were prominent in the fight, among the most important of which was the Brown and Root construction company, which was making its fortune on government contracts and boosting the career of Lyndon Johnson (Caro 1981; Hurt 1981; Davidson 1990).

Employers won legislative support for new laws to restrict union activity because most of the Texas Democratic Party officialdom was already anti-Populist. In 1941, Governor W. Lee “Pappy” O’Daniel called a special session of the legislature to pass a bill to outlaw violence and threats of violence on the picket line and to mandate a 60-day cooling-off period.⁵ In 1943 the *Manford Act* banned collective bargaining in the public sector; required all union organizers to register and obtain an identification card from the secretary of state; required unions to file annually an itemized financial statement; prohibited unreasonable initiation fees; prohibited the collection of outstanding indebtedness from returning veterans; and prohibited unions claiming the right to strike from representing their members in grievance procedures. The law also made it unlawful for an alien or anyone convicted of a felony to serve as a union official, prohibited union financial contributions to a political party or candidate, and included a number of other detailed regulations (Marshall 1967). Union legal challenges led state and federal judges to find the licensing provision and the regulation of dues and strike funds unconstitutional.

In 1945 another move was made to legislate restrictions, but it failed because, in 1944, the New Dealers had taken control of the state party. This episode reveals the close connection between the struggle within the Democratic Party and workers’ status. There were no Republicans in the Texas Legislature at this time, but the anti–New Deal Democrats began to form the

core of financial support for a state Republican Party (Davidson 1990). The electoral reality of one-partyism in Texas, however, favored an elite strategy of holding onto the Democratic Party if possible while preparing to decamp. The anti-New Dealers regained control in 1946 and the next year the legislature passed the “right to work” law that provided a right to bargain individually or collectively; prohibited discrimination by an employer between a union worker and a nonunion worker; and banned union and closed shop contract provisions. In 1951, the legislature passed the Parkhouse bill that placed contracts with union security clauses under the antitrust laws of Texas. In 1955, the legislature made it unlawful to strike, picket, and otherwise pressure an employer to bargain with a minority union (Dempsey 1961).

Reconstructing the Political and Social Order of Work

Gilbert Gall (1988: 34) claims that the strike wave after the end of the war “gave right-to-work advocates the public acceptance they had always sought.” But this is not likely. The troubling fact is that the “public” that was relevant to legislative action had shrunk considerably in the previous decades. Voter turnout in the 1946 state legislative elections was 9% (Davidson 1990: 55). It was enough for legislative action to enlist employers, convince newspaper editors, and rally a small section of the electorate to “preserv[e] the existing social order” from the threat posed by “the nexus of union growth, racial equality, and politics” (Gall 1988: 34). Gall is on the right track, however, when he points to “the existing social order.” He does not explain “social order,” but it does need explanation because “the” order was changing—the NLRA and *Smith v. Allwright* made it so. Thus, in criticizing Gall’s ad hoc appeal to public opinion and its influence on legislative action, one does not have to say that all Texas workers were pro-union and that only a test of interest group strength defeated the unions. Rather, it is to raise the question about what the social order is and what efforts and arguments elites employed to sustain their domination and about what the working classes aspired to.

The official discourse of labor governance in the legislature, the courts, law firms, and union halls focused on whether a union should have the legal authority to regulate the behavior of members and nonmembers in the workplace, on whether employers should be allowed to interfere with a worker’s freedom of association, and on what was the responsibility of the state dur-

ing labor-management disputes. The answers that the antiunion forces in Texas gave were that unions could not have organization-based discretion over workers, including union shop agreements; employers had the right to intervene in union organizing campaigns; and the responsibility of the state in labor-management relations was to protect the property rights of employers and employers' access to low-wage workers, including braceros. Texas employers adjusted their rhetoric to concede the nominal right of a worker to join a union and they did not fight for company unions, but the actions permissible to unionists were so regulated as to make success in forming a union and getting a contract unlikely. The union shop was prohibited in the name of the freedom of the worker to choose between "toil" and welfare. According to the preamble of the 1947 Texas "little Taft-Hartley" law:

Of all the rights and liberties enjoyed by mankind, the right-to-work is the most fundamental. Through this right an individual by honest toil can support himself and his family and maintain his dignity in his home and community. Without this right he becomes a public charge. (Dempsey 1961: 22)

The individualism and repeated use of the male pronoun are two of the subtexts of the law. Another is that one would look in vain for the right-to-work proponents in the movement to guarantee blacks and Mexicans equal employment opportunity. Still another is that the "right to work" law does not guarantee anyone "honest toil." The primary author of the bill made clear that the New Deal political order was his broader target: "In the past 15 years new and strange theories of government have been tried on a long-suffering and patient people. During this unfortunate period many unwise labor leaders have risen to power and under the protection of unjust federal laws have tried to gain control over the economic and political welfare of those who are privileged to work" (ibid.).

The labor federations, faced with a rapidly changing context, tried to organize their way into the industrial relations field and to engage the reformers' discourse of industrial pluralism. The CIO and AFL began to re-present themselves to the public in terms compatible with social norms as responsible organizations that were law-abiding, loyal to America (anticommunist in the Cold War), protective of the rights of all workers (which required silencing anti-Mexican and antiblack union members), concerned about the public interest, peaceful, engaged in community volunteerism, and legitimately

using their democratic rights to participate in the Democratic Party and to influence legislation. In court they argued for industrial pluralism. In its suit against right-to-work laws in *Whitaker v. State* (335 U.S. 525 [1956]), the national AFL argued that

historical experience, economic necessity, analysis of the nature of unions, the analogy of their function in an industrial society to government in a political society and legal doctrine [citations omitted], all indicate that absent statutory protection of the right of organization and an exclusive bargaining status union membership as a condition of employment is indispensable to the right of self-organization and the association of workers into unions. Without such recognition of the right of union members to refuse to work with non-members . . . there is no way to enforce adherence to the common rules of employment, which is the very basis of unionism, no means of eliminating the competition of the nonunion worker, no way of maintaining full equality of bargaining power and of consolidating gains achieved through the process of collective bargaining. (Dempsey 1961: 32)

However, the U.S. Supreme Court decided, in *Whitaker*, that right-to-work laws do not violate workers' rights when states prohibit the union shop in the name of protecting the right of a worker not to join.

The right not to join a union was extended from the contract phase to organizing by way of limits placed on picketing and striking that had as their objective gaining the complete organization of the workplace. Judges now could interpret the union organizer's desire for complete unionization as evidence of unlawful coercion of the nonunion worker. The Texas Supreme Court decided in *Construction and General Labor Union, Local 688 v. H. I. Stephenson* (225 S.W.2d 958 [1950]) that picketing to protest substandard working conditions was unlawful under the 1947 right-to-work law because "the immediate purpose [is] to cause a discrimination among employees on the basis of their membership or nonmembership in a union" (*ibid.*). Employers argued that if a union's organization bylaws included the goal of a union or closed shop, any agreement with that union (whether or not it included a provision for a union shop) was a *per se* violation of the right-to-work law. The Brown and Root construction company made this argument, in the case *Texas State Federation of Labor v. Brown & Root, Inc.* (246 S.W.2d 938 [1952]) (TSFL 1947; Caro 1981), embellished with Cold War rhetoric

that identified the AFL with the Soviet Union (Dempsey 1961: 67). The court issued a restraining order in this case against 56 local unions; the building trades councils of Austin, Beaumont, and Houston; and the TSFL.

How influential were these laws and decisions on the ability of workers to unionize and bargain collectively in Texas? I have already suggested that policy is interactive with real conflicts and organizations. Union membership in Texas continued to grow until the early 1950s, but then membership stagnated (Glover and King 1978). The continued growth of membership in the early 1950s helped to convince Frederick Myers (1959), who wrote a case study of Texas in 1953 that was published as part of a widely cited book in 1959, that right-to-work laws had not inhibited the labor movement. But in hindsight we can see that there are two ways that this claim probably was mistaken. First the TSFL and Texas CIO expended huge resources to challenge the right-to-work laws in court just to gain the opportunity to organize that they might have used otherwise for organization itself. For the International Ladies Garment Workers Union, the cost of organizing rose from \$39 per member in 1944 to \$209 in 1947–50 to \$1,261 in 1950–53 (Marshall 1967).⁶

Second, the quality of unionism depends on the degree to which the union local becomes a “free space” (Evans and Boyte 1986), a place where workers can exchange views and develop the unity of interests and the solidarity of sentiments that will enable them to engage in collective action (cf. Gall 1998). That is, a union that is virtually a mass movement might succeed in the face of legal restrictions, but it is doubtful that any but a bureaucratic organization could pick its way through the thicket of regulations successfully. But could such an organization mobilize workers (Morris 1984)? Laws that allow employers to refuse to contract with organized employees, limit picketing and other unionizing techniques, minutely regulate union leaders’ discretion, and protect an individual worker’s right to ignore co-workers’ pleas to help raise work standards are laws that deter union organization and, more fundamentally, class formation. These laws came to operate in a context in which the unity of workers was far from assured; on the contrary, race, ethnicity, nationality, and sex were already boundaries that unionists found difficult to cross. The law, in sum, meant that the union movement was in the position of a third party in a winner-take-all election: it could persist as a party on the margins of the labor market, never gaining the majority it takes to win outright and discouraging all but the most hardy, or try to turn itself into a mass movement and overwhelm the social, electoral, and policy status

quo with an upsurge of direct action. We find both of these forms of action in Texas.

Given the degree of rigidification of racial separation in the post-populist era at work, in neighborhoods, and in public institutions, such as schools and the electoral process, class formation in the post-NLRA era is not only about policy, then, but also about how working-class groups acted to unite socially and politically. New Dealers in Texas made a substantial, determined effort to find common ground. The political struggle for control of the Democratic Party and the legislative agenda was part of the shaping of the labor force because the stakes were the definition of what actions unionists legitimately could take. And, in the midst of their political battles, what workers and employers were fighting about had to be defined and workers' goals and interests had to be identified. One of the most important matters was the need to respond positively to the aspirations of black and Mexican-American workers for equality at work, in the union movement, and in society.

In the first instance, given a one-party regime in which virtually every worker was nominally a Democrat but few participated, most union leaders decided to organize within the party to turn it into a New Deal party. The TSFL and the Texas CIO were "far ahead of the business class on most of the social issues of the day," including "racial justice," and the labor movement was "an indispensable component of the state's liberal coalition" in the party faction wars (Davidson 1990: 124). However, because the Texas Democratic Party leadership was hostile to civil rights and union organization, the strategy required close concentration on finding the least-objectionable state leader to support, all the while creating precinct organizations with activists who understood the real liberal goal.⁷

The New Dealers had taken control of the party in 1944, only to lose control in 1946, but the pro-New Deal movement did not give up. They took control once more in 1948 to secure state support for Harry Truman, but in 1950 Governor Allan Shivers maneuvered successfully to return control to the "conservatives." Shivers was outspokenly segregationist and antilabor and he led the party organization to support the Republican nominee for president in 1952. Lyndon Johnson and Sam Rayburn intervened to block Shivers's pro-Republican efforts in 1956, but Johnson also made a deal with the conservatives to block a liberal takeover of the state party. The election of Johnson on the Kennedy ticket led to eight years of growing influence for the liberals, although the top state party leadership remained in the hands

of the conservatives. Thus, the Viva Kennedy and Viva Johnson campaigns organized significant Mexicano involvement in presidential politics, but campaign work did not translate into influence on party policy. The liberals made a breakthrough into the party leadership in 1972 in the wake of the Civil Rights and Voting Rights Acts, the popular mobilizations of the late 1960s, and after party reforms were implemented after 1968, but it was not until 1978 that a liberal became the chair of the state party (*ibid.*: 176). By then the Republican Party in Texas was well established. More important, an entire generation of activists had had to organize without the degree of influence over electoral politics and policy that their numbers would have warranted if not for specific electoral and party institutions. The liberals—mostly Anglo professionals and unionists—who led the fight within the Democratic Party faced a cadre of black and Mexican activists in the late 1960s who were turned off from two-party politics and who found pluralism an unbelievable ideal (Navarro 2000; Rosales 2000).

The labor movement was another common ground on which to develop identities and interests. While New Deal leaders and top union officials established the discourse of industrial pluralism, a far more complicated language of class, race, and political struggle characterized grass roots experience. The following speech by a business agent of the Fort Worth building and construction trades expressed the accumulated experiences of almost one hundred years of class struggle in Texas. The context of the speech is a debate in the 1947 convention of the TSFL over whether or not to create a vice-presidency for a black member of the federation:

This is a matter for serious consideration. . . . We do know that ninety odd years ago, the nation was involved in a bloody war, where it was decided that a people could not survive half slave and half free. It was only about twelve years ago that a white man enacted into the legislature of these United States laws [the NLRA], which freed the white man. Now, there comes to pass disenfranchisement through the Taft-Hartley bill. Does it behoove us, as representatives of the people whom Sam Gompers said should be united, regardless of color, race, creed or denomination—must we deny representation to many who have joined hand and glove with us to bring about the emancipation and the free life of all peoples? You can go back even as far as Theodore Roosevelt, the Battle of San Juan. The black man was there. The black man can only do

that which the white man teaches him, and if he is discriminated against, if he is not treated as our brother, can you expect him to adhere and be an honest and loyal union man, an honest and loyal Christian? The greatest injustices are those due to undue prejudice without thorough investigation. You do know that they have requested of you a 12th vice president. You do know they work with us, and it is from that field that the non-union element draws strength—the element to fill your positions when you are on strike. I heartily endorse the motion. (TSFL 1947: 222)

This speech is remarkable in many ways for what it reveals about the consciousness of white workers and the subsequent actions of the labor movement in Texas. Although they do not appeal to us, his sentiments do not confirm the explanation that primordial social differences within the working class created the antiunion political culture in Texas. The motion under debate was prompted by the CIO's drive to organize black workers in Texas. On the contrary, he spoke strongly in favor of the motion, which passed and created a black vice-presidency in the TSFL. The speaker's hearty endorsement of the motion nevertheless reveals a complex vision of class and race relations with a mixture of white paternalism, bedrock assumption of class conflict, New Deal achievement, practical argument, and invocation of Samuel Gompers.

First, the speech expresses a discourse significantly different from New Deal pluralism and responsible unionism—"the free life of all peoples" echoes Populism—as well as from other competing discourses, such as the racism and nativism of the Ku Klux Klan and the leaders of the state Democratic Party or the property-based order of corporate authority. Second, the historical theme is not the unifying national political principles of the Declaration of Independence or the U.S. Constitution (let alone the Texas Constitution) but conflict—the Civil War, the Spanish-American War, struggles with employers, and the "nonunion element." Third, the speaker does not have to explain his assertion that the NLRA liberated workers; it supports Orren's interpretation that the act revolutionized labor status. But fourth, as he says precisely, the NLRA liberated "white" workers. This was crucially literally true in Texas. Senator Wagner would be surprised that the NLRA was for white workers, but in fact the New Deal had little to offer directly to solve the specific problems of race and ethnic domination. Perhaps the most egregious was the exclusion of agricultural labor from the protection of the NLRA, thus leaving Mexican labor and much of black labor untouched by

the act. It was up to workers to unify and confront both the employer and the heritage of social divisions.

Union conventions in the 1940s and 1950s were arenas for debates about race relations and the political need for working-class unity. Nonunion leaders from churches, civic organizations, and the Democratic Party participated in the discussions. Egalitarian views were regularly and forcefully presented even though everyone knew that many member unions practiced Jim Crow. The founding convention of the merged Texas AFL-CIO in 1957 was spoiled by a spirited clash over the federation's civil rights position (Texas State AFL-CIO 1957: 139–69).⁸ The convention's civil rights committee presented a report that reflected the official view of the union leaders, who supported a wide-ranging desegregation of society, including fair employment, an end to poll taxes, and desegregation of the labor movement. It recommended that the state federation “use every possible means available to insure no discrimination within the locals themselves and that in those cases where there are segregated locals that they be eliminated” (ibid.: 139). There were immediate objections from the floor and after a long debate the proposal was stripped of everything except the national policy for racial equality.

No opponent spoke in favor of segregation; many delegates spoke against compulsory desegregation. An oil worker from the Gulf Oil refinery in Port Arthur noted, “Our people have passed a motion [in] my particular local, voting against integrating the schools in Texas.” He went on to report that his local had merged the seniority list for “Latin Americans” and he predicted that “the time is coming when that thing can be worked out with the colored brothers.” Other delegates from east Texas wanted to keep union and community issues separate: the school integration issue “split us wide open in . . . our locals” and they did not want to weaken the locals more. “It is everyone's right to fight outside of our locals” (ibid.: 142–44).

Speaking in favor of the motion were two members of the Hod Carriers, who invoked patriotism and citizenship to claim equal opportunity, if not social proximity: “I'm a first class citizen. I've fought in the war as a first class citizen and as a first class soldier.”

You fellows tell us that we are the best country in the world. . . . Prove it to me by giving me my rights and privileges that I'm justly entitled to. I'm not so hot on social equality, but economic equality, wage equality, a number of things that we black people want and we are going to have them if we have to fight for them. (Ibid.: 145)

The citizenship theme cut other ways, too: “We as Negro citizens . . . have played our part. And yet, whenever it comes to the time of promotion, any foreigner will be given more consideration than the individual who stayed here and helped to make these United States” (ibid.: 147). Moreover, the distinction the speaker made between social and economic equality echoes decades-old arguments, reassuring white folks they still would not have to socialize with black people (Allen 1941). A black oil worker expressed an unusually sophisticated conception of the color line:

I say if we are going to have civil rights, let's have civil rights for everybody. It is not only the Negroes involved in this situation. There are many, many others and I tell you not only the Latin Americans and the Negro. I was taught that color was not only black but it was also white. And I have heard a lot of things about giving our good brothers this . . . well, color runs in between and to black and white. So let's not give our colored brothers anything. Let's just give everybody everything that they are guaranteed under these United States' Constitution. (Texas State AFL-CIO 1957: 148)

The opponents, however, blocked more than minimal unity in 1957. At the 1958 convention, the entire proposal was passed except for the requirement to abolish segregated locals (Texas AFL-CIO 1958: 174). The Texas AFL-CIO was officially committed to equal rights and had a strongly pro-civil rights public policy agenda. The problem of segregated locals was the responsibility of each national union. Some national unions stipulated local compliance and paid a price in a withdrawal of white participation from union business (Halpern 1991).

The Case of the Garment Workers

The argument about how specific conceptions of organization define a field of relationships and orient groups in politics and policy is well illustrated by the apparel industry. The industry in economic explanations is typical of early or peripheral industrialization, that is, labor-intensive, competitive, low-wage, and impossible to unionize successfully. The actual history of the industry in the United States is that a labor-intensive, competitive, and low-wage industry became highly unionized, competition was regulated, and productivity and wages were raised. When an apparel industry took off in

Texas beginning in the 1930s, the two largest garment unions, the International Ladies Garment Workers Union (ILG) and the Amalgamated Clothing Workers Union (ACW), became active in the state. Both unions had many victories in the following decades, but neither was very successful in Texas, either. What happened was that a union movement of the type that was created in other parts of the country could not, in the end, be created in Texas because of the specific political conditions and strategies that groups pursued in the state. The industry prospered, employing over 51,000 workers in Texas in 1970 (Wrong 1974: 82–83), but it was about 80% nonunion and had the lowest wages in the country (Arpan et al. 1982: 19).

The garment unions had successfully blocked the cheap-labor strategy in upstate New York, New England, and, to a somewhat lesser degree, in the Midwest. The ILG's central states region (including Texas) had about 13,500 members in 1955.⁹ In every region, the union implemented its standard national contract with uniform wage scales and benefits, but it was pragmatic and sometimes accepted lower wages in order to establish a relationship with an employer. The union's preference (as was the case with the ACW) was to work cooperatively with organized employers in an industrial district through a "joint board" of the locals at these companies. The union pioneered the use of engineering services to help often small-scale employers reorganize the work process in order to improve productivity and to share the gains with employees, who were mostly women. Employers who participated in the ILG system often were impressed by its ability to bring stability to what historically was an extremely volatile business that repeatedly threw itself into suicidal competition (Fraser 1991; Forbath 1991).¹⁰

Therefore, two qualities of ILG unionism are notable. The union did not accept the conventional boundary line between management and labor; the ILG sought to co-manage the firm to a more worker-friendly strategy. If employers would not cooperate in the productivity bargain, then the union's position would be undermined, but the union believed that companies and employees could prosper together. The garment unions were strong supporters of industrial pluralism. In addition, the union had to create a social-democratic membership to implement its sophisticated industrial self-government strategy. It was not enough to engage in militant action to raise pay because some product market segments and some operations of the production process were easily replicated in nonunion areas, such as Texas.

Spokesmen for the industry in Texas argued with New Deal regulators in

Washington that it was a “fledgling industry” that needed to maintain its low-wage advantage over “more productive New York City or West Coast apparel centers” (DeMoss 1989: 21–22). The government agreed to a subminimum wage for Texas during the Second World War but ratcheted the minimum up to the national norm by 1956, although this remained below the union standard. For most of the Texas industry, there was no competitive reason for nonunion labor-management relations. On the contrary, the two largest segments of the state apparel industry—the Dallas-based ladies’ fashion industry and the men’s wear industry initially based on denim work clothes—were innovators in style and production technology and they reaped the financial gains of first movers in the marketplace (DeMoss 1989). Only the segment that contracted with large New York manufacturers and national retailers suffered competitive problems, but the strategic position of the firms was largely shaped by their relationship with the center firms and not the result of the local wage bill. That is, their business identity was cut-price producers for big firms rather than independent firms who aspired to higher value-added production for a regional market.¹¹ That claim is reinforced by the fact that the Dallas industry enjoyed ample profits as it regulated competition among its members through its apparel mart, annual fashion show, employers’ association, and training programs at area vocational schools (which were for whites only until the 1960s) and colleges.

The ILG and the ACW did win organizing campaigns in Texas with the help of the National Labor Relations Board (NLRB) and federal courts, but they were not able to hold onto their victories, negotiate good contracts, and grow their memberships. After Dallas, San Antonio was the site of greatest ILG membership.¹² When the ILG tried to improve its contracts in the 1950s, the largest company balked. The union appealed to the NLRB and the managers successfully relied on Texas labor law to break the union. The NLRB heard the case and decided that the company’s refusal to bargain did demonstrate a lack of good faith, but the company did not violate the law, because the union did not have support from a majority of the employees (117 *Decisions of the National Labor Relations Board* 201 [1957]). The Trial Examiner’s Intermediate Report noted that the state’s ban on the union shop should free individual employees from compelled union membership but the Spanish-speaking employees—“perhaps a majority”—are “by no means literate in the use and comprehension of the English language”; “it would strain credulity to suppose that these employees . . . would understand” that they did

not have to join the ILG.¹³ An ILG trouble-shooter reported to the union's General Executive Board that "our members, with very few exceptions, have no conception of what our aims or objectives are. No one has really spent time with them, working problems out cooperatively." His request for new staff reveals concern about the lack of connection to Mexican workers: the staff "must be *genuinely* sympathetic with our Latin-American friends, with their problems and hopes."¹⁴ In fact, the ILG had six staff in Texas, including two Mexicanas.¹⁵ The union signed up a majority of workers, but the managers would not bargain. They told employees that Texas law allowed them not to join the union and still enjoy the benefits of any union contract that might be negotiated. The ILG decided to sign a minimal contract, hoping to strengthen the local union later; it never did.¹⁶

The Amalgamated Clothing Workers Union also achieved some successes but it, too, found that Texas's political conditions were significantly different.¹⁷ The ACW's spectacular victory at the Farah Company in 1974 after five years of organizing resulted in a contract for 7,000 workers, most of them in Texas. What seemed to contrast the ILG and ACW is that the latter tried to work closely with the Mexican-American community in a broad civil rights and labor front movement. Nonetheless, the ACW's social-democratic politics and responsible industrial relations did not mesh well with state policies and emerging *Chicano* consciousness. Moreover, the unions' relationship with the national Democratic Party was fracturing, which made the ACW strategy less plausible.

A crucial contextual change was the uprising of farm workers in California and Texas in the 1960s that began a new era in labor organizing. It suggested the possibility of cementing a partnership between organized labor and Mexican Americans because of a mutual criticism of migrant labor and border development policies of the two countries. In the background of the unionization effort—besides terrible working conditions—was the culmination in 1964 of a 20-year campaign to end the bracero program. Now farm workers were unionizing themselves and demanding protection from new commuter labor that was used to break a United Farm Workers' (UFW) strike in Rio Grande City with the help of the Texas Rangers. The UFW, with the backing of the ACW and AFL-CIO, demanded that the federal government prevent cross-border "commuter" or "green card" workers from acting as strikebreakers.¹⁸ A broader demand was that the Congress should include agricultural labor under federal labor laws. A broader demand still was that

the United States should change its policies about economic development in Mexico.

The themes and strains in the emerging labor-community–Democratic Party alliance were expressed at a hearing attended by 1,000 people in El Paso in October 1967 organized by President Johnson’s Inter-Agency Cabinet Committee on Mexican American Affairs (CCMAA 1967). The AFL-CIO, the Texas AFL-CIO, and the UFW were very critical of the Democratic Party coalition’s lagging commitment to unionism, a sentiment reinforced when President Johnson spoke without mentioning unions.

The labor-community alliance depended on the workability of the distinction between Mexican-American citizens or residents and Mexican commuters. The difficulty was not just legal but conceptual, as suggested by the speech of Henry Muñoz Jr., director of equal opportunity for the Texas AFL-CIO (ibid.). First he cited example after example of Texas firms that discriminated against “*Mexicanos*” who wanted to form a union. Then he criticized the “international racket” of the alien commuter (green card) policy: “workers who are citizens of the United States in border towns are treated worse now than they were 30 years ago. Texas border workers from Brownsville to El Paso today have to compete with some 90,000 commuters for jobs on American border towns. Many employers in Texas prefer commuters to citizen workers because the commuter is more easily exploited.” Muñoz never called the “border workers” *Mexicanos*: he called them “citizens,” “Texas border workers,” “native workers,” “citizen workers,” “U.S. citizens,” and “qualified citizens.” When his remarks turned to the struggles of the UFW, then he called the farm workers “Mexican-American.” The intended unifying term was unionist, but that led him to argue that Mexicans should stop living on both sides of the border.

Maclovio Barraza, the steelworkers’ representative, expressed the mounting frustration with the Democratic Party. Barraza noted that he was a leader of the “Viva Johnson” campaign in 1964, but before he would sign up again, “there better be a *Viva la gente Mexicana* program.”

There is a need to strengthen the most important instrumentality for economic equality of all working people. The trade unions today are the targets of much assault by the very interests who are responsible for the exploitation of the Mexican-American. While the government’s announced labor policy supports Collective Bargaining, little has been done by the recent administration to strengthen it. In fact the opposite

is true. . . . Here in Texas, the second White House of the United States, we are in a right-to-work country. . . . [The Democratic administration must] show otherwise by deeds and actions and not by platitudes inserted in party platforms at election time. . . . This neglect is felt and it is being seriously considered in the new political movements taking shape among the Mexican-American communities. . . . [O]nce the Mexican-American vote is crystallized, the ultra-conservative political alignments of the Southwest will change violently. (Ibid.)

In fact, the Raza Unida Party, the “new political movement,” burst into the open shortly after the El Paso meeting. When the Raza Unida Party was organized, it was still in the pro-union camp: one of its demands was control of commuter labor (*San Antonio Express-News*, 25 March 1968). But the formation of the Raza Unida was also indicative of the regrouping of Mexican activists around a “racial” or “ethnic” identity. However, the rules of the two-party dominated election field made the Raza Unida strategy inappropriate and, after five years, the activists were worn out without the mass mobilization of the “Mexican-American vote” that was the prerequisite for success over the “ultraconservatives.”

In this context the ACW scored what seemed to be an enormous victory over Farah in 1974. It was an impressive display of the power of movement unionism to overcome an intransigent employer. Farah was defeated by the ACW’s tenacious financing of legal defense and by a union-organized national consumer boycott.¹⁹ The Farah campaign was not won by an organizing strike and, in that sense, the enormous victory was less than it seemed. Over one-half of the workers at Farah in El Paso had stayed on the job rather than strike. After the victory, as the ACW sought to re-engineer jobs and implement a new pay system, workers widely criticized the union about the confusing changes in work and wages. Indeed, the ACW had a plan; it was not the workers’ plan. The union had nine organizers in El Paso in 1974 and seven were Chicanos and three were women, but increasingly there was not anyone for the union to work with: neither employer nor employees accepted social-democratic unionism.²⁰

Conclusion

The purpose of the article was to argue that working-class organization in Texas has not been adequately explained and to suggest a construction theory

of class formation. I faulted explanations based on the determination of group interests by economic structures and political institutions. Instead I argued that class relations depend on how historically specific conceptions of legitimate action by workers and managers and others structured the field in which battles over the institutional order of labor-management relations took place. Thus, the narrative focused on the historical political construction of what management and labor were allowed to do. Attention was given to elite discourses and political action just as it was given to workers' discourses and actions.

There were competing worldviews in Texas about the appropriate action repertoires. We could document that an employers' conception of unitary management based on corporate form became dominant, but it is unclear whether a single workers' agenda could have prevailed absent the superior elite mobilization. In fact, the status of organized labor in Texas (and in the United States generally) was not constitutionalized before the New Deal. On the contrary, labor was constructed by employer designs as established in law and work practice and by ideologies of class and race status in which workers participated. Moreover, the process of establishing employer dominance also involved violence and terror tactics that were not part of the constructed field's legitimate action repertoire. We also saw that from the 1930s to the 1950s unionists in Texas were much more effective organizers because the federal government's pro-union policies restructured the field of labor-management relations. Workers' rights to organize unions and bargain collectively placed unions in the field but they still had to play the game well or poorly.

In Texas in the 1940s and 1950s, unionists lost many partisan and legislative battles to sustain a collective voice for workers in the workplace. Many of the new legal restrictions were aimed at the ability of unions to convince workers of their common interests and to collectivize workers' economic power. Also, significant white rejection of black equality blunted the effect of the merger of the AFL and the CIO. The garment case illustrates the complexities of the confluence of historical legacies. A recurrent and significant difficulty for Texas unionists has been the structuring of a bi-national labor market for employers along the border with Mexico.

What this last observation indicates is that, although the field of industrial relations was severely restricted by state government policies and by the political alliances that controlled policy making, which denied workers a criti-

cal free space for class formation, the working classes organized nonetheless in other ways. Today, the state AFL-CIO is notably committed to political alliance formation across race and ethnic boundaries at the same time that it has a distinctly modest legislative agenda (Blakeslee 2002). Also, because union organizing and party political channels were significantly blocked in the state, activists in many working-class communities adopted an ethno-religious conception of organization (Warren 2001). Finally, because the New Deal era is over at the national level and there is only a weak commitment to industrial pluralism, what has been happening in Texas is not exceptional but, rather, a harbinger of the national trend.

Notes

The author would like to thank Marie Gottschalk and the anonymous reviewers of this journal for their helpful comments on an earlier version of this article.

- 1 Unpublished data provided by Barry T. Hirsch (see Hirsch and McPherson 1997).
- 2 The Progressive reform movement, in contrast, was intent on using state powers to improve the performance of the new industrialized economy by ensuring public goods and regulating harmful private action. Progressives also sought to improve the quality of democracy by purging the political process of what they considered irrational elements, such as militant workers, blacks, and immigrants (McDonagh 1999). They supported a worker's right to join a union but were hostile to union actions: strikes were a threat to their image of public order and the closed shop suppressed individual liberty. They wanted unions to be "responsible" (McCartin 1997).
- 3 The primary technique was the labor injunction, developed in equity law by judges, which enabled employers to seek the protection of the courts without a jury to prevent a union from conducting a strike and boycott (O'Brien 1998; Tomlins 1985).
- 4 Unlike immigrants from China, workers from Mexico had Mexico in front of them and cross-border travel for work was easy (Kazin 1987). Mexican workers nonetheless were always governed. In 1897 federal judges approved special immigration status for Mexicans. Although they considered Mexicans "not white," which was a bar to immigration, immigrants from Mexico gained admission because of treaties between the two countries to settle claims associated with the American conquest of the Southwest (López 1996). An amendment to the Immigration Act of 1917 channeled Mexican workers to Texas agriculture and, as Emilio Zamora (1993: 17–18) reports, very probably to urban industry as well. The National Origin Act of 1924 aimed to restrict immigration "as much as possible to western and northern European stock" (López 1996: 38), but there were no quotas for the western hemisphere. On the contrary, the quotas led northern labor recruiters to the Southwest for Mexican workers. The U.S. Immigration and Naturalization Service administratively created an exception to the requirement that immigrants declare their inten-

- tion to become United States citizens for “temporary” Mexican labor (see *Karnuth v. Albo*, 279 U.S. 231 [1929]).
- 5 The law was passed just after the NLRB found that the Ford Motor Company in Dallas organized a “program of terrorism” against unionists that included “brutal beatings, whippings, and other manifestations of physical violence” (Decisions and Orders of the National Labor Relations Board, 26 NLRB 327 [1942]).
 - 6 Even the lowest member-cost was more than a worker’s annual dues. The increased cost, Marshall (1967) argued, reflected the greater cost of organizing smaller shops, but it probably also reflected the more effective resistance of employers even in large plants.
 - 7 The following summary closely follows Davidson 1990.
 - 8 The decision in *Brown v. Board of Education* (1954) had broached a new language of civil equality and thrown white supremacists into a fury. The attorney general of Texas tried to ban the National Association for the Advancement of Colored Persons, the organization that brought the case. Citizens’ councils in east Texas and Dallas organized massive opposition to school integration and a state referendum against integration was passed in 1955 (Bartley 1969; Morris 1984; Gillette 1984).
 - 9 International Ladies Garment Workers Union (ILGWU) Papers, box 367, file 6, Union of Needletrades, Industrial and Textile Employees (UNITE) Collection. Kheel Center for Labor-Management Documentation and Archives, Martin P. Catherwood Library, Cornell University, Ithaca, NY.
 - 10 The risks of interorganizational cooperation are mutual regard and failure to innovate. For a union, the risk is that union leaders could become overly solicitous of a firm’s competitive position as they participate in the joint management of the industry.
 - 11 ILGWU Papers, box 17, files 2, 9, UNITE Collection. Kheel Center for Labor-Management Documentation and Archives, Martin P. Catherwood Library, Cornell University, Ithaca, NY.
 - 12 *Ibid.*, box 368, file 6.
 - 13 *Ibid.*, box 17, file 3.
 - 14 *Ibid.*
 - 15 *Ibid.*, box 368, file 6.
 - 16 *Ibid.*, General Executive Board, meeting minutes, 18 November 1957.
 - 17 “NLRB Elections.” Amalgamated Clothing Workers of America (ACWA) Papers, Research Department, box 440, UNITE Collection. Kheel Center for Labor-Management Documentation and Archives, Martin P. Catherwood Library, Cornell University, Ithaca, NY.
 - 18 Jacob Sheinkman, General Counsel, to Willard W. Wirtz, U.S. Secretary of Labor, 10 April 1968, and “Wirtz Moves to Bar Struck Texas Farms from Hiring Aliens,” *New York Times*, 11 July 1968. *Ibid.*, box 437.
 - 19 ACWA Papers, Murray Finley Presidential Papers, boxes 7–8, UNITE Collection. Kheel Center for Labor-Management Documentation and Archives, Martin P. Catherwood Library, Cornell University, Ithaca, NY.

- 20 The production of men's garments increasingly shifted out of the United States in the 1980s and 1990s, part of a larger shift in economic governance (Abernathy et al. 1999). When the ACW and the AFL-CIO tried to defeat the North American Free Trade Agreement in 1994, the national organizations of the Mexican American community united to support the treaty.

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