

This dissertation is guided by two questions: why was the right to collective, abrupt cessation of work and production sharply truncated; and, further, what does this mean for our polity? In this first chapter, I outline the motivation for revisiting the New Deal period and the specific importance of union militancy for realizing working-class programmatic aspirations on the shop floor and beyond. I also outline the key empirical puzzle of my dissertation: why do some states adopt anti-strike laws while others do not?

In the second chapter, I present the results of a penalized maximum likelihood regression on the universe of state-years from Wagner's judicial ratification to Taft-Hartley's adoption. I find support for the view that my focus on the disruption wrought by the new CIO unions was crucial, but regionally mediated. In the Southern states, CIO density is a cause of restrictive law adoption. Outside the South, the presence of Republican control of a chamber of the statehouse is associated clearly with restrictive law adoption, consistent with the literature. However, given that these state laws form the basis for Taft-Hartley, I argue that this puts the legislative elections of 1938 in an historically neglected location, being historically determinant over the development of labor relations policy. This result is distinct from what would be expected given theories of New Deal liberalism drawn from the American Political Development canon (e.g. Goldfield; Skocpol; Plotke) and sets the stage for the investigation of the backlash to the CIO that forms the basis of the next two chapters.

In the third chapter, I assess the evidence for parallel publics in the late 1930s and the limits of public tolerance for industrial militance. Using weighted Gallup surveys, I find that the mass public can be treated as a homogenous whole, rather than as conflicting subgroups along regional and class lines. Further, the mass public had limited tolerance for industrial militance well before the Reconversion strikes, which are traditionally considered the proximate cause for the move to Taft-Hartley. The tandem subgroup variation in opinion is suggestive of an anti-labor bulwark in pre-War mass opinion. This implies that at the height of its power, and in light of the president's advocacy in the court-packing episode, organized labor did not command popular support.

The fourth chapter analyzes the volume and content of the newspaper coverage of labor militance during the New Deal period through Reconversion with a particular focus on landmark historical episodes. In general, I find that coverage of strikes mirrored their incidence. However, the content of the coverage of strikes tended to portray them as instances of insurrection; to emphasize the costs of idleness; and to index the positions taken by FDR and by the AFL. Further, the coverage tended to decontextualize the class conflict wrought by strikes. These findings dovetail with the previous chapter, which revealed a broad consensus against militant unionism. Furthermore, these content analyses suggest that the media buttressed the apparent lack of class-consciousness on the part of the unemployed or the industrial workers. Given the prevalence of anti-strike messaging, the scope for rallying a majority to forestall retrenchment in the mass polity was greatly limited.

The fifth chapter uses state-level case studies to address the question: why do states adopt restrictive laws after having adopted protective laws shortly before?

Partisan changeover is an important variable but is the intermediary to backlash against the CIO. The backlash to the CIO chiefly took the form of AFL resistance and agriculture opposition. The seats controlled by agriculture in the state chambers turned against the CIO in the subsequent elections of 1938 and sought laws to contain the CIO. Here, I chiefly attend to the cases of New York, Wisconsin, and Utah because they vary on the dependent variable from full retrenchment to no retrenchment until Taft-Hartley. The method of difference indicates that disruption-backlash is the best single explanation for the pattern of United States labor relations. Furthermore, the experience of these states exemplified the difficulties the union militants faced in the electorate and mass polity.

The sixth and final chapter asks whether the abridgments of worker liberty implied by broadly legitimized rights to strike are normatively sustainable (i.e. were the proponents of Wagner reform right?) and draws upon work in history and political theory to advance the proposition that even a minimal conception of citizenship freedom requires a useable right to strike. Moreover, I suggest that the latter-day trend to oligarchic politics is best understood with reference to shop floor quiescence arising from the decades-old strike restrictions.