

Pure and Simple Radicalism: Putting the Progressive Era AFL in Its Time

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In a 1999 review essay, “Neither Pure nor Simple,” Walter Licht rightly noted how a newer generation of scholars had “significantly qualified” the standard view of the Progressive Era American Federation of Labor (AFL).¹ Socialists and other radicals, researchers found, constituted a sizable portion of AFL membership and led some of the most prominent AFL international unions, state federations, and local bodies in the decades before World War I.² Support for nationalization of industry, “industrial democracy,” and other proposals for worker control also gained ground among AFL affiliates over the course of the Progressive Era, peaking in the World War I era.³ Moreover, the AFL often strayed from voluntarist premises and engaged in lobbying, grassroots electoral mobilization, and partisan as well as nonpartisan party politics.⁴ In short, the Progressive Era AFL, according to the new labor history, was neither politically monolithic nor politically disengaged.

I thank Eric Arnesen, Ava Baron, Jeff Cowie, Leon Fink, Michael Merrill, Ruth Milkman, and Richard Schneirov for their very helpful comments on various iterations of this essay. Fellowship support from the Russell Sage Foundation proved indispensable to the completion of this article.

1. Walter Licht, “Neither Pure nor Simple,” *Reviews in American History* 27 (1999): 610–17.
2. Among others, John Laslett, *Labor and the Left: A Study of Socialist and Radical Influences in the American Labor Movement, 1881–1924* (New York: Basic, 1970); Michael Kazin, *Barons of Labor: The San Francisco Building Trades and Union Power in the Progressive Era* (Urbana: University of Illinois Press, 1987); David Montgomery, *Fall of the House of Labor: Workplace, the State, and American Labor Activism, 1865–1925* (New York: Cambridge University Press, 1987); Howard Kimeldorf, *Battling for American Labor: Wobblies, Craft Workers, and the Making of the Union Movement* (Berkeley: University of California Press, 1999).
3. David Montgomery, *Workers’ Control in America: Studies in the History of Work, Technology, and Labor Struggles* (Cambridge: Cambridge University Press, 1979); Joseph McCartin, *Labor’s Great War: The Struggle for Industrial Democracy and the Origins of Modern American Labor Relations, 1912–1921* (Chapel Hill: University of North Carolina Press, 1997).
4. Julie Greene, *Pure and Simple Politics: The American Federation of Labor and Political Activism, 1881–1917* (New York: Cambridge University Press, 1998); Gary Fink, *Labor’s Search for Political Order: The Political Behavior of the Missouri Labor Movement, 1890–1940* (Columbia: University of Missouri Press, 1973).

Yet, despite the rich outpouring of revisionist scholarship since the 1970s, the view of the Progressive Era AFL as a predominantly conservative organization has remained deeply entrenched. Socialists, industrial unionists, and other radicals within the AFL may have mounted a spirited challenge to the national leadership, but “conservative business unionists,” as Julie Greene put it in *Pure and Simple Politics* (1998), maintained their dominance.⁵ Indeed, for William Forbath the burning question was why the radical nineteenth-century American labor movement *became* exceptional in its conservatism and lack of class consciousness by the twentieth century. From the 1870s to the 1890s, most US workers embraced “broad and radical reform ambitions,” he argued. “What now demands analysis is the way in which labor’s broader vision of reform was dethroned by the rise of Samuel Gompers’s ‘pure and simple’ trade unionism.” The authors of *Who Built America* offered a similar narrative of devolution to a conservative AFL trade unionism. In their view, “the increasingly business-like and racist policies of AFL craft unionism . . . overwhelmed the Knights’ broader vision of working-class organization.”⁶ Even those who found traces of radicalism in the young Gompers or in the early AFL agreed that “pure-and-simple unionism,” as David Brody summarized, “cast off its radical moorings and, under Gompers’ skillful hand, became the guiding philosophy of a profoundly conservative movement.”⁷

5. Greene, *Pure and Simple Politics*, 75.

6. William Forbath, *Law and the Shaping of the American Labor Movement* (Cambridge, MA: Harvard University Press, 1991), 3; Nelson Lichtenstein, Susan Strasser, and Roy Rosenzweig, *Who Built America*, vol. 2, 2nd ed. (New York: Worth, 2000), 109, 158–161. See also Leon Fink, “Labor, Liberty, and the Law: Trade Unionism and the Problems of the American Constitutional Order,” *Journal of American History* 74 (1987): 907–8, 914, on the early twentieth-century erosion of “labor’s ‘republican’ faith,” its “drift” toward “a homegrown conservative pragmatism,” and his assertion that by the 1890s, “Gompers and the national AFL leadership . . . effectively detached labor’s agenda from any vision of change for the nation as a whole.” The declension story is gospel in social science labor scholarship as well. In Rick Fantasia and Kim Voss’s telling, for instance, in *Hard Work: Remaking the American Labor Movement* (Berkeley: University of California Press, 2004), 37–39, the AFL’s “narrow, craft-based” and “much more conservative ‘business unionism’” replaced the “egalitarian social unionism” of the Knights.

7. David Brody, *In Labor’s Cause: Main Themes on the History of the American Worker* (New York: Oxford University Press, 1993), 111. For other accounts of Gompers’s “narrowing of vision” and the rise of a conservative AFL by the twentieth century: Nick Salvatore, introduction to *Seventy Years of Life and Labor: Autobiography of Samuel Gompers* (Ithaca, NY: Cornell University Press, 1984), quote x–xi; John Laslett, “Samuel Gompers and the Rise of American Business Unionism,” in *Labor Leaders in America*, ed. Melvyn Dubofsky and Warren Van Tine (Urbana: University of Illinois Press, 1987), 62–88; Christopher Tomlins, *The State and the Unions: Labor Relations, Law, and the Organized Labor Movement in America, 1880–1960* (Cambridge: Cambridge University Press, 1985), chapter 3. On the radicalism of Gompers and the AFL in the late nineteenth century, see Stuart Kaufman, *Samuel Gompers and the Origins of the American Federation of Labor 1848–1896* (Westport, CT: Greenwood, 1973); Tomlins, *The State and the Unions*, chapter 2. For a notable dissent to the narrative of decline and an exploration of how late nineteenth-century trade unions contributed to the rise of modern liberalism, see Richard Schneirov, *Labor and Urban Politics: Class Conflict and the Origins of Modern Liberalism in Chicago, 1864–1897* (Urbana: University of Illinois Press, 1998). See also Lawrence Glickman, *A Living Wage: American Workers and the Making of Consumer Society* (Ithaca, NY: Cornell University Press, 1997), and Rosanne Currarino, *The Labor Question in America: Economic Democ-*

In this “Up for Debate,” I want to reopen the question of how best to characterize the pure and simple trade unionism of the Progressive Era AFL.⁸ It is true that the AFL did not seek to end wage labor, market exchange, or private property; nor did it endorse state socialism, revolutionary syndicalism, or a socialist or independent labor party. Nevertheless, the national AFL did have a program of broad social reform. As I elaborate in the sections that follow, the Progressive Era AFL sought to change how wealth, power, and prestige were distributed and to create a society in which workers had equal rights, freedom, and power comparable to capital. To accomplish these ends, it endeavored first to build independent trade unions that could contest capital’s dominance at the workplace and ensure full citizenship to workers; second, it pursued a range of legislative strategies to loosen the grip of capital on the state and protect worker rights and welfare. In so doing, it called into question prevailing notions of “liberty of contract,” market fundamentalism, and class paternalism. In sum, the Progressive Era AFL challenged the dominant structures and values of the established social order of its day. Thus, to describe the national AFL’s agenda as conservative obscures many of its core premises. It also fails to place the AFL in the context of its time.

There is no doubt that the AFL’s reform vision did not extend to all workers. It shared the Progressive Era’s racist prejudices against Asian workers, for example, and actively sought immigration policies favoring northern and western European nations.⁹ After 1895, it admitted affiliates who limited membership to “whites,” and AFL leaders and members voiced views of women, and of African Americans and other racial and ethnic groups that warrant condemnation.¹⁰ These assertions are well

racy in the *Gilded Age* (Urbana: University of Illinois Press, 2011), who, as later sections of this essay explore, make a case for the progressivism of the AFL’s wage and hour demands.

8. My call for more attention to the multidimensionality of the politics of the Progressive Era AFL parallels and is partially inspired by the renewal of interest among historians in the “social politics” of Progressive Era reformers. Daniel Rodgers, for example, in *Atlantic Crossings: Social Politics in a Progressive Age* (Cambridge, MA: Harvard University Press, 1998), acknowledges the limitations of progressives but finds their efforts to address the “social questions” of poverty, worker exploitation, and economic insecurity noteworthy. On the shifting scholarly views of Progressive Era politics, see Robert D. Johnston, “Redemocratizing the Progressive Era: The Politics of Progressive Era Historiography,” *Journal of the Gilded Age and Progressive Era* 1 (2002): 68–92. On the differing perspectives of middle-class progressives and “labor progressives,” see Shelton Stromquist, *Reinventing “The People”: The Progressive Movement, the Class Problem, and the Origins of Modern Liberalism* (Urbana: University of Illinois, 2006).

9. Gwendolyn Mink, *Old Labor and New Immigrants in American Political Development, 1875–1920* (Ithaca, NY: Cornell University Press, 1986); Glickman, *A Living Wage*, chapters 2, 4; Currarino, *The Labor Question in America*, chapter 2; Janice Fine and Daniel J. Tichenor, “A Movement Wrestling: American Labor’s Enduring Struggle with Immigration, 1866–2007,” *Studies in American Political Development* 23 (October 2009): 94–100.

10. Brody, *In Labor’s Cause*, 114–22; Ileen DeVault, *United Apart: Gender and the Rise of Craft Unionism* (Ithaca, NY: Cornell University Press, 2004); Robert Zieger, *For Jobs and Freedom: Race and Labor in America since 1865* (Lexington: University of Kentucky Press, 2007); Eric Arnesen, *Waterfront Workers of New Orleans: Race, Class, and Politics, 1863–1923* (Urbana: University of Illinois Press, 1991).

established and I do not contest them here. Rather, my goal in this essay is to explore more fully other dimensions of the AFL's philosophy and practice. That is not to say the AFL's record on race, gender, and immigration is unimportant, irrelevant to how the federation is to be characterized, or fully settled. It is simply to say that just as there is more to the Knights of Labor than its sympathies for Chinese exclusion or more to the American Railway Union than its refusal to admit African Americans, there is also more to Progressive Era pure and simple trade unionism than its views and policies on race, sex, and national origin.¹¹

The scholarly conversation about how best to characterize the AFL has been hampered by the widespread uncritical reliance on terms and categories inherited from a century ago. Indeed, labor historians would do well to heed Marilyn Boxer's 2007 call in the *American Historical Review* for scholars to consider the biases of received labels, especially those emerging from the vitriolic political exchanges of the past.¹²

"Pure and simple," for example, warrants a more precise and thoughtful usage. Samuel Gompers first used the phrase at the AFL's 1890 Detroit convention to defend his judgment that political parties—in this case the Socialist Labor Party—were "not entitled to representation in a purely trade union organization." The "trade unions pure and simple," he intoned, "are the natural organizations of the wage-workers to secure their present material and practical improvement and to achieve their final emancipation."¹³ An AFL committee report to the convention, echoing Gompers, declared that "no delegate as an individual, because of his belief, whether radical or conservative" would be barred from the AFL, but "political parties of whatever nature" were "not entitled to representation."¹⁴ Frederick Engels, among others, when asked about the dispute, understood why an "association of trade unions and nothing but trade unions" would reject organizations that were not trade unions.¹⁵ Socialist Labor Party leader Daniel DeLeon, however, bitterly contested the AFL's decision and quickly turned "pure and simple" trade unionism from a phrase indicating an organization limited to trade unions into a pejorative for those who rejected social reform, independent labor politics, and the beliefs of the Socialist Labor Party. DeLeon and other left critics mocked the AFL as a "pure and simple-

11. On the Knights and Chinese exclusion, Alexander Saxton, *Indispensable Enemy: Labor and the Anti-Chinese Movement in California* (Berkeley: University of California Press, 1971), but see also Rob Weir, "Blind in One Eye Only: Western and Eastern Knights of Labor View the Chinese Question," *Labor History* 41, no. 4 (2000): 421–36. On the American Railway Union, see Susan E. Hirsch, "The Search for Unity among Railroad Workers: The Pullman Strike in Perspective," in *The Pullman Strike and the Crisis of the 1890s: Essays on Labor and Politics*, ed. Richard Schneirov, Shelton Stromquist, and Nick Salvatore (Urbana: University of Illinois Press, 1999), 50.

12. Marilyn Boxer, "Rethinking the Social Construction and International Career of the Concept 'Bourgeois Feminism,'" *American Historical Review* 112 (2007): 131–58.

13. AFL Convention Proceedings, December 8, 1890, Detroit, 16–17.

14. AFL Convention Proceedings, December 8, 1890, Detroit, 17, 21–22.

15. Letter, Frederick Engels to Hermann Schluter, January 29, 1891, Marx-Engels Correspondence 1891, www.Marxists.org/archives/Marx/works/1891/letters/ (accessed May 2, 2012).

dom” organization and declared its leaders “pure and simples,” and “ignorant, stupid, and corrupt labor fakirs.”¹⁶ Among present-day scholars, “pure and simple,” as Julie Greene observes, is somewhat ambiguous and used with less and less precision.¹⁷ Still, traces of DeLeon’s condemnation of the AFL as a narrow conservative movement remain embedded in the phrase. It is time to think again about the inherent conservatism of pure and simple trade unionism and whether the AFL was the narrow, conservative organization its adversaries claimed.

“Business unionism,” another inherited and largely pejorative label for the AFL, has eclipsed “pure and simple” in its frequency of use.¹⁸ “Business unionism” was one of four “functional types” of unionism—“business,” “uplift,” “revolutionary,” and “predatory”—first posited by University of Chicago economist Robert Hoxie in the years before World War I.¹⁹ Unlike “uplift unionism,” which, Hoxie wrote, “at times even claims to think and act in the interest of society as a whole,” business unionism “expresses the viewpoint and interests of workers in a craft or industry rather than those of the working-class as a whole.” It “aims chiefly at the here and now . . . regardless of the welfare of workers outside the particular group.” In Hoxie’s opinion, business unionism was “best represented in the programs of the railroad brotherhoods.” For Hoxie, the AFL did not fit easily into the narrow self-interested business unionist box.²⁰ Moreover, Hoxie included in his published writings a warning from a “friendly critic” against using the *single* construct of “business unionism” to characterize organized labor in the United States. “Business and uplift unionism are not in reality distinct and independent types,” the critic observed, and in the real world most so-called “business unions” include aspects of “uplift unionism,” with its idealistic aims and mutualist ethos.²¹

Nevertheless, scholars today increasingly use the single label “business unionism” to characterize the AFL and to *distinguish* its brand of unionism from idealistic social reform unionisms. “Business unionism” most commonly denotes the AFL’s acceptance of “capitalist economic relations and the prevailing social and political

16. *What’s What in the Labor Movement: A Dictionary of Labor Affairs and Labor Terminology* (New York: B. W. Huebsch, 1921), 395; Daniel DeLeon, “What Means This Strike?” (New York: People’s Library, 1899), 21.

17. Greene, *Pure and Simple Politics*, 2–3.

18. The growing use of the term “business unionism” can be traced with Google’s advanced search function. Bruce Laurie’s choice of “prudential unionism” for the AFL in *Artisans into Workers: Labor in Nineteenth-Century America* (Urbana: University of Illinois Press, 1989), 176–210, is an exception to the widespread reliance on “business unionism.”

19. Robert F. Hoxie, “Trade Unionism in the United States,” *Journal of Political Economy* 22 (March 1914): 212–17. See also Robert F. Hoxie, *Trade Unionism in the United States* (New York: D. Appleton, 1919), a collection of his lectures and essays published after his death in 1916. For a careful discussion and use of the term “business unionism,” see Clayton Sinyai, *Schools for Democracy: A Political History of the American Labor Movement* (Ithaca, NY: Cornell University Press, 2006), 75–77.

20. Hoxie, “Trade Unionism in the United States,” 212–13; Hoxie, *Trade Unionism in the United States*, 103–4, 125–35, 186.

21. Hoxie, “Trade Unionism in the United States,” 213n1.

order,” its disengagement with broad social reform that would benefit all citizens, its willingness to cooperate with business, and its adoption of businesslike or professional practices such as high dues, benefit systems, and centralized control.²² But some go further, depicting the AFL’s “business unionism” as an antisocial enterprise run largely to enrich union bosses at the expense of the members and the rest of the working class.²³

In this essay I call into question the reigning view of Progressive Era AFL pure and simple unionism as a conservative or narrow “business unionism” supportive of the prevailing social, political, and economic order. I begin by first considering whether the Progressive Era AFL is best understood as an organization of “skilled,” “craft” unionists. These two terms, widely associated with the AFL, need attention because they are used not only to characterize the membership and structure of the AFL but also to imply its conservatism.²⁴ These labels, I argue, fail to capture the heterogeneity of the membership and structure of the Progressive Era AFL and when used as part of dichotomous binaries—“skilled” versus “unskilled” and “craft” versus “industrial”—set up false distinctions between the AFL and other labor organizations, such as the Industrial Workers of the World (IWW).

In the second half of the essay I turn to a reassessment of the so-called “conservative” social philosophy and program of the national AFL, drawing largely on the writings and speeches of Gompers as the principal spokesperson for the dominant outlook of the AFL. It is the Progressive Era AFL’s social reform program that I claim best reveals the radical side of pure and simple trade unionism. My definition of *radical* is broad and follows that of the *Oxford English Dictionary*: “touching or acting upon what is essential or fundamental.” Core tenets of the AFL’s social reform program, I contend, were a radical challenge to laissez-faire capitalism and to the Progressive Era class structures and ideologies that upheld it.

The Progressive Era AFL’s Shifting Membership

Labor scholars often rely on a dichotomous frame of “skilled” versus “unskilled” to categorize Progressive Era labor organizations, contrasting the “skilled” craftsmen

22. Quote from Lichtenstein, Strasser, and Rosenzweig, *Who Built America*, 107–8. See also, among others, Laslett, “Samuel Gompers and the Rise of American Business Unionism,” 62–88; Victoria Hattam, *Labor Visions and State Power: The Origins of Business Unionism in the United States* (Princeton, NJ: Princeton University Press, 1993).

23. Kim Moody, *An Injury to All: The Decline of American Unionism* (New York: Verso, 1997), xiv–xv; Paul Buhle, *Taking Care of Business: Samuel Gompers, George Meany, Lane Kirkland and the Tragedy of American Labor* (New York: Monthly Labor Review Press, 1999), 11, 17.

24. As Kim Voss asserts in *The Making of American Exceptionalism: The Knights of Labor and Class Formation in the Nineteenth Century* (Ithaca, NY: Cornell University Press, 1993), 235: “After the Knights of Labor disintegrated, the American labor movement once again became the domain of a small group of skilled workers, organized primarily along craft lines. . . . Consequently the failure of the Knights marks the moment when, from a comparative perspective, the American labor movement began to look exceptional.” For the incorporation of the prevailing notion of the AFL as a body of conservative skilled craftsmen into general histories of the Progressive Era, see Michael McGerr, *A Fierce Discontent: The Rise and Fall of the Progressive Movement in America* (New York: Oxford University Press, 2003), 32, 129–31.

of the AFL with the “unskilled” membership of the IWW.²⁵ A cursory look at the actual job titles and membership figures of AFL affiliate internationals from 1899 to 1920, however, raises doubt about whether the Progressive Era AFL was an organization limited to the “skilled.”²⁶ Numerous artisanal craft unions such as broom and whisk makers and wood carvers are listed as AFL affiliates, particularly in the earliest years. But these organizations were small and declining in membership. They were outnumbered, and strikingly so after the turn of the century, by the new and rapidly growing unions of street railway employees, longshoremen, seamen, and teamsters. All of these trades, rightly or wrongly, were perceived as “unskilled” or “semi-skilled.” The “elite” of the building trades—bricklayers, plumbers, and electricians—are listed as well; but so too are the hod carriers or “common laborers’ union,” a union self-described as wholly composed of the “unskilled,” with tens of thousands of members by 1914, along with others outside the “elite,” such as the painters and the carpenters. The carpenters, for example, the largest of the building trades unions, with a membership of 232,000 by 1910, took in entry-level mill and other manufacturing woodworkers as well as a growing number of construction workers whose jobs by the early twentieth century consisted largely of repetitive piecework and heavy labor.²⁷

The upsurge of “unskilled” or “semi-skilled” workers in the AFL between 1897 and 1904, as the AFL’s membership jumped from 264 thousand to 1.6 million, caught the attention of contemporary commentator William English Walling, a social reformer and socialist who helped launch the Women’s Trade Union League and the National Association for the Advancement of Colored People.²⁸ In 1904, Walling noted the changes in the skill mix and structure of the turn-of-the-century AFL and proclaimed the birth of a “new unionism” in the United States. Walling contrasted the British trades unions, primarily composed of skilled workers, with America’s AFL unions, a group he judged as moving decidedly toward a mixed-skill member-

25. I put the terms *skilled* and *unskilled* in quotes to indicate the problematic nature of the labels. On “skill” as a socially constructed category, see Anne Phillips and Barbara Taylor, “Sex and Skill: Notes toward a Feminist Economics,” *Feminist Review* 6 (1980): 79–88; Ava Baron, “Technology and the Crisis of Masculinity: The Gendering of Work and Skill in the US Printing Industry, 1850–1920,” in *Skill and Consent: Contemporary Studies in the Labour Process*, ed. Andrew Sturdy, David Knights, and Hugh Willmott (New York: Routledge, 1992), 67–96. On the “skill” involved in so-called “unskilled” work, see Dorothy Sue Cobble, *Dishing It Out: Waitresses and Their Unions in the Twentieth Century* (Urbana: University of Illinois Press, 1991), 51–58; Mike Rose, *The Mind at Work: Valuing the Intelligence of the American Worker* (New York: Penguin, 2005).

26. For the list of affiliates and their memberships in 1899, 1904, 1914, and 1920, see Lewis L. Lorwin, *The American Federation of Labor: History, Politics, and Prospects* (Washington, DC: Brookings Institution, 1933), 476–84.

27. On the carpenters, see Richard Schneirov and Tom Suhrbur, *United Brotherhood, Union Town: The History of the Carpenters Union of Chicago, 1863–1987* (Carbondale: Southern Illinois University Press, 1988), 6–7, 9–11, 25–28; Christopher Tomlins, “AFL Unions in the 1930s: Their Performance in Historical Perspective,” *Journal of American History* 65 (1979): 1021–42. For the 1910 membership, see Gary M. Fink, *Labor Unions: The Greenwood Encyclopedia of American Institutions* (Westport, CT: Greenwood, 1977), 51.

28. Lorwin, *The American Federation of Labor*, 484.

ship. He did not credit the shift to an ideological superiority on the part of American workers or to a particular proclivity toward social solidarity. Rather, he saw it largely as a response to changes in US industrial processes and the replacement of “skilled” workers with “semi-skilled.”²⁹

AFL unions reacted in two ways, he claimed. First, the “old unions, consisting of skilled men,” newly conscious of the necessity for unity among the many skill levels within the trade, one after another, “decided to take the unskilled in,” creating what he called a “new *trade* unionism.” The International Association of Machinists, for example, after considerable debate at its 1903 Milwaukee convention, changed its constitution to allow the admission of “helpers” and others “working around or near lathes, drills, and presses.” Other unions, like the Amalgamated Meat Cutters and Butcher Workers, also made no distinction as to skill. Second, a “new *industrial* unionism” was gaining ground within the AFL. The United Mine Workers (UMW), the largest AFL affiliate, reached out beyond the “trade” to take in all who worked in or near the mines, regardless of their skill level or whether they actually mined the coal. The United Brewery Workers had a similar approach, welcoming workers of all skill levels in the industry. In sum, by 1904, in Walling’s opinion, the AFL consisted *primarily* of mixed-skill affiliates.³⁰

The mixed-skill character of the AFL persisted after 1904 as the federation’s membership stabilized at a million and a half, and then rose again after 1910, reaching 2 million in 1914 and 4 million in 1920.³¹ The national trade unions of transportation and other “unskilled” workers expanded, as did the miners, brewery workers, garment, and other industrial-style unions.³² The UMW’s membership, to take one example, had already climbed from ten thousand in 1897 to a quarter of a million in 1905, boosted by its organizing campaigns among anthracite miners and its partial victory in the 1902 Anthracite Strike, a walkout involving some 150,000 miners. But its growth continued after 1905, although more slowly, despite formidable opposition from intransigent, arrogant employers backed by their own private armies, the courts,

29. William English Walling, “The New Unionism—The Problem of the Unskilled Worker,” *Annals of the American Academy of Political and Social Science* 24 (1904): 12–31; William English Walling, “British and American Trade Unionism,” *Annals of the American Academy of Political and Social Science* 26 (1905): 109–27. For more on Walling, see Leon Fink, *Progressive Intellectuals and the Dilemmas of Democratic Commitment* (Cambridge, MA: Harvard University Press, 1997), chapters 4, 5; Richard Schneirov, “The Odyssey of William English Walling: Revisionism, Social Democracy, and Evolutionary Pragmatism,” *Journal of the Gilded Age and Progressive Era* 2 (2003): 403–30; and Schneirov, introduction to William English Walling, *American Labor and American Democracy* (New Brunswick, NJ: Transaction, 2005), xi–xlvii.

30. Walling, “The New Unionism,” 22–25; Walling, “British and American Trade Unionism,” 115–118; Theodore W. Glocker, “Amalgamation of Related Trades in American Unions,” *American Economic Review* 5 (1915): 555.

31. Lorwin, *The American Federation of Labor*, 484.

32. Glocker, “Amalgamation of Related Trades,” 554–75; Lorwin, *The American Federation of Labor*, 70–71.

politicians, and local, state, and federal militia. In 1913, UMW membership stood at 379,000; in 1920, it topped a half million.³³

The large number of federal or directly affiliated local unions chartered by the federation beginning in the late 1890s also helped boost the numbers of “semi-skilled” and “unskilled” workers in the Progressive Era AFL. Used as a way of organizing workers in trade or industrial sectors where no internationals existed or where internationals had “jurisdiction” but refused to organize, federal locals took in workers at all skill levels. The AFL’s policy on local affiliates had numerous drawbacks. Federal labor union members—many of whom were women and workers of color—lacked full voting rights in conventions and other settings. Moreover, the federal union approach did little to change the discriminatory and uncooperative (or unorganizing) internationals.³⁴ Nevertheless, as I have detailed more fully elsewhere, from 1886 to its merger with the CIO in 1955 the AFL issued roughly twenty thousand charters to federal locals around the country, with some twelve thousand local affiliates chartered before 1933.³⁵ Many of these new locals were short-lived, and others thrived only to have their membership divided by trade and absorbed into various internationals claiming “jurisdiction.” But a surprising number banded together in the Progressive Era and petitioned the AFL for charters as new *national* unions, often in areas where little prior organization had existed. Lewis Lorwin counted sixty-nine national unions chartered from AFL federal locals between 1899 and 1904, and at its 1921 convention the AFL listed eighty-six still-surviving internationals formed from federal locals.³⁶ Indeed, some of the most prominent international unions in the twentieth century began as Progressive Era AFL local affiliates. The Service Employees International Union, for example, founded in 1917, consisted of seven directly affiliated AFL local unions, including six janitor locals.³⁷

Unlike the AFL, the IWW concentrated on organizing some of the most marginalized workers, principally “unskilled industrial and migratory workers.”³⁸

33. Walling, “British and American Trade Unionism,” 114–15; Gary Fink, *Labor Unions*, 228–33; Thomas G. Andrews, *Killing for Coal: America’s Deadliest Labor War* (Cambridge, MA: Harvard University Press, 2008).

34. On the pros and cons of federal locals, see Dorothy Sue Cobble, “Lost Ways of Organizing: Reviving the AFL’s Direct Affiliate Strategy,” *Industrial Relations* 36 (1997): 278–301.

35. Cobble, “Lost Ways of Organizing.” The AFL did not accept all charter requests. It refused a 1903 affiliation petition from California sugar beet workers, for example, claiming it could not affiliate an organization that accepted Japanese members. The majority-Mexican sugar beet workers association rejected the AFL’s terms for affiliation and remained independent. Thomas Almaguer, “Racial Domination and Class Conflict in Capitalist Agriculture: The Oxnard Sugar Beet Workers’ Strike of 1903,” *Labor History* 25 (1984): 325–50.

36. Lorwin, *The American Federation of Labor*, 67.

37. For other examples, see Cobble, “Lost Ways of Organizing,” 287–88.

38. Bruno Ramirez, *When Workers Fight: The Politics of Industrial Relations in the Progressive Era, 1898–1916* (Westport, CT: Greenwood, 1978), chapter 11; Melvyn Dubofsky, *We Shall Be All: A History of the Industrial Workers of the World* (Urbana: University of Illinois Press, 2000).

But more “unskilled” workers actually *joined* the AFL. The IWW membership remained disappointingly small throughout the Progressive Era, reaching “probably no more than 60,000 at its peak” in 1916.³⁹ By contrast, in 1916, the AFL’s membership stood at over 2 million. According to Typographical unionist and socialist Max Hayes, who had run unsuccessfully against Gompers for the presidency of the AFL in 1912, the accusations of the IWW about the AFL’s neglect of “so-called common labor” obscured the “thousands upon thousands of un-skilled” who belonged to the AFL. For example, he continued, one AFL union, the Hod Carriers, had a “larger increase last year [1913] than the entire membership of the IWW.”⁴⁰

Of course, then, as now, many workers, “skilled” and “unskilled,” lay outside the fold of organized labor. Moreover, as is well known, and has been noted, Progressive Era AFL affiliates limited membership in other ways, including on the basis of race, ethnicity, sex, citizenship, and country of origin. Nevertheless, these realities should not blind us to the changing membership patterns of the expanding Progressive Era AFL, or to the heterogeneous skill mix of the workers in its ranks, including a larger number of the “so-called ‘common laborers’” than could be found in the IWW. The long-standing dichotomy between the “skilled” workers of the AFL and the “unskilled” workers of the IWW obscures more than it reveals.

The Decline of “Craft” Unionism

“Craft” is often used in conjunction with or as a substitute for “skilled” in characterizing the conservative brand of AFL unionism in the Progressive Era. Yet if we acknowledge the AFL’s membership as *mixed*, with workers in job titles with various levels of skill and responsibility, then using “craft” to connote “skill” makes little sense.⁴¹ But what if “craft” is taken to mean a particular *structural* form—that is, an organization composed of workers in a single trade or occupation? Is it still accurate to describe the Progressive Era AFL as a “craft” organization?

Most obviously such a description ignores the AFL unions conventionally considered “industrial” organizations, which were a sizable and growing segment of the federation in the Progressive Era. But equally problematic to this formulation, by the early twentieth century few AFL unions were purely “craft” or “industrial.” Indeed, according to a 1915 analysis in the *American Economic Review*, only 28 of the 133 existing national unions, most affiliated with the AFL, were still pure “craft”

39. For IWW membership in 1916, see Melvyn Dubofsky and Foster Rhea Dulles, *Labor in America: A History*, 7th ed. (Wheeling, IL: Harlan Davidson, 2004), 200.

40. Morris Hillquit, Samuel Gompers, and Max J. Hayes, *The Double Edge of Labor’s Sword: Discussion and Testimony on Socialism and Trade-Unionism before the Commission on Industrial Relations* (1914; reprint, New York: Arno, 1971), 164–65.

41. “Occupational unionism,” as I argued in *Dishing It Out*, better captures the constituency of the twentieth-century AFL than “craft unionism.” “Trade unionism,” the phrase most frequently employed by workers at the time, also suggests a broader group than the skilled elite.

unions.⁴² In other words, the Progressive Era AFL was as mixed in structure as it was in membership.

The vast majority of Progressive Era AFL national unions were “amalgamations of related trades,” often combining craft and industrial structures within the same organization. Consider the former Hotel Employees and Restaurant Employees International Union. Locally, it organized along occupational or trade lines: bartenders, cooks, and food servers each had separate locals; and at times, as with the food servers, these organizations split into smaller units along gender lines. Yet the national organization was *industrial* in structure: it claimed “jurisdiction” over a wide swath of workers in the hospitality industry, and in some cities, hospitality trade councils existed as well, bringing together all the trade locals for coordinated organizing and bargaining. The garment workers were similarly structured. Cutters, dressmakers, shirtmakers, and others joined separate trade locals affiliated to joint boards and districts. All, however, belonged to a national body that aimed to organize and represent workers industrywide.⁴³

Even AFL unions organized along traditional trade lines at *both* the local and national levels—such as many in the building trades—created industrial structures and alliances with other trades. Selig Perlman, as Richard Schneirov has pointed out, called this phenomenon “craft-industrialism.”⁴⁴ By the late nineteenth century individual building trade unions in many large cities across the country formed “industrial” bodies, often called Building Trades Councils. And in 1908, after considerable controversy, the AFL chartered a Building and Trades Department, primarily to coordinate organizing, political activity, and resolve interunion disputes among national building trade organizations. (That same year the AFL inaugurated a Metal Trades Federation as well.)⁴⁵ Construction unionists also cooperated informally, establishing impermanent but highly effective industrial-like alliances to ensure strike and boycott success.⁴⁶

Using “craft” to distinguish AFL unionism from the “industrial” unionism of the IWW relies on a fictional IWW as well as a fictional AFL. The IWW no more practiced “pure” industrial unionism than the AFL practiced pure “craft” union-

42. Glocker, “Amalgamation of Related Trades,” 554–55.

43. Cobble, *Dishing It Out*, chapters 4–6; Guide to the ILGWU Records, 1884–2006, Collection Number 5780, Kheel Center Archives, Cornell University, Ithaca, NY, <http://rnc.library.cornell.edu/ead/htmldocs/KCL05780.html> (accessed May 27, 2012).

44. Schneirov, introduction, xiv; Selig Perlman, *History of Labour in the United States*, vol. 2 (1918; reprint, New York: Macmillan, 1966), 535–36.

45. Grace Palladino, *Skilled Hands, Strong Spirits: A Century of Building Trades History* (Ithaca, NY: Cornell University Press, 2007), chapter 2; Lorwin, *The American Federation of Labor*, 93–95; Glocker, “Amalgamation of Related Trades,” 556, 565.

46. Sympathy strikes and “secondary” actions, or strikes on behalf of others, were widespread in the building trades at the turn of the century before court rulings severely limited such solidaristic actions. Montgomery, *Workers’ Control in America*, chapter 1; Forbath, *Law and the Shaping of the American Labor Movement*, 98–105.

ism. Indeed, in terms of structure the AFL and the IWW had much in common. Mining unions were the largest affiliates in both organizations, at least while the Western Federation of Miners remained within the IWW; and both miner organizations grouped workers together by region, employer, and type of work. In addition, although the IWW aspired to organize workers “industrially,” its actual affiliates were a heterogeneous group, with many organized along occupational or trade lines—timber workers, marine firemen, longshoremen, waiters, cooks, punch press operators, capmakers—as well as others residing in “mixed” locals taking in workers from a range of trades and industries. Like the AFL, the IWW was “mixed” structurally, organizing workers by trade *and* industry.⁴⁷

What, then, is “industrial” unionism, and why was the IWW so certain it was the one true “industrial” union? As James Morris argued in 1958, “industrial” unionism was as much a political as a structural idea.⁴⁸ For the IWW, it meant all workers would eventually join “one big union,” realize they had “nothing in common with the employing class,” and seize control of the means of production. Eugene Debs, especially during the IWW’s first few years—from 1905 to 1908, when he was a dues-paying member—popularized the contrast between what he considered the AFL’s brand of “class collaborationist,” separatist, outmoded “craft unionism” and the solidaristic, far-seeing form of unionism he called “revolutionary,” “class,” or “industrial” unionism.⁴⁹

The leaders of the AFL rejected the “revolutionary” notion of “industrial” unionism preached by the IWW. As Gompers flatly stated in 1912, the IWW’s call for “one gigantic union” and for “social revolution through the general strike” was wrong-headed and “destructive in theory and practice.”⁵⁰ Yet the AFL leadership’s disdain for the IWW’s philosophy of “industrial unionism” did not necessarily mean the AFL consisted of narrowly constituted pure “craft” unions. Nor did it mean the AFL lacked structures that promoted cooperation and solidarity beyond individual workplaces or narrow trade identities, as its critics claimed.⁵¹ The AFL and its rivals may have traded insults and epithets, but in the end they shared many of the same structures and organizational forms even if they disagreed fundamentally about ultimate goals.

47. Dubofsky, *We Shall Be All*, 33, 105–6, 166, 212–18. For a detailed structural analysis of the IWW from 1905 to 1917, including lists of affiliated bodies, see Paul Brissenden, *The I.W.W.: A Study of American Syndicalism*, Columbia University Studies in History, Economics and Public Law (New York: Longmans, Green & Co., 1919), 67–72, 134–35, 161–63, 351.

48. James O. Morris, *Conflict within the AFL: A Study of Craft versus Industrial Unionism, 1901–1938* (Ithaca, NY: Cornell University Press, 1958).

49. Eugene V. Debs, *Writings and Speeches of Eugene V. Debs*, introduction by Arthur M. Schlesinger Jr. (New York: Hermitage, 1948), 171–242.

50. Samuel Gompers, *Labor and the Common Welfare* (Freeport, NY: Books for Libraries Press, 1919), 200–202.

51. For example, Debs, *Writings and Speeches*, 199.

Many leaders of the AFL believed that grouping workers by trade, especially at the local level, remained superior to all other organizational forms. Powerful and established AFL affiliates with considerable membership in a particular trade also bitterly opposed chartering new unions that might threaten their claim to represent current or future members in that trade. Both of these realities operated at times to retard the organization of new workers. Yet “industrial” unionists of the IWW also can be faulted for embracing a *single* structural ideal that was ill-suited for organizing all workers. The character of all local IWW units, the IWW convention affirmed in 1906, would be “industrial,” comprising “the employees in one industrial plant, whether large or small.”⁵² Then as now, rather than presuming the superiority of a particular organizational form, labor leaders needed to allow workers more latitude in shaping institutional arrangements appropriate to their circumstances and concerns.

Continuing the debate over “craft” versus “industrial” unionism as framed by its past partisans keeps historians from seeing the strengths and limitations of various forms of unionism for different groups of workers and from understanding why different organizing strategies predominated in one era but not another. No *one* structural form of unionism best fits all sectors of the economy. Grouping workers primarily by trade or occupation, an approach often found in local labor markets with multiple small employers and mobile workforces, was a poor match for mass production workers. But “industrial unionism,” with its worksite and company focus, proved ill suited for many in construction work or in service trades (waitresses, musicians, janitors, teamsters), who moved from employer to employer or from worksite to worksite and identified more with their trade than with a single employer or industry.⁵³ Moreover, as Colin Gordon argues, twentieth-century labor history’s “core narrative” of struggle between craft and industrial unionism misses the geographic dimension of union membership patterns and the strength of Progressive Era AFL unionism in metropolitan labor markets, what he calls “metropolitan unionism.”⁵⁴

It is time for labor scholars to question the presumed association between a union’s structural form and its political orientation and to reconsider the industrial

52. Morris, *Conflict within the AFL*, 52–53; Ramirez, *When Workers Fight*, chapter 11; Brissenden, *The I.W.W.*, 160–61.

53. On the suitability of occupational unionism for workers outside mass production, see Dorothy Sue Cobble, “Organizing the Postindustrial Work Force: Lessons from the History of Waitress Unionism,” *Industrial and Labor Relations Review* 44 (April 1991): 419–36; “Making Postindustrial Unionism Possible,” in *Restoring the Promise of American Labor Law*, ed. Sheldon Friedman et al. (Ithaca, NY: Cornell University Press, 1994), 285–302; Ruth Milkman, *L.A. Story: Immigrant Workers and the Future of the U.S. Labor Movement* (New York: Russell Sage Foundation, 2006), introduction, chapter 1. Christopher Tomlins (“AFL Unions in the 1930s,” 1035–40) also stresses the need for different strategies in different sectors of the economy. He analyzes the 1930s, detailing the CIO’s limited success outside mass production and the AFL’s rapid expansion in construction, transportation, services, and small manufacturing.

54. Colin Gordon, “The Lost City of Solidarity: Metropolitan Unionism in Historical Perspective,” *Politics and Society* 27 (December 1999): 561–85.

bias that has so long dominated modern labor history.⁵⁵ There is nothing inherently conservative about a horizontal unionism linking workers in a trade or occupation across worksite and employer boundaries. Conversely, organizing workers vertically into “industrial” units linked to single worksites, employers, or companies has its own exclusionary tendencies and limitations. The question—then and now—is how to design structures that can create effective solidarities, large and small.

Reassessing the AFL’s Social Reform Agenda

But scholarly assessments of the conservatism of pure and simple trade unionism rest on more than assumptions about its “skilled” elite membership and its outmoded craft structure. More than one researcher has lamented the Progressive Era AFL’s pursuit of “modest goals,” its acceptance of the capitalist system, its skepticism about government ownership, and its rejection of an expanded regulatory and welfare state.⁵⁶ Even those who question whether “state-centered activism” should be the litmus test for radicalism and find considerable similarity in the militant direct action and point-of-production orientation of the AFL and the IWW regard the AFL’s “business syndicalism” as limited.⁵⁷

In the remainder of this essay, I offer a different perspective. I foreground the social reform agenda of the Progressive Era AFL and the radical aspects of the philosophy that guided it. I begin by discussing the AFL’s bread-and-butter demands for higher wages and shorter hours and its call for “independent trade unionism” in an era in which the legitimacy of workers’ right to organize and bargain as a group was far from being recognized by employers, the state, or the public. I then turn to the AFL’s legislative program and its efforts to gain support for its core principles: “labor is not a commodity,” “actual liberty of contract,” and “equality of bargaining power.”

Bread-and-Butter Unionism

It is often assumed the AFL focused “narrowly on ‘bread and butter’” goals such as higher wages and shorter hours.⁵⁸ Such issues may seem lacking in transformative power to those blessed with enough income to feed themselves and their dependents, as well as sufficient time for a healthy life apart from employment. But certainly no

55. For more on the “industrial bias” and how outmoded factory paradigms of labor organizing deter unionizing among contemporary domestic, care, and sex workers, see Dorothy Sue Cobble, “More Intimate Unions,” in *Intimate Labors: Cultures, Technologies, and the Politics of Care*, ed. Eileen Boris and Rhacel Parrenas (Stanford: Stanford University Press, 2010), 280–95.

56. Quote from Greene, *Pure and Simple Politics*, 3. See also, among others, Forbath, *Law and the Shaping of the American Labor Movement*, especially 1–36, 128–73; Lichtenstein, Strasser, and Rosenzweig, *Who Built America*, 2:129; McCartin, *Labor’s Great War*, 203–5.

57. On “business syndicalism,” see Kimeldorf, *Battling for American Labor*, 15; Kazin, *Barons of Labor*, 150. But see also Michael Kazin, *The Populist Persuasion: An American History* (Ithaca, NY: Cornell University Press, 1995), 52–53, for an exploration of the populist rhetoric of the AFL, an organization, he writes, that was “never so limited or unimaginative” as conventionally depicted.

58. Quote from Lichtenstein, Strasser, and Rosenzweig, *Who Built America*, 2:159.

serious reform movement could ignore the basic survival and well-being of those for whom it advocated.

Moreover, both Lawrence Glickman in *A Living Wage* (1997) and Rosanne Currarino in *The Labor Question in America* (2011) make a compelling case for the economic progressivism of the AFL's call for higher wages and shorter hours and for how it benefited organized workers as well as the society at large. The AFL's "living wage" concept, they explain, built on theories promoted by Ira Steward and other nineteenth-century labor reformers concerned with "under-consumption" and "over-production." The AFL rejected conventional nineteenth-century economic doctrines positing unemployment, poverty, and business cycles of "boom and bust" as natural and hence inevitable. Such problems were solvable and best attacked by two intertwined reforms: shorter hours and higher wages. These reforms benefited workers by redistributing wealth and creating more jobs. Increased wages and leisure also spurred consumption, thus boosting economic growth and prosperity overall. The labor movement's consumerist turn, they argue, was not a conservative declension. Rather, it offered a powerful new rationale for improving worker and societal living standards and a progressive alternative to the dominant economic philosophies of the day.⁵⁹

The demand for "living wages" and shorter hours remained central to the AFL's reform agenda in the early twentieth century. In justifying these reforms, Gompers and other AFL leaders continued to voice the progressive economic doctrines of Ira Steward. In addition, they drew on a long tradition of labor republicanism concerned with fostering civic participation and advancing the welfare of the republic. The AFL's Progressive Era bread-and-butter unionism was about more than material advancement and a robust economy: it was also about personal and social transformation. In short, the Progressive Era AFL, like the dominant labor movements of the nineteenth century, concerned itself with the interests of its members and with the broader social good.

Gompers was explicit about how higher wages and shorter hours ensured both the individual self-development of wage-earners and larger social betterment. He defined a "living wage," for example, as a standard of living that allowed wage-earners to partake in culture and recreation. It made possible "physical and mental health" and fostered "self-respect."⁶⁰ Time away from employment made a worker a "better citizen, a better father, a better husband, and a better man in general."⁶¹

59. Glickman, *A Living Wage*, chapters 3, 4; Currarino, *The Labor Question in America*, 86–113. See also Currarino, "The Politics of 'More': The Labor Question and the Idea of Economic Liberty in Industrial America," *Journal of American History* 93 (June 2006): 17–36.

60. Samuel Gompers, *Labor and the Employer* (New York: E. P. Dutton, 1920), 58–79.

61. The gendered language of this passage is obvious. As mentioned earlier, the Progressive Era AFL's reform vision did not extend to all workers. For an analysis of the debates among New Deal era labor men and women over who should receive a "living wage" and how work time (waged and unwaged) should be allocated, see Dorothy Sue Cobble, *The Other Women's Movement: Workplace Justice and Social Rights in Modern America* (Princeton, NJ: Princeton University Press, 2004), chapters 4 and 5.

Workers became “more enlightened” and “broader” in their “views and sympathies.” A democratic republic, he insisted, rested on the majority having time for education, reflection, and civic engagement. But working people needed shorter hours to change the republic, not just to preserve it. “What reform, social, moral, political, or economic was ever achieved by the effort of long hour workmen?” Gompers queried. “If the progress of the world depended upon the long hour workers, our civilization would halt.”⁶²

Bread-and-butter unionism was not merely focused on the immediate. More purchasing power and more time were worthy and transformative ends in themselves; at the same time, they were means to other ends. What those ends would be Gompers could not fully predict. One set of reforms would give way to another as workers’ horizons expanded and their aspirations increased. In the famous May 1914 exchange between Gompers and socialist Morris Hillquit before the Commission on Industrial Relations, Gompers described the AFL as “a social reform movement” aiming “at complete social justice, and a maximum liberty and happiness for mankind.” Its purposes, “apart from the establishment of a cooperative commonwealth,” differed little from the socialist movement, he explained. Surprisingly, Hillquit agreed, adding that “the Socialists see a difference in degree only.”⁶³

Still, Gompers vehemently objected to any “social philosophy”—including socialism—he judged as predicting a priori what the ultimate reforms would be. In one striking passage, Gompers echoed the pragmatist philosophies of his day and accused socialists of refusing to learn from practice and of making up facts to fit their theories.⁶⁴ “You start out with a given program, and everything must conform to it; and if the facts do not conform to your theories . . . so much the worse for the facts.”⁶⁵ Of course, like his adversaries, Gompers also selected and interpreted “facts” in ways that conformed to his beliefs. The point, however, is that Gompers refused not lofty ends but theories in which ends were predetermined. The oft-posed opposition between the limited goals of bread-and-butter unionism and the visionary agenda of socialism appears overdrawn.

Writing in 1972, William M. Dick endeavored to describe the “rather complex whole of ‘Gompersism,’” the philosophy dominant in the national AFL. He wanted to move beyond the usual portrayal of the AFL that emphasized its rejection of socialism and its supposed desire to integrate labor into capitalism. To miss the AFL’s commitment to a “better social order” was, in his opinion, to see “one side” but not “the whole picture.” It left “a distorted impression” of labor’s past and its political

62. Gompers, *Labor and the Employer*, 81–107; quotes 81, 91.

63. Hillquit, Gompers, and Hayes, *The Double Edge of Labor’s Sword*, 76, 108.

64. On the “pragmatism” of John Dewey and other Progressive Era intellectuals, see Louis Menand, *The Metaphysical Club: A Story of Ideas in America* (New York: Farrar, Straus and Giroux, 2001). For Dewey, truth evolved from practice and “intelligent action” and could not be apprehended abstractly or with any finality. On Gompers as a pragmatist intellectual, see John R. Commons, “Karl Marx and Samuel Gompers,” *Political Science Quarterly* 41 (June 1926): 281–86.

65. Hillquit, Gompers, and Hayes, *The Double Edge of Labor’s Sword*, 123.

beliefs.⁶⁶ As Gompers himself insisted in 1912 in the *American Federationist*, if “Gomperism” is taken to be what its critics claim—a “fatuous conservatism that refuses consideration to radical ideas,” that fails to see the “unearned wealth of plutocracy,” that puts “the brakes on progressive thought”—then “there is positively no ‘Gomperism’” in the trade union movement.⁶⁷

“Independent Trade Unionism” and the AFL’s Challenge to Class Paternalism

Following the advice of his fellow cigar-maker and intellectual mentor, Ferdinand Laurrell, Gompers “squared” all decisions with his union card.⁶⁸ But what did that mean? At the most fundamental level, it meant he made judgments based primarily on what he thought would preserve and advance trade unions. In Gompers’s view, wage-earners were powerless without organizations to defend and promote their interests; trade unions, he believed, were the organizations best designed to defend those interests, in part because workers themselves built and controlled them. Unlike many European unions, the AFL based its organizational boundaries not on religious or political allegiances but on wage-earner status: AFL trade unions were organizations *of* wage-earners *for* wage-earners. Alliances with those outside the wage-earning working class were necessary, but wage-earners needed their own institutions, independent of employers, farmers, or well-meaning reformers. “Experience shows,” Gompers remarked in 1897, “that workmen, when others than wage-earners are members of the union, are often reluctant in expressing their true sentiments.”⁶⁹

This emphasis on working-class separatism and the need for an organizational space apart for workers underlay the AFL’s “pure and simple” membership policies, as well as its reluctance to form alliances with other reform movements and political parties. Gompers feared that labor’s interests would be subordinated in a mixed-class reform movement or political party, whether Democratic, Republican, Populist, or Socialist.⁷⁰ Rather than an “independent labor party,” for example, Gompers generally favored “an independent labor politics,” with workers forged together as an influential bloc of swing voters pursuing a specific platform of reforms.⁷¹ The

66. William M. Dick, *Labor and Socialism in America: The Gompers Era* (Port Washington, NY: Kennikat, 1972), 111.

67. Gompers, *Labor and the Common Welfare*, 190–91. For a 1924 call to transcend the definition of ‘Gomperism’ as narrow, conservative, and retrograde,” see Harry Lang, “Gomperism,” *Justice: An Organ of the International Ladies’ Garment Workers’ Union*, February 1, 1924, 8–9.

68. Gompers, *Seventy Years of Life and Labor*, 75.

69. Gompers, *Labor and the Employer*, 32.

70. In *Pure and Simple Politics*, Greene details how Gompers’s views on labor’s prospects within the Democratic Party shifted over the course of the Progressive Era.

71. For the phrase “independent labor politics,” see Clayton Sinyai, “Change to Win: A Gomperism for the Twenty-First Century,” *New Labor Forum* 16 (Spring 2007): 73–81. For Gompers’s views, see “Not for Gompers,” *Middletown (CT) Press*, July 31, 1924, Samuel Gompers Scrapbook, vol. 1, September 1923–July 1924, New York Public Library Special Collections, New York, NY; Samuel Gompers, *Should a Political Labor Party Be Formed? An Address by Samuel Gompers to a Labor Conference Held in NYC, December 9, 1918* (Washington, DC: AFL, 1918); Gompers, *Labor and the Common Welfare*, 138.

commitment of Gompers and his circle to trade union organization rested as well on other beliefs, including the deeply held notion that “economic power is the primary power,” as the AFL Executive Council declared in 1916, “and all other kinds of power are derived from economic power and are in proportion to its development.”⁷² Nevertheless, trade unions “pure and simple” were defended not only as the institutions best suited for building working-class economic power but also as working-class institutions dedicated to the leadership of wage-earners.

Gompers bristled at any intimation, whether from the Right or Left, that workers needed instruction from those outside the working class. “I believe in the working people,” he said in 1916. “I believe in their growing intelligence . . . and in their growing and persistent demand for better conditions and a more rightful situation in the industrial, political, and social affairs of this country and of the world.”⁷³ He insisted on the capacity of workers to achieve their own emancipation and rejected any political theories he saw as suggesting otherwise. Democracy—not socialism or communism—was the answer. “Bolshevism,” he once observed, is “abhorrent to a world that loves democracy. We shall progress by the use of the machinery of democracy or we shall not progress. There is no group of men on earth fit to dictate to the rest of the world.”⁷⁴

Through trade unions workers achieved full individuality and citizenship—political, economic, and social. “It is only by the unity of the working people who have lost their single individuality that they gain their collective social importance,” he explained in 1904.⁷⁵ By enabling workers to govern their own lives on the job, unions freed workers from industrial autocracy and prepared them for democratic citizenship. In the give-and-take of debate, unions “develop the reason, the conscience and the civic sense of the wage-earner,” Gompers explained. Unions bolstered worker self-confidence, he continued, and enabled workers “to take their rightful place in industry and society.”⁷⁶ They were “schools for democracy.”⁷⁷ “Our movement is not ‘narrow,’” Gompers countered his critics in 1910, because “trade unionism is not narrow.”⁷⁸

AFL unionism thus stood as a stark rejection of the dominant elitist class ideologies depicting workers as children or as incapable of industrial or political citizenship due to their limited intelligence or stunted character. By the 1920s, prominent books defending trade unions—Frank Tannenbaum’s *The Labor Movement: Its Conservative Functions and Social Effects* (1921); William English Walling’s *Amer-*

72. Report of the AFL Executive Council, AFL Convention Proceedings, November 13–25, 1916, Baltimore, MD, 13.

73. Gompers, *Labor and the Common Welfare*, 195.

74. Gompers, *Labor and the Common Welfare*, 209.

75. Gompers, *Labor and the Employer*, 18.

76. Gompers, *Labor and the Employer*, 305; Gompers, *Labor and the Common Welfare*, 20.

77. Sinyai, *Schools for Democracy*, chapters 1, 3.

78. President Gompers’ Report, AFL Convention Proceedings, November 14–26, 1910, St. Louis, MO, 16–17. See also *American Federationist* (March 1910), 200–201.

ican Labor and American Democracy (1926); W. Jett Lauck's *Political and Industrial Democracy, 1776–1926* (1926); and Selig Perlman's *A Theory of the Labor Movement* (1928)—devoted attention to these psychological and social effects of trade unionism. Tannenbaum, who later would come to prominence as a scholar of comparative slavery, for instance, has been described as seeing unions as the institutional expression of “the desire of wage-earners for recognition as fully human moral agents (and not just machine tenders or soulless ‘human resources’).”⁷⁹ Perlman famously reminded his readers of the AFL's commitment to worker self-development and “freedom on the job.” Walling and Lauck believed democracy was doomed without unions promoting worker self-government and democratic citizenship.⁸⁰

To be sure, Gompers's version of industrial democracy through independent trade unionism differed from industrial democracy proposals that prioritized state or worker ownership.⁸¹ He and the majority of AFL leaders believed changing ownership would not necessarily solve the problem of autocratic management. For example, the issue remained: who would control the workplace and how decision making would be organized. Thus, the AFL's primary focus was democratizing the corporations through collective bargaining, not nationalizing or eliminating them.⁸² It sought to do away not with capital, but with capital's domination and control.

The AFL leadership saw corporations as neither purely “private” nor purely “public” enterprises; instead, they questioned those very dichotomies and sought to redefine the workplace as a quasi-public space by insisting that civil and constitutional rights did not stop at the plant gate. In one sense the AFL's version of “industrial democracy” was a middle way between the private market fundamentalism of the Right and the collective or state ownership of the Left. Yet it was not a compromise between the two positions; it was a demand that the inherent human rights of workers be accorded recognition regardless of the “public” or “private” nature of capital ownership or management.

The AFL did not envision unions as junior partners either to capital or to the state. That status was imposed on them; it was not one they sought. Rather, AFL leaders aspired to an equal partnership with management and to an equality of bargaining power with capital. Workers are not a “mob,” Secretary of the AFL Frank Morrison informed the *New York Times* readership in 1920. “They are freemen” whose “rights are embodied in the principles of trade unionism,” which included

79. Michael Merrill, “Even Conservative Unions Have Revolutionary Effects: Frank Tannenbaum on the Labor Movement,” *International Labor and Working-Class History* 77 (Spring 2010): 116.

80. Selig Perlman, *A Theory of the Labor Movement* (New York: Macmillan, 1928), 3–10, 272–79. On Lauck, see Fink, *Progressive Intellectuals and the Dilemmas of Democratic Commitment*, chapter 7.

81. On the various meanings of industrial democracy, including the “voluntarist vision of industrial democracy” put forward by Gompers and other “labor conservatives,” see McCartin, *Labor's Great War*, 203–5.

82. For more on these points, see Schneirov, introduction; Schneirov, “The Odyssey of William English Walling”; Michael Merrill, “Labor Shall Not Be Property: The Horizon of Workers' Control in the United States,” *Labor Studies Journal* 21 (Summer 1996): 27–50.

the right to organize and strike as a group and to bargain “with equal powers” to the employers.⁸³ Indeed, a radically democratic—and perhaps utopian—aspect of “Gomperism” was its insistence that labor could be equal at work and in society and that labor’s equality could be won by the economic organizing and political action of workers themselves.

The AFL’s Transformative Legislative Agenda

The AFL’s legislative agenda in the Progressive Era is typically seen as a disappointing devolution from inspiring nineteenth-century calls for a cooperative commonwealth and a more robust state.⁸⁴ Undoubtedly, the national AFL failed to endorse federal wage and hour laws covering men and women or the full range of social welfare legislation until the 1930s. It also remained deeply skeptical of the efficacy of labor legislation without strong worker movements to ensure enforcement and showed little enthusiasm for many proposed state social insurance programs and nationalization proposals.⁸⁵

But what gets lost in the legislative list of what the Progressive Era AFL opposed is what it supported. The national AFL preferred mutualism and union-run health and welfare programs to state-administered contributory social insurance programs, but it also favored federal noncontributory old age pensions (after 1909) and employer liability for injury or loss of life (and, after 1914, workmen’s compensation laws). As the best solution to unemployment and economic recession, the national AFL advanced higher wages and shorter hours as well as “the undertaking of great public works.”⁸⁶ Further, the national AFL favored such standard “progressive” political and economic reforms as inheritance and other redistributive tax proposals; the initiative, referendum, and recall mechanisms; child labor laws in all the states; nationalization of the telephone and telegraph; municipal ownership of public utilities; regulation of land and water ownership; free schools, textbooks, and playgrounds; “absolute suffrage of women co-equal with men”; wage and hour laws for women; and the “issue of money by the government—free from manipulation of private bankers for gain.”⁸⁷

83. Frank Morrison, “Labor’s Ultimatum to the Public,” *New York Times*, July 18, 1920.

84. For example, Forbath, *Law and the Shaping of the American Labor Movement*, 1.

85. Lorwin, *The American Federation of Labor*, 190–93; Theda Skocpol, *Protecting Soldiers and Mothers: The Political Origins of Social Policy in the United States* (Cambridge, MA: Harvard University Press, 1995), chapters 3, 4; Hillquit, Gompers, and Hayes, *The Double Edge of Labor’s Sword*, 105–7.

86. Hillquit, Gompers, and Hayes, *The Double Edge of Labor’s Sword*, 105–8, quote 108; Skocpol, *Protecting Soldiers and Mothers*, chapters 3, 4; AFL’s Reconstruction Program, AFL Convention Proceedings, June 9–23, 1919, Atlantic City, NJ, 70–80.

87. Lorwin, *The American Federation of Labor*, 88–89; AFL Convention Proceedings, November 9–21, 1908, Denver, Colorado, 82–83; AFL Convention Proceedings, 1910, 25, 39–40; AFL Convention Proceedings, 1919, 70–80; *American Federation of Labor: History, Encyclopedia, Reference Book* (Washington, DC: AFL, 1919), 30–36; Skocpol, *Protecting Soldiers and Mothers*, 212–17, 247.

Yet the AFL's endorsement of political and economic proposals popular with progressive reformers of the day is not what distinguished its legislative program or engaged the bulk of its time and resources. Rather, the AFL's consuming legislative passion was its campaign to curb court injunctions and judge-made law, including, after 1900, its pursuit of federal anti-injunction legislation. To be sure, the AFL's campaign to gain congressional relief from the courts did not involve seeking laws to increase the state's regulation of working conditions or to enhance social or state-provided wages and benefits. But neither was it a narrow "legalistic" program or a disappointing sign of labor's embrace of the "whole gospel of liberty of contract" or of "collective laissez-faire."⁸⁸ Instead, as Karen Orren makes clear, the AFL's anti-injunction campaign was an effort to end industrial feudalism and usher in a new era in which courts and judges would be guided not by common law but by legislative intent.⁸⁹

Further, the AFL's call for the state to protect labor's freedom and grant it equal liberties to capital was a challenge to and a critique of capital's dominance of the state, as well as a demand that the state take action to guarantee the constitutional and inherent rights of all citizens. The capitalist class, Gompers thundered in 1893, "had its origin in force and fraud." They, the "parasitic capitalists," stay in power by "invoking the collusion of their dependents, the judges and the legislators, to place the organized workers outside the pale of the law." He concluded: "We demand equality before the law, in fact as well as theory."⁹⁰ In 1918, a quarter of a century later, Gompers made essentially the same point. Workers would not be free, he claimed, until they removed "the control of our government from the old-time interests of corporate power and judicial usurpation."⁹¹

In asserting workers' right to the state's equal protection, the AFL advanced what are now considered "core" or fundamental human rights: freedom of speech, freedom of association, and the right to organize and freely elect representatives for the purposes of collective bargaining.⁹² The AFL's route to securing these rights—its focus on legislative remedies and its decision to accept the language and framing of the 1914 Clayton Anti-Trust Act—may not have yielded the results hoped for in the Progressive Era. But its call for "industrial liberty"—the right to strike, to picket, and

88. Greene, *Pure and Simple Politics*, 273; Forbath, *Law and the Shaping of the American Labor Movement*, 128–31; Fink, "Labor, Liberty, and the Law," 196.

89. Karen Orren, *Belated Feudalism: Labor, the Law, and Liberal Development in the United States* (Cambridge: Cambridge University Press, 1991).

90. Samuel Gompers, "What Does Labor Want? A Paper Read before the International Labor Congress, Chicago, Ill., September 1893" (New York, n.d.), <http://www.history.umd.edu/Gompers/More.html> (accessed June 17, 2011).

91. Gompers, *Should a Political Labor Party Be Formed?*, 13.

92. For instance, Samuel Gompers, "Injunctions: Human Rights and Property Rights Confused," *American Federationist* (July 1910): 590–93; Samuel Gompers, "Judicial Invasion of Guaranteed Rights," *American Federationist* (April 1910): 298–301. For more on labor's freedom tradition, James Gray Pope, "Labor's Constitution of Freedom," *Yale Law Journal* 106 (1997): 941–1031.

to form unions—and its demand that the state defend the civil and economic rights of workers with the same zeal with which it defended the rights of capital should not be seen as conservative or narrow.⁹³ It should be reclaimed as part of labor’s long freedom struggle.

The AFL’s Challenge to Market Fundamentalism and “Liberty of Contract”

In defending labor’s right to liberties, power, and rewards equal to those of capital, the Progressive Era AFL challenged the conservative ideologies of market fundamentalism, laissez-faire, and hyperindividualism. Section 6 of the Clayton Act, for example, famously enshrined a key tenet of the AFL: “The labor of a human being is not a commodity or article of commerce.” As iron molder and AFL Metal Trades Department President John Frey elaborated, “The labor power of a human being can not be bought and sold, contracted for and treated as an ordinary commodity.”⁹⁴ Inherent in this human rights claim was a rejection of the so-called laws of the market and the subordination of social and human needs to the supposed dictates of economic competition. “You cannot weigh a human soul in the same scales with a piece of pork,” Gompers insisted in 1891.⁹⁵

Or, as the Progressive Era AFL reminded legislators, employers, and the public, the existing distribution of wealth and work was not inviolable or natural: human needs and rights could and must be taken into account. In 1919, the AFL remained unapologetically hostile to market fundamentalism and those who defended it: “One of the sophistries of life is the fetish of supply and demand. It is the weapon held up to working men when they seek better rewards for their labor. It is rolled about the tongues of the professional economists like a sweet morsel. It is repeated parrot-like by their spokesmen and apologists as a cure for all evils resulting from the mismanagement of industry.”⁹⁶ In opposition to the theories of market fundamentalism, AFL Secretary Morrison in 1920 offered labor’s own human rights framework: “Labor has always recognized that humanity has rights superior to those of industry. In fact, it has always contended for those rights, embracing as they do the right to live and the right to perform those functions which make living possible.”⁹⁷

At the same time, as James Pope contends, AFL unionists, unlike many middle-class progressive reformers, did not believe that increasing state regulation of working conditions would sufficiently protect the needs and fundamental rights of

93. On “industrial liberty,” among others, Samuel Gompers, “Justice Brewer on Strikes and Lawlessness,” *American Federationist* (April 1901): 121–23; John Mitchell, “The Workingman’s Conception of Industrial Liberty,” *American Federationist* (May 1910): 405–10.

94. John P. Frey, *The Labor Injunction: An Exposition of Government by Judicial Conscience and Its Menace* (Cincinnati: Equity, 1923), 97–98.

95. Gompers, *Labor and the Common Welfare*, 5. For an eloquent discussion of how the AFL’s rejection of the commodification of labor undercut a “defining feature of capitalism,” see Pope, “Labor’s Constitution of Freedom,” 942–43.

96. *American Federation of Labor: History, Encyclopedia, Reference Book*, 24–25.

97. Morrison, “Labor’s Ultimatum,” 19.

workers. They feared that “government domination” could “substitute for employer domination” with little or no change in their marginalized status and denial of rights.⁹⁸ Their fears hardly seemed exaggerated when in January 1920, in the wake of the 1919 national strike wave, Kansas governor Henry J. Allen, a Republican, persuaded the state legislature to pass the Kansas Industrial Court Act, prohibiting strikes in virtually all of the state’s unionized industries and empowering a three-judge court appointed by the governor to set wages and working conditions.⁹⁹ In his subsequent debate with Governor Allen at Carnegie Hall over the wisdom and constitutionality of the law—a law conservatives across the country hoped would be replicated in other states—Gompers offered one of the fullest explanations of why labor’s “lawful, constitutional, natural, and inherent rights” could not be denied by the state or the market. Workers, he argued, owned themselves.¹⁰⁰ No man could “own” another or force another to work. Because “labor power” is “inherent in the individual” and cannot be separated from the person, it cannot be coerced without reducing the laborer to involuntary servitude. These principles underlay the right to withhold labor power—that is, the right to strike—as well as the right to combine with others in order to affect market forces and the conditions under which one worked. Restricting labor’s right to strike, organize, and bargain, Gompers maintained, violated not only the Clayton Act, the Bill of Rights, and the Thirteenth Amendment, but also what we now call human rights. It created, as John Frey later declared, “an American form of industrial serfdom.”¹⁰¹

Ultimately, the Clayton Act, hailed by Gompers as labor’s “Magna Carta,” failed to protect labor from either injunctions or antitrust prosecution. Neither did it ensure that organized labor had the economic power to challenge capital’s control of the market and its ability to dictate wages, hours, and working conditions in many industries. Legislative breakthroughs along these lines would not occur until the 1930s, with the passage of the 1932 Norris-LaGuardia Anti-Injunction Act and the 1935 Wagner Act. The labor law turnaround of the 1930s was unquestionably a response to economic crisis and grassroots pressure. Yet it took the particular form it

98. Pope, “Labor’s Constitution of Freedom,” 987.

99. In 1925, in *Charles Wolff Packing Co. v. Court of Industrial Relations*, the Supreme Court overturned the law, citing conflict with employers’ right to contract. For more on the Kansas Industrial Court Act, the four-month Kansas miners’ strike in protest, and the decision of Gompers and the AFL Executive Board to side with the striking miners over the protests of John L. Lewis, see Pope, “Labor’s Constitution of Freedom,” 958–66, 1000–1002.

100. According to G. A. Cohen in *Self-Ownership, Freedom, and Equality* (New York: Cambridge University Press, 1995), “self-ownership” leads to libertarianism because it suggests each individual person’s right to determine what service or product they owe to another. At the same time, Cohen writes, “the standard Marxist condemnation of exploitation implies an endorsement of self-ownership, since the employer steals from the worker what should belong to her.” The abolitionist intellectual tradition, on which many AFL labor leaders drew, also featured “self-ownership” rhetoric prominently.

101. *Debate between Samuel Gompers, President, American Federation of Labor and Henry J. Allen, Governor of Kansas at Carnegie Hall, New York, May 28, 1920* (New York: E. P. Dutton, 1920), 3–5, 9–10, 14–16; Frey, *The Labor Injunction*, ix.

did because of shifts in political opinion and the erosion of faith in business and the ideologies undergirding their power.¹⁰²

The “liberty of contract” argument, or the idea of preserving liberty for individuals and “corporate persons” by forbidding state interference in the contracts made between workers and employers, was one of the major intellectual barriers blocking the forward march of progressive labor law before the New Deal, which legal realists like Oliver Wendell Holmes and others outside the labor movement helped undermine.¹⁰³ The AFL too attacked this version of “freedom.” Court decisions based on protecting workers’ so-called liberty are “guaranteeing [workers] the liberties they do not want and denying the liberty that is of real value,” former mineworkers’ president John Mitchell maintained in a 1910 address entitled “the workingman’s conception of industrial liberty.”¹⁰⁴ The “‘right’ to be maimed and killed, the ‘right’ to work as many hours as employers please and under any conditions which they may impose,” the AFL officers protested to Congress, is no liberty at all. “Labor is justly indignant at the guaranteeing of these worthless and academic ‘rights’ by the courts,” when “in the same breath” workers are denied the “necessary protection of laws” safeguarding “their rights and liberties and the exercise of them individually or in association.”¹⁰⁵

Progressive Era AFL labor leaders called individual bargaining with corporate entities a sham. “Workingmen have a nominal, but not a real freedom of contract,” Mitchell declared, “if they are prevented from contracting collectively instead of individually.”¹⁰⁶ For the majority of workers, real freedom was secured as a social right, as a right given to a group. Real or “actual liberty of contract,” a phrase that was to appear in both the Norris-LaGuardia Act and the Wagner Act, occurred when parties had some equality of bargaining power and some choice of alternatives. The Progressive Era AFLs insistence on “actual liberty of contract” through collective bargaining challenged the fiction of individual freedom and choice perpetuated by the conservative elite. It called into question the core ideologies on which the era’s unequal distribution of wealth and power rested.

102. David Plotke makes this argument in *Building a Democratic Political Order: Reshaping American Liberalism in the 1930s and 1940s* (New York: Cambridge University Press, 1996). See also Dorothy Sue Cobble, “The Wagner Act at 75: The Intellectual Origins of an Institutional Revolution,” *ABA Journal of Labor and Employment Law* 26 (Spring 2011): 201–12. For a historical account of the intellectual shift from individual to collective bargaining that laments the change, see Howard Dickman, *Industrial Democracy in America: Ideological Origins of National Labor Relations Policy* (La Salle, IL: Open Court, 1987).

103. In *Lochner v. New York* 198 U.S. 45 (1905) and other decisions, the courts posited this right as constitutionally derived from the Fourteenth Amendment’s due process clause, which forbids the state to “deprive any person of life, liberty, or property.” Holmes dissented in three key cases: *Adair v. U.S.*, 208 U.S. 161 (1908); *Coppage v. Kansas*, 236 U.S. 1, 14 (1915); and *Hitchman Coal & Coke Co. v. Mitchell*, 245 U.S. 229 (1917).

104. Mitchell, “The Workingman’s Conception of Industrial Liberty,” 408.

105. “Labor’s Protest to Congress,” March 19, 1908, AFL Convention Proceedings, 1908, 81–83.

106. John Mitchell, *Organized Labor: Its Problems, Purposes, and Ideals* (Philadelphia: American Book and Bible House, 1903), 205–14.

The Legacy of Pure and Simple Radicalism

In the early 1920s, the AFL's wartime growth spurt reversed in the face of conservative Republican ascendancy and employers' open-shop onslaught. Some historians have seen this reversal as evidence of the basic bankruptcy of Gompersian principles and a sign of the AFL's impotence.¹⁰⁷ Yet as David Montgomery once noted, AFL membership in the 1920s remained above its prewar level. The AFL lost almost a million members between 1920 and 1923, but it then stabilized at close to 3 million, considerably higher than before the war.¹⁰⁸ In addition, a longer perspective, taking the story into the 1930s and beyond, points to a different conclusion about the bankruptcy of the AFL's reform agenda.

Throughout the 1920s, AFL leaders and their allies continued to make the case for injunctive relief and for labor's equal freedom and power through collective bargaining. Andrew Furuseth, an officer and legislative representative for the seamen's unions, joined John Frey and others to push for state and federal laws restricting court injunctions, arguing that without such laws workers lacked the ability to combine and to negotiate genuine contracts or exercise real liberty.¹⁰⁹ The Court's "disregard for human rights" and its reinforcement of "class distinctions" and "class privileges," Frey wrote in 1923, must be stopped.¹¹⁰ The AFL's campaign for and passage of state anti-injunction laws laid the foundation for the Norris-LaGuardia Act, a major legislative triumph for the AFL, which after 1928 enjoyed a growing number of elected political allies among Progressive Republicans and Democrats.¹¹¹ The legal premises of Norris-LaGuardia closely resembled the AFL's vision of a "hands-off" state in one sense: the government would not pressure employers to recognize unions, nor would it limit who was eligible to unionize and what they could bargain for. Yet

107. For example, Salvatore, introduction, xxxviii.

108. David Montgomery, "Thinking about American Workers in the 1920s," *International Labor and Working-Class History* 32 (Fall 1987): 14–16. For a similar argument, see Schneirov, introduction, xxvi. For exact figures, Lorwin, *The American Federation of Labor*, 484.

109. James Gray Pope, "The Thirteenth Amendment versus the Commerce Clause: Labor and the Shaping of American Constitutional Law, 1921–1957," *Columbia Law Review* 1 (2002): 102; Daniel Ernst, "The Yellow-Dog Contract and Liberal Reform, 1917–1932," *Labor History* 251 (1989): 30. In addition to labor leaders, Ernst details three streams of middle-class prolabor liberals pushing for an end to yellow dog contracts and other legal restrictions on labor in the 1920s: the Commons network of social scientists, prolabor lawyers such as Donald Richberg of the Railway Employees Department of the AFL, and prolabor legal academics.

110. Frey, *The Labor Injunction*, 43–44.

111. Ruth O'Brien, *Workers' Paradox: The Republican Origins of New Deal Labor Policy, 1886–1935* (Chapel Hill: University of North Carolina Press, 1998), 158–72. The origins, underlying philosophies, and interrelationships of the three major federal industrial relations statutes passed in the decade after 1925—the 1926 Railway Labor Act, the 1932 Norris-LaGuardia Act, and the 1935 Wagner Act—deserve fuller attention from scholars. For a recent account of the impact on state industrial relations policy of the independent railway brotherhoods and their partners in the AFL's Railway Employees Department, see Jon Huibregtse, *American Railroad Labor and the Genesis of the New Deal, 1919–1935* (Gainesville: University Press of Florida, 2010).

the law's preamble recognized the legitimacy of *collective* bargaining, or "actual liberty of contract," and declared the state's interest in furthering that goal by restricting court injunctions against strikes, picketing, and boycotting. With public policy now in favor of labor's "full freedom of association," the balance of power between workers and employers shifted in 1932.

The 1935 Wagner Act repeated the "actual liberty of contract" language and the "equality of bargaining" notions in Norris-LaGuardia.¹¹² This time, however, the state would take on more responsibilities for ensuring bargaining equality by regulating employer behavior. Senator Wagner and his aide, Leon Keyserling, did the heavy lifting for the Wagner Act. They hammered home to the Roosevelt administration and to the public the act's contribution to economic prosperity and to industrial peace. They also defended it as a preservation of "liberty," arguing that only through "group rights" could individual liberty for workers be secured.¹¹³ The AFL's vice-president, Matthew Woll, and William English Walling reiterated in *Our Next Step: A National Economic Policy* (1934) the long-standing AFL position that labor needed not just "rights but power more or less equal to employers"—not a position Congress was prepared to take. Still, labor's political allies in the 1930s firmly defended the necessity of "independent trade unionism" as a means to real freedom, integral to political democracy, and necessary to redistributing wealth and raising living standards for the majority.¹¹⁴

The labor movement's organizing surge in the private sector began after the passage of Norris-LaGuardia and continued into the war years. As Christopher Tomlins details, the AFL's membership soared from 2.3 million in 1933 to 6.8 million by 1945, fueled largely by the swell of unionization outside mass production—in construction, transportation, services, and small manufacturing; CIO membership, concentrated in mining and mass production, stood at 4 million in 1945.¹¹⁵ By the late 1940s, after the passage of the 1947 Taft-Hartley Amendments to the Wagner Act and the loss of many of the "economic liberties" Norris-LaGuardia had granted, private sector union growth was stymied. It has yet to experience another major uptick.

112. The Wagner Act preamble stresses the negative consequences of the "inequality of bargaining power between employees who do not possess full freedom of association or actual liberty of contract and employers who are organized in the corporate or other forms of ownership." The Norris-LaGuardia Act justifies state intervention to realize "actual liberty of contract," made impossible because of the "helplessness" of the individual worker in bargaining with the employer. Gompers used similar language in 1905: "Without combination or cooperation, the individual workman is helpless, at the mercy of the employer." See Gompers, "Trade Unionism and Liberty," *American Federationist* (July 1905): 448.

113. Wagner, "The Ideal Industrial State—as Wagner Sees It," *NYT Magazine*, May 9, 1937, 23; Leon H. Keyserling, "The Wagner Act: Its Origin and Current Significance," *George Washington Law Review* 29 (1960–61): 199–233; Cobble, "The Wagner Act at 75."

114. Woll and Walling, *Our Next Step: A National Economic Policy* (New York: Harper & Brothers, 1934), 119–20. William Green, however, rarely made such bold statements. For a particularly lackluster performance by Green, see Statement of William Green, before the Committee on Judiciary, HR, 71st Cong., 2nd sess., 22–43.

115. Tomlins, "AFL Unions in the 1930s," 1035–40.

The great labor victories of the 1930s and 1940s sprang from the Wagner Act and from the CIO's embrace of organizing and a larger role for the state, among other factors. But they also rested on Norris-LaGuardia and the AFL's affinity with workers outside mass production and its decades of advocacy for "independent trade unionism," "actual liberty of contract," and "equality of bargaining power."

We tend to lose sight of labor's "freedom" and "human rights" tradition because of the large bureaucratic union structures that arose in industrial workplaces after World War II.¹¹⁶ Labor's freedom tradition has also been wrongly conflated with the quite different "freedom" and "rights" traditions of the conservative Right, which historically used "rights" claims to undermine, not advance, social justice.¹¹⁷ And certainly, labor movements, to be effective, must combine rights claims and economic organizing with political strategies challenging capital's domination of the state.¹¹⁸ But by writing off the AFL as *only* an organization of skilled, craft unionists and seeing its agenda as largely or unrelentingly conservative, labor historians marginalize and dismiss the social reform impulses of the dominant labor institution in the Progressive Era. In the conventional story it is only a valiant few—those who favored abolishing private property, wage labor, and the capitalist classes—who were fighting against the conservative rest, including the conservative AFL. But political descriptors are relative, and one must always ask: conservative compared to whom and by what criteria? A labor movement that advocated for the redistribution of wealth, power, and prestige and for the extension of full civil, social, and economic rights to wage-earners was not merely "conservative." It was part of a progressive political tradition on which future generations of reformers can build. ■

116. On postwar industrial unionism, David Brody, *Workers in Industrial America: Essays on the 20th Century Struggle* (New York: Oxford University Press, 1980), chapter 5; Sanford Jacoby, *Modern Manors: Welfare Capitalism since the New Deal* (Princeton, NJ: Princeton University Press, 1997), chapter 7.

117. Forbath in *Law and the Shaping of the American Labor Movement* concludes that the AFL, trapped in a rights framework, adopted an ideology little different from dominant laissez-faire notions. The AFL may have concerned itself with individual rights and been skeptical of state regulation, but its advocacy of independent trade unionism and union regulation of markets was a rejection of unregulated so-called "free markets" or laissez-faire and an assertion of how real freedom for workers is not realized through individual liberty of contract.

118. On the need for labor to have a way of exercising power politically, see Julie Greene, "Response: Reassessing Gompers and the AFL," Symposium on Julie Greene, *Pure and Simple Politics* (1998), *Labor History* 40 (1999): 205–6. On labor's "recurrent dilemma" of how to assert political power and how to ensure a sympathetic state, see Fink, "Labor, Liberty, and the Law," 923–25.

