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SOUTHERN CONGRESSIONAL RESPONSE TO NEW DEAL LABOR  
"LEGISLATION--1933-1938

by

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A thesis

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## SOUTHERN CONGRESSIONAL RESPONSE TO NEW DEAL LABOR

LEGISLATION--1933-1938

### THESIS ABSTRACT

Southern Congressmen have been viewed as opponents of the radical nature of New Deal labor reform, and this study's primary purpose is to investigate and analyze the validity of that concept. The text includes statements made by southern labor and industrial leaders on the labor laws, and an explanation of the southern vote is emphasized. Another important aspect of the thesis is a discussion on southern labor conditions prior to 1932, and an attempt is made to show the effect of New Deal Labor Legislation on working conditions in the South.

To undertake this study four New Deal Labor Laws were investigated; the Black "Thirty Hour Week" bill, the National Industrial Recovery Act, the National Labor Relations Act and the Fair Labor Standards Act. A list was compiled of the southern representatives serving in the 73rd, 74th and 75th Congresses, and then all Congressional Hearings and Debate on the legislation were researched for remarks made by the southerners. These statements were thoroughly analyzed for relevancy, and with supporting evidence from newspapers, books, journals and magazines, they formed the bulk of this thesis.

Selected secondary sources were used for background information.

Southern Congressmen supported early New Deal labor laws in the hope that the legislation would ease the nation's economic depression. It is also important to note that President Roosevelt felt he could count on the southerners to vote for bills they did not actually favor. Very few southern legislators favored granting more rights to labor however, and the majority of them voted against the Fair Labor Standards Act. Labor conditions improved in the South as a result of New Deal attempts at labor reform, but southern workers still faced poorer working standards <sup>a</sup>then their counterparts in the remainder of the United States.



## INTRODUCTORY NOTE

The year 1933 was an eventful one for the labor force of the United States. The depression had engulfed the nation, unemployment had peaked and Franklin Delano Roosevelt had assumed responsibility for improving the nation's failing economy. Working conditions were poor in every region of the United States, but labor's problems were intensified in the South.<sup>1</sup> This thesis will examine the attitudes of southern labor, industrialists and congressmen to four New Deal labor laws.

The text of this study is based chiefly upon southern response to the "Thirty Hour Week" bill, the National Industrial Recovery Act, the National Labor Relations Act and the Fair Labor Standards Act.<sup>2</sup> Hugo Black of Alabama proposed the "Thirty Hour Week" bill prior to Roosevelt's inauguration, but the President adopted it with the inclusion of several amendments. After the "Thirty Hour Week" bill was defeated by the

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<sup>1</sup>In this study, the South is defined as the eleven states forming the Confederacy. These states were South Carolina, Georgia, Arkansas, Alabama, Virginia, Florida, Mississippi, Louisiana, Tennessee, North Carolina and Texas. Kentucky, a state often included in studies on the South, is deleted from this thesis.

<sup>2</sup>These bills were chosen because in contrasting degrees they all represented New Deal attempts at economic recovery through the reform of labor conditions in the United States.

House of Representatives, Roosevelt advanced the National Industrial Recovery Act. The N.I.R.A.'s goal was economic recovery, but it also contained Section 7-A, a provision of tremendous importance to organized labor in the United States. The National Labor Relations Act gave the Federal Government power to settle strikes that conflicted with the nation's general welfare. The N.L.R.A. sought to diminish the severe labor unrest occurring in the years 1933-1935, but it also reinforced labor's rights to organize and bargain collectively. Of all the aforementioned New Deal labor laws, only the Fair Labor Standards Act was principally aimed at improving the plight of workers in the United States.

This study is divided into six sections.<sup>3</sup> Chapter I deals with labor conditions and unionization in the South prior to 1933. Chapters II-V recount the southern response to the New Deal labor laws. The four bills are examined separately, and these chapters are divided into three major segments; the attitudes of southern labor and industrialists are explained, the extent of southern congressional support is provided, and an analysis of the southern vote is emphasized.

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<sup>3</sup>This thesis will also have two appendixes. The first will discuss the effects of New Deal labor legislation on working conditions in the South. And Appendix II will supply biographical information on the important southern congressmen of the New Deal era.



The concluding chapter of this thesis evaluates the contributions made by southern congressional representatives to New Deal labor legislation--1933-1938.<sup>4</sup>

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<sup>4</sup>Research for this study consisted primarily of a thorough investigation of the congressional committee hearings and debates on the "Thirty Hour Week" bill, the National Industrial Recovery Act, the National Labor Relations Act and the Fair Labor Standards Act. Other primary sources include The Roosevelt I Knew by Frances Perkins and statements made by southern congressmen, labor leaders and industrialists in magazine and journal articles. Selected secondary sources, such as The Politics of Upheaval by Arthur M. Schlesinger, Jr., The New Deal Collective Bargaining Policy by Irving Bernstein and Labor and the New Deal by Milton Derber and Edwin Young, were used as background material for this study. And many magazine, journal and newspaper articles relating to southern labor conditions, unionization and congressmen were used in the preparation of this thesis.

## CHAPTER I

### SOUTHERN UNIONIZATION AND CONDITIONS OF LABOR PRIOR TO 1933

Southern workers faced severe social and economic hardships prior to the economic collapse of the United States in 1929, and their problems were exacerbated by an agricultural depression.<sup>1</sup> Samuel Yellen, a labor historian, states that many textile factories moved to the South during the years 1920-1929, and he thinks this industrial relocation hurt the southern labor force. Yellen declares:

It was almost entirely at the expense of labor that the southward movement of textiles was accomplished. Wages in the Southern mills were roughly one-third below those in New England mills. The 1927 census of manufacturers gave annual earnings of textile workers in four leading New England States as \$996 for Massachusetts, \$1,053 for Rhode Island, \$1,029 for New Hampshire, and \$1,040 for Connecticut; as against averages in the

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<sup>1</sup>Harriet L. Herring, The Decline of the Southern Mill Villages(Chapel Hill, N.C.: University of North Carolina Press, 1949), p. 18. Herring claims that low prices on agrarian products had forced farmers to leave the land for a job in the southern textile mills, and that their presence led to extensive job competition, high rates of unemployment and reduced wages. Clarence Heer, Income and Wages in the South(Chapel Hill, N.C.: University of North Carolina Press, 1932), p. 25. Heer presented statistics relating job competition to the average annual wage in the South. These figures also compared wage rates in the South to earnings in the rest



four leading Southern States of \$691 for North Carolina, \$658 for South Carolina, \$652 for Georgia, and \$642 for Alabama. Average weekly earnings were \$19.16 in New England and \$12.83 in the Southern States.<sup>2</sup>

Harriet L. Herring, a research associate for the Institute of Research in the Social Studies at the University of North Carolina at Chapel Hill, claims that the South wanted industry, but that the introduction of textile mills created special problems for southern workers. She explains:

As an institution, its acceptance in the South was assured by its consistency with the southern social and economic order. In many other areas and industries, people came to be considered a sort of social class when they became industrial workers. In the southern mind the people who went to the mills were already a social class for whom factories—even cotton mill employment—was a step upward. The South wanted manufacturing—cotton manufacturing—for the profits and social betterments that work and wages would give underemployed and underprivileged people. Small wonder that the region accepted as wise the social as well as the economic activities of the leaders who provided the profits and employment.<sup>3</sup>

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of the United States. In 1927 wages in the South averaged \$828, while in the remainder of the nation they were \$1,366. In 1925 southern wages were \$832, but they averaged \$1,339 in the nation's other regions. Wages in the South were lower in 1927 than in 1925, and increased job competition in the mill towns may explain this occurrence.

<sup>2</sup>Samuel Yellen, American Labor Struggles (New York: Harcourt, Brace and Co., 1936), p. 293.

<sup>3</sup>Herring, Decline of the Southern Mill Villages, p. 5.

Leaders of organized labor feared that the low wages and poor working conditions in the South would halt labor reform in all regions of the United States. And so the American Federation of Labor tried to organize the southern work force. Paul J. Smith, chairman of the organization committee of the American Federation of Labor in 1930, states that labor organizers in the South had a very difficult job. He declares:

We fully realize the great responsibility we have assumed by launching our campaign for organization and education, confronted as we are by deplorable industrial conditions, unemployment, hostile employers, and in many cases a corporation controlled press dictating the policy of city and state governments, and most difficult of all dealing with a mass of labor, many of whom have little or no education, who have for years recognized the word of the "boss" to be the supreme command; forced to work long hours at a barely existing wage, which has almost destroyed their every hope and aspiration for anything better.

Smith, nevertheless, asserts that the campaign was going well; he says that "almost daily a new local union is being formed."<sup>4</sup>

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<sup>4</sup>Paul J. Smith, "Southern Organizing Campaign," American Federationist, April, 1930, pp. 408-09. Milton Derber and Edwin Young, Labor and the New Deal (Madison, Wisc.: University of Wisconsin Press, 1961), p. 27. The authors claim that unionism had a long history in the South, particularly among the building, printing, railroad and metal trades. But, they added, in the important coal mining, tobacco and textile industries, unionism was more sporadic. Derber and Young state that union membership had reached large proportions during the First World War, but declined steadily



Hoping to ease the resistance of southern industrialists to unions, Geoffrey C. Brown, a consulting engineer with the American Federation of Labor, said that national unions offered southern employers a new level of effectiveness in economy and management, based on sound industrial relations, on a level unattainable under an inadequate substitute like company unions. He argued that union-management cooperation provided insurance against any type of labor trouble that could destroy southern industry. "Southern Employers," Brown concluded, "will reap all the benefits that come from a harmonious, interested, and efficient body of workers."<sup>5</sup>

F. Ray Marshall, a professor at Antioch College, claims that southern union leaders shared the blame for failing to organize labor in the South. He explains:

Campaigns to organize the South have rarely been adequately financed, probably because union leaders have frequently underestimated the costs of organizing places where employer and community opposition is likely to require vast expenditures for legal fees and fines.... Southern workers, like people everywhere, are impressed by symbols of power and success, but unions in the South have, at times projected images of fear, frustration, and weakness which repel rather than attract workers. Union

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throughout the 1920's. The authors report that the organization campaign occurring in 1930 resulted in the formation of 112 new local unions; eighty-one of the new unions were in industries other than textiles.

<sup>5</sup>Geoffrey C. Brown, "What the Unions Offer the South," American Federationist, September, 1930, pp. 408-09.

headquarters are likely to be in obscure dilapidated surroundings. All of this and the actions of some union organizers have caused the Southern worker to feel that he is being asked to join a conspiratorial sect.<sup>6</sup>

Marshall also maintains that many southern workers believed that unions were unnecessary. He says that the southern labor force consisted essentially of agricultural workers who were recently and sometimes only partially removed from their farms. These workers, Marshall asserts, were not only likely to be sufficiently appreciative of their jobs, but were also apt to take the agrarian view that the employer had the right to control property as he saw fit.<sup>7</sup>

Many social commentators have declared that the textile mill villages gave rise to great hardships for southern labor. Tom Trippett, a former professor at Brookwood Labor College, states that in a typical mill village employers owned their employee's houses, all the stores in the village, the church, the school, the recreational center, the schoolteacher and the minister. He concludes:

In short, sixty-five years after the Civil War is over, the cotton mill owners, under the mill village system, still retains the power of the old plantation master of ante-bellum days.<sup>8</sup>

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<sup>6</sup>F. Ray Marshall, "History of Labor in the South," Antioch Review, 21 (Spring, 1961), p. 19.

<sup>7</sup>Ibid., pp. 80-95.

<sup>8</sup>Tom Trippett, When Southern Labor Stirs (New York: Jonathan Cape and Harrison Smith Co., 1931), p. 22.



Harriet Herring claims that by 1925, the industrial villages were criticised even by many southerners, and that the criticism shifted gradually from physical conditions to the social and economic controls inherent in the company villages. She asserts that these controls were used to stop the organization of southern workers. Herring proclaims:

Efforts to organize labor in 1928-1930, brought these controls into active play as individual managements sought to prevent unionization by getting rid of employees who embraced a troublemaking cause.<sup>9</sup>

As the economic depression grew in severity, southern industrialists resorted to the "stretch-out" system in an attempt to sustain production levels and increase profits.<sup>10</sup> This tactic angered southern labor because many workers lost their jobs while others were forced to work longer hours for less pay.

In 1929 two major strikes took place in the South, the first at Gastonia and the other at Marion, North Carolina. Tom Trippett reports that in Gastonia the mills were operating on twelve-hour shifts when the strike

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<sup>9</sup>Herring, The Decline of the Southern Mill Villages, p. 18.

<sup>10</sup>Ibid., p. 19. Herring maintains that by the middle 1920's mill expansion had temporarily ceased in the old textile states from Virginia to Alabama, and the famous "stretch-out" system, made fewer workers necessary.... As textile wages declined or work became irregular some mill families moved to the country in order to make ends meet by doing some

was called, and at Marion workers struck against a twelve-hour, twenty-minute shift. And the strikers also complained of seventy-two hour weekly work schedules. Trippett continues:

When the strike occurred at McEast Marion Manufacturing Company's cotton mill, 650 workers were employed. Among them was a group of eighteen highly skilled operators. They worked 12-hour, 20-minute shifts, and received a few cents less than \$19.00 for a full week. Wages for the less skilled workers ranged as follows: Group I--\$13-15 per week, Group II--\$10-12 per week, and Group III--\$6-9 per week.

Men, women and children all worked the same number of hours on both shifts, Trippett discloses, without any heed to age or sex.

Trippett reports that there were nearly 17,000 to 18,000 textile workers on strike in the spring of 1929, and that employers ignored the demands of their employees. Strikebreakers were brought in, "and state troopers came to the strike zone to lend their numbers--and their bayonets--to the sheriff's forces." Mobs put on masks and drove agitators from the mill villages, Trippett says, and the southern ministers sided with the industrialists. Violence occurred at the Gastonia strike, and one policeman and seven factory workers were murdered. Union organizers were sent to prison or to work on the state's chain gangs, and Trippett claims that southern labor began to embrace a revolutionary philosophy.

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farming on the side. The mills found that in bad times these sources provided plenty of labor. The depression accentuated all the conditions that had been developing for a decade. And it brought the New Deal.



After the violence at Gastonia, newspapers throughout the United States carried articles on the strike and featured photographs of parading mill workers. On July 11, 1929, the police in Marion, North Carolina, fired tear gas at picketing mill workers, and when they started to run fifty to sixty shots were fired at them in rapid succession. Thirty-six strikers were hit by bullets. Six were killed, twenty-five seriously injured, but not one deputy sheriff or mill official was wounded. All of the workers were shot in the back as they tried to elude the tear gas, Trippett concludes, and Marion's sheriff was rewarded with a higher state job after the strike was broken.<sup>11</sup>

Samuel Yellen insists that once the strikes began, the National Textile Workers Union was attacked with more than the usual vehemence. He claims that it was not viewed as merely a union, not merely as an importation from the North, but also as a Communist organization which advocated equality of Negroes and whites and admitted both to membership.

Yellen admits that the textile strikes of 1929 did not result in many concrete benefits for southern workers, but he maintains that the strikes gave trade-unions a foothold in the South. He continues:

Even though nearly all strikes had been either badly defeated or settled by compromise little better than defeat, there

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<sup>11</sup>Trippett, When Southern Labor Stirs, pp. xv-xvi, 1, 20, 23, 139.

remained a nucleus of union members throughout the cotton growing states. The United Textile Workers, as a result of the southern campaign, acquired perhaps 25,000 members, and in 1929 could report 19 local unions in North Carolina, 11 in South Carolina, 7 in Tennessee, 7 in Georgia, and 4 in Alabama.<sup>12</sup>

In the years preceding the New Deal, southern workers were subjected to low wages, long working hours, extensive job competition, the "stretch-out" system, inadequate employment and high rates of unemployment. Due to hostile industrialists and ineffective strikes, union organization failed in the South. Southern businessmen opposed extreme labor reform, but they wanted Roosevelt's recovery efforts to succeed. The poor labor conditions in the South and the attitudes of southern employers, affected the southern congressional response to the New Deal labor laws of 1933-1938.

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<sup>12</sup>Yellen, American Labor Struggles, p. 327. Trippett and Yellen's books provide comprehensive reports on southern labor conditions and problems prior to the inauguration of Franklin D. Roosevelt.



## CHAPTER II

### THE "THIRTY HOUR WEEK" BILL--1933

The crash of the New York Stock Exchange on October 24, 1929, marked the beginning of acute economic chaos in the United States. But Herbert Hoover, elected to the presidency on a platform of prosperity, made only one attempt to revive the nation's economy. He proposed the Reconstruction Finance Corporation Program, which Congress approved in January, 1932. The R.F.C. was given authority to lend money to banks, railroads and building and loan associations. Hoover believed that money lent to these institutions would help stimulate industry, improve the economy and alleviate the nation's unemployment problem.<sup>1</sup>

Hoover's inability to ease the depression, coupled with what appeared to be a lack of sympathy for the poor, insured the election of a Democrat to the presidency in 1932.<sup>2</sup> The

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<sup>1</sup>William E. Leuchtenburg, The Perils of Prosperity (Chicago, Ill.: University of Chicago Press, 1958), pp. 257-58.

<sup>2</sup>Ibid., p. 259. Leuchtenburg says that Hoover opposed direct welfare payments to the needy. Hoover vetoed the "Garner-Wagner Relief" bill in 1932; this legislation would have provided immediate monetary assistance for the poor and the unemployed citizens of the United States. This action led the nation's poor and unemployed to believe that Hoover was not sympathetic to their plight.

American people voted for Franklin Delano Roosevelt because they believed him to be sympathetic to the needs of the unemployed and willing to take action in this area.

A significant meliorative effort was made prior to Roosevelt's inauguration, when Senator Hugo Black of Alabama, introduced the "Thirty Hour Week" bill in December, 1932. Since he represented an agricultural state, Black's bid to reduce the nation's work-week was unexpected. But Virginia Van Der Veer Hamilton, in Hugo Black: The Alabama Years, asserts that Black presented the bill because he believed the depression had been caused by the concentration of wealth in the hands of a few while the majority lacked purchasing power. Herbert Hoover thought prosperity would descend from employers to employees, Hamilton declares, but Hugo Black advanced the antithetical theory that prosperity resulted from a well paid and fully employed labor force.<sup>3</sup>

Unemployment peaked in the United States, as Roosevelt began his presidency in March, 1933. Many workers were forced to work fewer hours and accept less compensation, and approximately 13,000,000 to 17,900,000 workers were unemployed.<sup>4</sup>

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<sup>3</sup>Virginia Van Der Veer Hamilton, Hugo Black: The Alabama Years (Baton Rouge, La.: Louisiana State University Press, 1972), p. 305.

<sup>4</sup>Frances Perkins, The Roosevelt I Knew (New York: Harper-Colophon Books, 1946), p. 182. Perkins explains that prior to the New Deal era, unemployment statistics



The "Thirty Hour Week" bill was still before Congress when Roosevelt took office, and Frances Perkins, Roosevelt's Secretary of Labor, says the President favored a reduction in working hours for economic and humanitarian reasons. But Perkins maintains that Roosevelt did not believe the "Thirty Hour Week" bill would solve the nation's unemployment problem. Roosevelt thought the bill was inadequate because it ignored the industrial processes of the United States and principles of minimum wages.

Frances Perkins declares that the "Thirty Hour Week" bill became a New Deal measure after Hugo Black accepted two amendments proposed by President Roosevelt. The first established a guaranteed minimum wage, and the second made it mandatory to consider variations from strict application of the thirty hour week regulation.<sup>5</sup> By approving the "Thirty Hour Week" bill, Roosevelt demonstrated his willingness to support legislation designed to reform labor conditions in the United States.<sup>6</sup>

were not kept. This explains the wide discrepancy in the estimates of workers without jobs in 1933. Perkins also claims that many people had inadequate jobs, working part-time for lower wages.

<sup>5</sup>Ibid., pp. 194-95. Perkins asserts that Roosevelt wanted to protect industries which were not able to adhere to the thirty hour week regulation because of natural resources or other external conditions.

<sup>6</sup>William E. Leuchtenburg, Franklin D. Roosevelt and the New Deal--1932-1940 (New York: Harper and Row, 1963), pp. 55-56. Leuchtenburg's interpretation of these events differs slightly from that of Frances Perkins. He states that on

Southern employers, vehement in their opposition, launched a coordinated attack against the "Thirty Hour Week" bill.<sup>7</sup> They objected most strongly to a provision in the bill which allowed the Secretary of Labor to close any factory that was overproducing. Victor Lumbard, chairman of the Tanners Council, explained the southern position to the House Committee on Labor. Responding to a question asked by Representative Russell Ellzey of Mississippi, Lumbard said:

Would you want to take a town with 800 contented employees which depend on a certain plant, and likewise merchants and other people there who sell various kinds of goods and make their living from the expenditures of the workmen, and shut down on it because the plant in question was doing well, and have a lot of people walking the streets.<sup>8</sup>

Armed with lukewarm support from Roosevelt's administration, Hugo Black defended the "Thirty Hour Week" bill on the floor of the Senate. Black's ideas on the causes of

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April 6, 1933, the Senate, complying to pressure from organized labor, passed the Black bill and stunned the President. He asserts that Roosevelt felt the "Thirty Hour Week" bill was unconstitutional, inflexible and would retard the economy of the United States. Stung into action, Roosevelt ordered Raymond Moley to originate a plan for industrial mobilization. The end result, Leuchtenburg concludes, was the formulation of the National Industrial Recovery Act.

<sup>7</sup>Hamilton, Hugo Black: The Alabama Years, p. 220. Hamilton states that the Birmingham Post was stunned that Black continued to push his bill "despite protests from industrial interests back home."

<sup>8</sup>U.S., Congress, House, Committee on Labor, Thirty Hour Week Bill, Hearings, before the Committee on Labor, House of Representatives, 73rd Cong., 1st sess., 1933, pp. 277-78.



the depression are evident in the following speech. He said:

I stand upon the philosophy that I stated a few moments ago and I believe any student of American statistics can establish the truth of it, that wage earners have been underpaid and capital has been overpaid. The inevitable result has been that we have taken away from the pockets of the very people upon whom we must depend as purchasers for our trade and commerce. Whenever we take away from the pocket of labor more than we should and put labor's money into the pocket of capital, we have permitted capital to destroy itself and to commit economic suicide; and that has been going on in this country for many years.<sup>9</sup>

Hugo Black told his colleagues that more than one-fourth of the nation's wage earners were unemployed and millions more were just working part-time, and he warned that normal trade and commerce could never be resumed until this situation was corrected. The time had come to put the nation's unemployed to work, Black reasoned, and failure to adopt any means which gave reasonable promise of success was inexcusable. "Unemployment grows from unemployment," he concluded, "and poverty feeds upon poverty."<sup>10</sup> Senator Black claimed that by curbing unemployment, the "Thirty Hour Week" bill would revive the economy of the United States.

Hugo Black said the "Thirty Hour Week" bill would fail if wages were reduced, but he was critical of those

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<sup>9</sup>U.S. Congress, Senate, The "Thirty Hour Week" bill, 73rd Cong., 1st sess., 1933, Congressional Record, pp. 1114-15.

<sup>10</sup>Ibid., p. 1116.

lawmakers who used this argument to oppose the bill. All manufacturers, all chambers of commerce, and all organized groups favoring the exploitation of labor, Black asserted, maintained that a reduction in work hours would cut a worker's take-home pay. But, the Senator declared, labor's oppressors were only interested in sustaining their own profits. Black reminded the Senate that:

The very groups which had the power to fix the compensation of labor were the same groups that had started the propaganda which asserted that a reduction in hours of labor would also reduce the compensation for that labor.<sup>11</sup>

Expressing his utmost faith in the "Thirty Hour Week" bill, Black declared:

I present this bill, Mr. President, with the firm belief that it will put millions to work; that in no other way are we going to put them to work; that if we do not put them to work, and unemployment continues, we had better beware. I present it because I love this country. I love its Government and because I want it to live.<sup>12</sup>

Realizing the "Thirty Hour Week" bill would be enacted only if Congress believed it would help rebuild the nation's economy, Hugo Black directed most of his comments to this issue. He was, however, an advocate of improved labor conditions and an outspoken critic of capitalists in the United States.

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<sup>11</sup>Ibid., p. 1191.

<sup>12</sup>Ibid., p. 1125.



The Senate debated at great length the constitutionality of the "Thirty Hour Week" bill, and senators from the South were active in this discussion. Black defended the bill's legitimacy, but Joseph Robinson of Arkansas was not sure about the legality of the legislation. Robinson said he sympathized with the goals of the bill. "But," he added, "if the Senate, in order to pass the bill, acted on the notion that the courts should be empowered to suspend or abrogate the Constitution of the United States--then the Senate should proceed reluctantly." Robinson, nevertheless, declared, "the bill should be enacted in due course."<sup>13</sup>

Huey Long of Louisiana firmly endorsed Black's bill and justified its constitutionality. He maintained that the proposal was legal because it was designed to protect the public interest. He explained:

The public interest was one thing in an emergency, and it was another when there was no emergency existing. If shorter hours of work would prevent the abandonment of interstate commerce, then private contracts should be subordinated for the welfare of the general public.

"So it is written in the Constitution," Long concluded.<sup>14</sup>

An amendment which would have excluded the canning industry from strict compliance with the "Thirty Hour Week" bill was vigorously opposed by Huey Long. Resisting pressure

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<sup>13</sup>Ibid., p. 1118.

<sup>14</sup>Ibid., pp. 1118-1119.

from industrial interests in his home state, Long revealed the sincerity of his support for the legislation. He said:

Mr. President, I come from a state where this amendment, relating to perishable foods, would be supposed to render more relief than anywhere else. Louisiana is probably the greatest state in the United States for the processing of perishable foods. But I am fearful, I wish to say that we are going to defeat the purposes of this legislation if we undertake to provide for any particular exemptions.<sup>15</sup>

At this time, Huey Long warmly supported Franklin Roosevelt and the New Deal program. Long's concern for organized labor was genuine, and he favored all legislation which benefited workingmen.

Tom Connally of Texas was the only southern senator to speak against the "Thirty Hour Week" bill. Relating his opposition on constitutional grounds, Connally claimed:

Personally I think this bill is an attempt to use the power to regulate interstate commerce merely as a pretext for doing something which we have not the power to do directly.<sup>16</sup>

Senators from the South voted for the "Thirty Hour Week" bill by a convincing majority. In the entire Senate, the bill was passed by a vote of fifty-three yeas to thirty nays. The southern vote was twelve in favor, seven opposed and three abstentions. Southern senators backing the legislation were

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<sup>15</sup>Ibid., p. 1120.

<sup>16</sup>Ibid., p. 1187.



Bankhead and Black of Alabama, George of Georgia, Harrison of Mississippi, Robinson and Caraway of Arkansas, Overton and Long of Louisiana, Trammell of Florida, McKellar of Tennessee, Smith of South Carolina and Sheppard of Texas. Opposing the bill were Reynolds and Bailey of North Carolina, Byrd of Virginia, Byrnes of South Carolina, Russell of Georgia, Fletcher of Florida and Stephens of Mississippi. Connally of Texas, Glass of Virginia and Bachman of Tennessee did not vote.<sup>17</sup> Hugo Black and Huey Long were the only southern senators to speak in favor of improving the plight of the nation's labor force.

Representative Russell Ellzey of Mississippi served on the House Committee on Labor. He claimed to be in favor of increasing the wages of labor, but he opposed the "Thirty Hour Week" bill. During the course of the Labor Committee's hearings on the bill, Ellzey told William Green, President of the American Federation of Labor, that he disliked the legislation because he feared that it would reduce a worker's take-home pay. Green replied that he did not think this would happen.<sup>18</sup>

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<sup>17</sup>Ibid., p. 1135.

<sup>18</sup>U.S. Congress, House, Thirty Hour Week Bill, Hearings, pp. 31-32. U.S. Congress, Senate, Committee on the Judiciary, Thirty Hour Week Bill, Hearings, before a sub-committee on Judiciary, Senate, 72nd Cong., 2nd sess., Jan. 5-20, 1933, pp. 1-23. William Green testified that the "Thirty Hour Week" bill, "struck at the root of the problem-technological unemployment." He also threatened to call a general strike in support of the bill.

Russell Ellzey represented an agricultural state, and he dilligently protected the interests of his constituents. He claimed that if the "Thirty Hour Week" bill became law industrial prices would rise but agrarian commodities would remain low. Ellzey reasoned that economic recovery would take place when agricultural products increased in value, and farmers received additional purchasing power.<sup>19</sup>

Robert Ramspeck of Georgia, vice-chairman of the House Committee on Labor, eagerly endorsed the "Thirty Hour Week" bill. He maintained that the financial crisis would continue until capitalists in the United States were forced to accept a new relationship with their employees. In apparent agreement with Hugo Black, Ramspeck said:

If you are going to leave it up to the owners and operators of the woolen mills, past experiences show us that they are getting more production with less employees and the employment of machinery and the payment of less wages all the time, and certainly this could not help us in this day.<sup>20</sup>

Representative Ramspeck argued that the "Thirty Hour Week" bill would solve some of the problems that had led to the depression. He said that it was easily understood that a million dollars paid to two men could not produce the same

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<sup>19</sup>U.S. Congress, House, Thirty Hour Week Bill, Hearings, p. 33.

<sup>20</sup>Ibid., p. 122.



purchasing power that the same amount of money would have if it were paid to one thousand men. "Do you not think that one of the troubles that got us into the fix we are in now," asked Ramspeck, "was that not enough of the earnings of industry were paid to the men who operated the machines in a factory."<sup>21</sup>

Ramspeck considered himself a friend of organized labor, and was so regarded by William Green. At one session of the Labor Committee's hearings on the "Thirty Hour Week" bill, Ramspeck told Green that he thoroughly agreed with labor's rights to organize and bargain collectively. And Green replied that he knew the Congressman had always favored these policies.<sup>22</sup>

The difficulties faced by southern labor were well known to Ramspeck. He admitted that working conditions were bad in the South, and said he did not approve of the low wages or long working hours. But Ramspeck asserted that southern employers were not entirely responsible for southern labor's plight. He claimed that northern industrialists owned many of the southern mills, and they had created the conditions they were now complaining about.<sup>23</sup> Ramspeck viewed the "Thirty Hour Week" bill as a means to economic recovery, and

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<sup>21</sup>Ibid., p. 217.

<sup>22</sup>Ibid., p. 71.

<sup>23</sup>Ibid., pp. 551-52.

as an attempt to improve working conditions for the labor force of the United States.

On two separate occasions, the "Thirty Hour Week" bill, was defeated by the House of Representatives. Roosevelt, who had never enthusiastically favored the bill, decided to abandon it after the second rejection in April, 1933. On May 21, 1933, Senator Joseph Robinson declared that Black's bill was no longer a part of Roosevelt's unemployment relief program.<sup>24</sup>

Although the "Thirty Hour Week" bill failed, Hugo Black's desire to limit the industrial work-week became a vital part of the National Industrial Recovery Act. And Roosevelt expressed his sincere gratitude to Black for creating an atmosphere of public opinion favorable to wages and hours legislation.<sup>25</sup>

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<sup>24</sup>Joseph Robinson Announces the end of Administration Support of the "Thirty Hour Week" bill, New York Times, May 21, 1933, p. 1.

<sup>25</sup>Perkins, The Roosevelt I Knew, pp. 197-98.



### CHAPTER III

#### THE NATIONAL INDUSTRIAL RECOVERY ACT--1933

Franklin D. Roosevelt presented the National Industrial Recovery Act on May 17, 1933, and he thought the bill would stimulate industry and solve many of the problems faced by workers in the United States. Frances Perkins declares that she was greatly impressed with the N.I.R.A., but mildly disappointed that it was viewed as a cooperative enterprise between government and industry. She claims that, "I thought we had found a way out of the constitutional difficulties that had impeded regulation of hours and wages."<sup>1</sup>

Section 7-A of the National Industrial Recovery Act dealt with the general improvement of working conditions in the United States. The Senate Committee on Finance reported that by establishing maximum hours of work and guaranteeing minimum wages, job security would result for millions of people with sufficient wages to maintain a decent and comfortable standard of living. Improving labor conditions throughout industry, the report continued, would eliminate unfair

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<sup>1</sup>Perkins, The Roosevelt I Knew, p. 201.

competition based on the employment of an underpaid and over-worked labor force.<sup>2</sup>

Section 7-A also created rights for labor that were included in every industrial code of fair competition or agreement.<sup>3</sup> Employees for the first time were entitled to organize and bargain collectively; and employers were barred from restricting or interfering with the exercise of these expressed rights. The Senate Committee on Finance Report concluded that the National Industrial Recovery Act would stimulate industry, secure capital and increase the prosperity of the nation.<sup>4</sup>

Southern industrialists favored the National Industrial Recovery Act, but they wanted to limit the rights granted to

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<sup>2</sup>U.S. Congress, Senate, Committee on Finance, National Industrial Recovery Bill, Report of the Committee on Finance on H.R. 5755, Senate, Report No. 114, May 29, 1933, 73rd Cong., 1st sess., p. 11.

<sup>3</sup>A National Recovery Administration (NRA) was established by the National Industrial Recovery Act. The NRA had authority to set up codes for all industries and businesses in the United States. As head of the agency, General Hugh Johnson supervised the preparation of the codes. The codes established rules for all industries, and businesses in the same industry were required to operate under the same rules. The codes included the regulation of maximum work-weeks and minimum wages for an industry, and they also contained elaborate provisions in regard to production limits, fixing of prices, advertising expenses and the use of child labor. Labor's rights of organization and collective bargaining were incorporated in every industrial code. And all industries agreeing to the codes were given a Blue Eagle.

<sup>4</sup>U.S. Congress, Senate, Report of the Committee on Finance on the National Industrial Recovery Bill, pp. 12-13.



labor by Section 7-A. Employers in the South thought the N.I.R.A. would benefit business and restore financial stability to the United States. Marion Butler, a former senator from North Carolina, representing the Southern Industrial Committee, expressed this sentiment during the House Ways and Means Committee's hearings on the bill. Butler said the Recovery Act would help every kind of business in its own home and locality.<sup>5</sup>

Southern labor warmly endorsed the N.I.R.A. Harriet Herring claims the bill came at a crucial moment for workers in the South, where employers had thwarted many attempts to improve working conditions. The effort to reduce working hours, raise wages and decrease regional differentials created hope that the National Industrial Recovery Act would successfully attack the problems existing in southern mill villages.<sup>6</sup>

Legislators in both houses of Congress felt an urgent need to end the depression, and to pass the National Industrial Recovery Act quickly. Robert Doughton, chairman of the House Committee on Ways and Means, became the N.I.R.A.'s sponsor. He felt the bill would spur the nation's economy by increasing

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<sup>5</sup>U.S. Congress, House, Committee on Ways and Means, National Industrial Recovery Act, Hearings, before the Committee on Ways and Means, House of Representatives, 73rd Cong., 1st sess., 1933, p. 26.

<sup>6</sup>Herring, The Decline of Southern Mill Villages, pp. 19, 66.

the purchasing power of workers and allowing for the employment of many additional people. Opening the committee hearings on the National Industrial Recovery Act, Doughton said:

I deem it fitting and appropriate that the first meeting of the committee in this beautiful new committee room should be for the purpose of considering what is one of the most, if not the most important measure connected with the President's program of economic recovery.<sup>7</sup>

Representative Doughton also endorsed the N.I.R.A. because President Roosevelt had proposed it. The Democratic party had blamed the depression on Herbert Hoover and the Republicans, and Democrats felt obligated to support Roosevelt's attempts at terminating the depression. Doughton revealed this sentiment in a speech before the House of Representatives. He declared:

I desire to emphasize this fact: this is an administrative measure. The President has requested its enactment and he considers it necessary in carrying forward his great relief and rehabilitation program. I feel that anyone who tries to deny the President this essential measure--this weapon of warfare on the economic scourge from which we have suffered so long--is assuming a terrible responsibility.<sup>8</sup>

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<sup>7</sup>U.S. Congress, National Industrial Recovery Act, Hearings, p. 1.

<sup>8</sup>U.S. Congress, National Industrial Recovery Act, 73rd Cong., 1st sess., 1933, Congressional Record, p. 4205. I also consulted Robert Doughton's papers in the Southern Historical Collection at the University of North Carolina at Chapel Hill. These papers provided no assistance to this study.



Agreeing with Doughton, Edward Pou of North Carolina said the National Recovery Act would stimulate the economy. And he claimed that all Democrats should endorse the bill. Pou asserted that the N.I.R.A. was a plan for economic recovery and unemployment relief carefully worked out by the President. Conceding that the National Industrial Recovery Act made Roosevelt a dictator over industry, Pou maintained that it would be a temporary and benign dictatorship. He concluded:

When I remember the conditions of the country less than three months back, and when I observe the conditions which already exist, I am actually afraid not to go down the line to the end of the row and help this man in the White House carry out his efforts by voting to put through this great measure which will do away with the obstacles in the way of economic recovery, and will complete the program of this man, every drop of whose blood is dedicated to the great noble unselfish task of serving the American people.

Significantly, Pou's statement was greeted by loud applause in the House of Representatives.<sup>9</sup>

Representative Joseph Byrns of Tennessee endorsed the N.I.R.A. because of his loyalty to the Democratic party. Byrns said as a Democrat and an American citizen interested in the progress of the nation, he intended to give his full support to President Roosevelt. Byrns also claimed that there was a providence that had brought Roosevelt to the front and placed him in the White House at such a critical period in the nation's history.<sup>10</sup>

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<sup>9</sup>Ibid., p. 4188.

<sup>10</sup>Ibid., p. 4196.

Heartstill Ragon of Arkansas, a member of the House Committee on Ways and Means, believed the N.I.R.A. would revive industry in the United States. During his examination of Donald Richberg, co-author of the Recovery Act, Ragon asked if the bill, providing as it did for relief from unfair labor practices, would tend to create hope in the nation which would be favorable to the industrial interests of the United States. Richberg concurred, and Ragon asserted that the National Industrial Recovery Act would restore the nation's prosperity.<sup>11</sup>

Many southern congressmen opposed the National Recovery Act for constitutional reasons. Representative Malcolm C. Tarver of Georgia, in an article written for the Congressional Digest, provides an analysis of the constitutional issues raised by the N.I.R.A. Basing his resistance to the bill on Section 7-A, Tarver wrote:

No man could carry on a business of trade or industry without complying with such regulations covering wages, hours of labor, and working conditions as might be prescribed, and without securing, if required a license from the Federal Government. The bill is far beyond the provisions of the Black 6 Hour bill, in which it was proposed by Congress to legislate on the subject of hours of labor. In this bill Congress delegates the power to legislate not merely to the President, but to "such officers, agents, and employees as he may designate or appoint;" and not merely with reference to hours of labor, but with reference to the entire field of industrial operations and control.

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<sup>11</sup>U.S. Congress, House, National Industrial Recovery Act, Hearings, p. 86.



Tarver found fault with the argument that, since it was an emergency measure, the National Industrial Recovery Act differed from the type of legislation the Supreme Court had ruled unconstitutional. He defied anyone to point out a provision of the Constitution which, due to the existence of an emergency, vested in Congress the right to exercise power over matters that were reserved to the states by the Tenth Amendment.

To conclude the article, Tarver voiced concern for southern industrialists:

I shall never take part in the establishment of a precedent under which any Congress in the future, perhaps a Congress inimical to my section of the country, perhaps a Congress in whose councils the manufacturing interests of other sections may have a voice and those of my section have none, may impose any character of restricting, hampering, or ham-stringing legislation it desires upon the manufacturers of my state. Perhaps no Congress would ever go to such extremes, but I shall not be one to vote in favor or saying that Congress has the right, if it desires, to regulate all matters of this sort.<sup>12</sup>

Malcolm Tarver presented a strong argument in opposition to the labor section of the National Industrial Recovery Act.

Representative George B. Terrell of Texas feared that the N.I.R.A. granted too much power to the federal government. He reminded his associates that revolutions could never be

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<sup>12</sup>Malcolm C. Tarver, "Are the Provisions of the National Industrial Recovery Act Constitutional?--Pro and Con Discussion," Congressional Digest, 12 (December 31, 1933), 311-13.

reversed. Once the principles upon which the government was founded were destroyed, Terrell claimed, there could be no turning back; and a constant demand to grant more power to the government would ensue. He concluded that the enactment of the National Recovery Act would result in the weakening and destruction of the United States.<sup>13</sup>

Representative Sterling Strong of Texas attacked the Recovery Act, but he called Roosevelt a sincere patriot fighting to restore the prosperity of the United States. Strong said prohibition would be nullified if the N.I.R.A. became law and this was a bad consequence for the American people.<sup>14</sup> Strong's objection to the National Industrial Recovery Act was unique among the reasons presented by his colleagues.

Senator Josiah Bailey of North Carolina opposed the "Thirty Hour Week" bill, but he endorsed the N.I.R.A., believing it would boost public confidence in the government and financial institutions of the United States. He said:

The conditions which confront us today are serious. The emergency is still very grave. The only new and helpful factor is that the country is imbued with a spirit of confidence in reliance upon the program of a vigorous action unyieldingly insisted upon by the Administration. This bill forms a very important part of that policy of action, and

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<sup>13</sup>George B. Terrell, "Are the Provisions of the National Industrial Recovery Act Constitutional?--Pro and Con Discussion," Congressional Digest, 12 (December 31, 1933), 315.

<sup>14</sup>U.S. Congress, House, National Industrial Recovery Act, Congressional Record, p. 4207.



the American people are looking forward to its passage with hope and anticipation.<sup>15</sup>

Senator Park Trammell of Florida favored the National Industrial Recovery Act, but he announced that in its original form the bill was not satisfactory to labor. The Senate Committee on Finance had added amendments, proposed by organized labor, with the purpose of making labor more secure; but Trammell said that even with the amendments the N.I.R.A. would not protect labor. The Recovery Act's primary goal, Trammell concluded, was restoring industry to pre-depression levels.<sup>16</sup>

Huey Long of Louisiana voted to enact the N.I.R.A., but during Senate debate he voiced strong objections to the bill.

He said:

Talk about tyranny! This is the most tyrannical law that I have ever seen proposed since I have been in the United States Congress. Talk about oligarchy or anarchy or monarchy or any other type of government! There has never been anything so detestable and so reprehensible as this measure that makes criminals out of practically the entire American people. Think of our standing here, on what is supposed to be a free day in the American Government and voting for such a thing as this.

Long said there was no man in the Senate with a better record than his for supporting workingmen in every walk of

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<sup>15</sup>U.S. Congress, Senate, Committee on Finance, National Industrial Recovery Act, Hearings, before the Committee on Finance, Senate, 73rd Cong., 1st sess., 1933, p. 15.

<sup>16</sup>U.S. Congress, Senate, National Industrial Recovery Act, 73rd Cong., 1st sess., Congressional Record, p. 5242.

life. "I have never voted against a labor law in my life," he declared, and "I have stood up for labor under the chance of impeachment." Long asserted that the N.I.R.A. would ruin labor and that Section 7-A was too limited in scope. He continued:

I am fighting now to keep from enslaving the laboring people and the people who work for a living. The big men will wiggle out of this, somehow, but the little man cannot do it.<sup>17</sup>

During the Congressional hearings and debates on the National Industrial Recovery Act, Huey Long, almost alone among his southern associates, expressed desire to help workers in the United States.

Tom Connally of Texas was the only southern senator to vote against the National Industrial Recovery Act. He argued that foreign capitalists, exporting goods to the United States, should also adhere to the labor standards of Section 7-A. He declared:

If you are going to restrict these states and cut them back, and make them hold their oil in the ground, why is it fair to let a single barrel of foreign oil come in here, because those same laborers would be engaged in refining American oil if the foreign oil did not come in here, and in addition to that there would be additional laborers in the field producing it. I don't see how you can justify the exercise of this tremendous power to tell an American

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<sup>17</sup>Ibid., pp. 5182, 5241-42.



citizen he cannot produce but so much oil from his wells, and you leave the back door open and let foreigners bring their oil in here because it is to be reexported, under the pretext that you are helping American labor.<sup>18</sup>

As a member of the Senate Committee on Finance, Connally asserted that the labor section of the National Recovery Act was unconstitutional. He also claimed that the bill was detrimental to agricultural workers. The nation's farmers had been told for years that they were not on an economic level with industry, Connally said, and the N.I.R.A. would raise industrial prices even higher. Connally claimed that industry had already been given some relief and it was now time to help the farmers of the United States.<sup>19</sup>

Among the southern senators opposing the National Industrial Recovery Act was Carter Glass of Virginia. Glass abstained from the vote on the N.I.R.A., but explained his resistance nine months after the bill's enactment. He said the Recovery Act would hurt small businesses and added that merchants should not comply with the bill's codes if their obedience forced them to close down.<sup>20</sup> Glass's two newspapers, which the Literary Digest described as staunchly Democratic, refused to fly the NRA Blue

<sup>18</sup>U.S. Congress, Senate, National Industrial Recovery Act, Hearings, p. 60.

<sup>19</sup>Ibid., pp. 20, 29.

<sup>20</sup>Carter Glass Criticises National Industrial Recovery Act, New York Times, Jan. 19, 1934, p. 1.

Eagle. Roosevelt considered this action to be indicative of Glass's attitude toward the National Industrial Recovery Act.<sup>21</sup>

The most serious threat to Section 7-A was posed by the Republicans and certain southern Democrats on the Senate Committee on Finance. The New York Times reported that in a series of votes the Finance Committee had eliminated the licensing provisions which would have forced industry to comply with the labor standards established in the N.I.R.A. Senators Bailey, Byrd and Connally failed to support Roosevelt, but Senators George and Harrison remained loyal to the President.<sup>22</sup> Pat Harrison of Mississippi, chairman of the Committee on Finance, fought to have the licensing provisions restored; this was accomplished by a vote of the entire Senate.<sup>23</sup>

In the Senate, southern support for the National Industrial Recovery Act was substantial. Seventeen southerners voted in favor of the bill, five abstained and only one voted against it. Bailey and Reynolds of North Carolina, Bachman and McKellar of Tennessee, Black and Bankhead of Alabama, Byrnes of

<sup>21</sup>"Carter Glass's Newspapers Refuse to Fly NRA Blue Eagle," Literary Digest, October 24, 1935, p. 8.

<sup>22</sup>Recovery Bill Stripped of Its Most Vital Clauses in Senate Revolt, New York Times, June 3, 1933, pp. 1, 5.

<sup>23</sup>Senate Democratic Leaders Plan to Restore National Industrial Recovery Act to Original Form for Senate Action, New York Times, June 4, 1933, p. 1.



South Carolina, Caraway and Robinson of Arkansas, George and Russell of Georgia, Harrison and Stephens of Mississippi, Long and Overton of Louisiana, Sheppard of Texas and Trammell of Florida endorsed the N.I.R.A. Connally of Texas opposed, and Byrd and Glass of Virginia, Fletcher of Florida and Smith of South Carolina abstained.<sup>24</sup>

Southern Representatives also voted overwhelmingly in favor of the National Recovery Act. The entire House voted 325 yeas, seventy-six nays with twenty-nine abstentions; eighty-one southerners endorsed the bill, twelve opposed and five abstained. McDuffie of Alabama, Ragon of Arkansas, Ramspeck of Georgia, Lambeth and Doughton of North Carolina, Reece, Taylor, McReynolds, Byrns and Cooper of Tennessee, Patman, Dies, Eagle and Rayburn of Texas and Smith of Virginia were among the Representatives voting to enact the legislation. Cox and Tarver of Georgia, Ellzey of Mississippi and Strong of Texas belonged to the opposition; Bankhead of Alabama and Pou of North Carolina abstained.<sup>25</sup>

A great majority of southerners accepted the argument that the National Industrial Recovery Act would produce economic stability in the United States. Moreover, they wanted

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<sup>24</sup>U.S. Congress, Senate, National Industrial Recovery Act, Congressional Record, p. 5316.

<sup>25</sup>U.S. Congress, House, National Industrial Recovery Act, Congressional Record, p. 4373.

to give President Roosevelt's program a chance to succeed. Southern Representatives did not view the National Industrial Recovery Act as a bill of rights for labor, and apparently had no desire to grant labor such rights.



## CHAPTER IV

### THE NATIONAL LABOR RELATIONS ACT--1935

The National Industrial Recovery Act led to lower rates of unemployment, increases in pay and reduced working hours in the South.<sup>1</sup> But John L. Lewis, President of the United Mine Workers of America, explained the true significance of the N.I.R.A. for the southern labor force. He said:

Not in the lifetime of any of us had there been any collective bargaining agreements in the coal industry of Alabama. Alabama is about to join the Union, about to become a part of the United States in this industrial sense, and it is due to the fact that the passage of the National Industrial Recovery Act created the opportunity for the workers of that state to exercise their economic influence.<sup>2</sup>

And Francis Gorman, President of the Textile Workers Union, claimed that southern workers were now aware of their exploitation by employers. "Southern labor was now ready to

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<sup>1</sup>U.S. Congress, Senate, Committee on Education and Labor, National Labor Relations Act, Hearings, before the Committee on Education and Labor, Senate 74th Cong., 1st sess., 1935, p. 326. In testimony before this Committee, George A. Sloan, representing the southern textile industry, claimed that after the enactment of the N.I.R.A. hours of work in the South were reduced to forty a week; before the Recovery Act work weeks ranged from forty-eight to sixty hours and sometimes more than that. And Sloan said that in March, 1933, the textile industry was employing 320,000 workers. He declared that with the adoption of the forty hour week required by the textile code, employment was increased by forty-four percent.

<sup>2</sup>Ibid., p. 124.

assert more control over their working conditions," Gorman maintained, "southern labor was no longer going to be intimidated."<sup>3</sup>

Labor's reaction in the South was mild in comparison to that of labor in the rest of the United States. During 1933-1935, a large number of strikes occurred throughout the nation. Frances Perkins asserts that the N.I.R.A. had created problems between employees and management that had not existed previously. Under the codes of the Recovery Act, she explains, labor received better protection than their unions had provided for them. But, she claims, workers became angry if their wage rates did not match those of workers in other industries.<sup>4</sup>

Shortly after its enactment, Franklin D. Roosevelt realized that the National Industrial Recovery Act would not solve the economic problems of the United States. Seeking to resolve the difficulties created by the N.I.R.A., President Roosevelt called a White House conference on June 12, 1934. Attending this meeting were the congressional majority leaders Senator Robinson of Arkansas and Representative Byrns of Tennessee, Frances Perkins, Senator Robert Wagner of New York and Donald Richberg. At this conference Roosevelt put forward Public Resolution 44. The first section of the Resolution granted the President authority to establish a board or boards to investigate

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<sup>3</sup>Ibid., p. 153.

<sup>4</sup>Perkins, The Roosevelt I Knew, p. 236.



issues, facts, practices or activities of employees or employers in any industrial controversy. Section two empowered the board to supervise all elections of collective bargaining representatives for labor. The third section declared that any such board, with the approval of the President, had the authority to prescribe such rules and regulations that might be necessary to carry out its functions. The proclamation's final clause established penalties of imprisonment not to exceed one year, fines up to one thousand dollars, or both, for any violation of Section 7-A of the National Industrial Recovery Act. The board established by Public Resolution 44 was called the National Labor Relations Board.<sup>5</sup>

While Public Resolution 44 was intended as a temporary solution to the nation's labor difficulties, Senator Robert Wagner sought to establish more permanent labor legislation. He proposed the Labor Disputes Act in 1934, but the bill was defeated by the House of Representatives. The 1934 election, however, brought to the 74th Congress Democratic majorities of forty-five in the Senate and 219 in the House of Representatives; and the right wing of the Republican Party was virtually destroyed. Due to this overwhelming Democratic superiority and the continued restlessness of labor, Wagner

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<sup>5</sup>Irving Bernstein, The New Deal Collective Bargaining Policy(Berkeley, Cal.: University of California Press, 1950), pp. 77-78.

reintroduced the Labor Disputes Act as the National Labor Relations Act in March, 1935.<sup>6</sup>

The American Federation of Labor considered the N.L.R.A. the most important labor law ever to be submitted to Congress. The American Federationist's editorial for March, 1935, stated:

We have had ample opportunity to see how essential strengthened Section 7-A is; to find out how necessary an independent National Labor Relations Board is to the enforcement of Section 7-A. The need for a Board with power to enforce its decisions is obvious. Likewise a law which makes company unions illegal. It is upon organized labor that the adoption of the Wagner Bill will depend.<sup>7</sup>

After the enactment of the National Labor Relations Act, William Green wrote that the bill had been long and bitterly fought by organized employers. He declared that the Labor Relations Act marked the beginning of a new chapter in the history of organized labor in the United States.<sup>8</sup>

The Supreme Court ruled the National Industrial Recovery Act unconstitutional in May, 1935, and this decision let southern employers decrease wages and increase the hours worked by their employees.<sup>9</sup> In testimony before the Senate Committee on Education

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<sup>6</sup>Ibid., p. 79.

<sup>7</sup>"National Labor Relations Bill(Wagner Bill)," American Federationist, March, 1935, p. 264.

<sup>8</sup>William Green, "National Labor Relations Act," American Federationist, August, 1935, pp. 814-822.

<sup>9</sup>Witt Bowden, "Hours and Earnings Before and After the N.R.A.," Monthly Labor Review, June, 1937, p. 30. Bowden points out that in the sawmill industry, problems of increased



and Labor, Francis Gorman claimed that southern workers endorsed the National Labor Relations Act because they wanted to improve their working standards. He said:

I mean we have got that opposition. If that was lifted, if this bill was passed, if the National Labor Relations Board was made permanent, and it had some force, there isn't any doubt in my mind that we would organize the textile industry close to 100 percent. We have the material now to do it. In the South we have young men who are learning.<sup>10</sup>

At a later Committee Hearing, Gorman related:

The employers have tried out all the schemes, from outings in the summer, to giving the workers stock in the company, by giving them insurance, by their so-called "welfare work," for example in the South where they built the houses within the shadow of the mill in order that the owner can at all times supervise and know what their workers are doing 24 hours in the day, giving them social activities, dances, and all that sort of thing, paternalistic methods that have fallen down, that have not been successful.<sup>11</sup>

Many southern labor leaders thought that the National Industrial Recovery Act had not changed the practices of

working hours and decreased salaries, after the nullification of the National Recovery Act, were more severe in the South than in states outside the South.

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<sup>10</sup>U.S. Congress, Senate, Committee on Education and Labor, National Labor Relations Board, Hearings, before the Committee on Education and Labor, Senate, 73rd Cong., 2nd sess., 1934, p. 230.

<sup>11</sup>U.S. Congress, Senate, National Labor Relations Board, Hearings, 74th Cong., 1st sess., p. 286.

employers in the South. Steve Nance, legislative representative for the Georgia Federation of Labor, claimed that Section 7-A of the N.I.R.A. had not convinced southern industrialists to agree to collective bargaining. The textile industry employed 50,000 workers in Georgia, Nance said, but with only one exception southern labor had not compelled manufacturers to comply with the law and bargain with their employees. Southern labor supported the National Labor Relations Act, Nance maintained, and he stressed that opposition to the bill came only from southern employers already refusing to adhere to Section 7-A of the National Recovery Act.<sup>12</sup>

Donald Comer, President of the American Cotton Manufacturing Association, explained why southern industrialists objected to the National Labor Relations Act. He claimed:

If the employees of the country could have freedom of expression and protection from every outside influence then there might be justification for an attempt to hurry legislation in a matter like this.

Comer asserted that under the Labor Relations Act, employees would be forced to accept unionism whether they wanted it or not.

Comer believed that industry could not thrive on the premise that owners and labor were natural enemies, and the success of the National Industrial Recovery Act had demonstrated the necessity for friendship between them. He warned

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<sup>12</sup>U.S. Congress, Senate, National Labor Relations Board, Hearings, 74th Cong., 1st sess., pp. 834-36.



the Senate Committee on Education and Labor that he opposed any legislation which would put the progress achieved by the N.I.R.A. into jeopardy. He declared:

I think we feel that the NRA was really the beginning of a better day for our industry, and without it we did not see where any beginning was going to be. We feel that these results justify our industry in asking that NIRA not be buried or crowded.<sup>13</sup>

Like many other southern industrialists, Comer favored the National Industrial Recovery Act. But he thought that the National Labor Relations Act granted too much power to organized labor in the United States.

Other southern employers asserted that the N.L.R.A. sanctioned strikes and endangered industry. E. R. Lederer, Vice-President of the Texas Pacific Coal Company, revealed this idea during his testimony before the Senate Committee on Education and Labor. He explained:

As the bill stands now, it will, in our opinion, encourage disputes and strikes, unrest, and disrupt the progress industry has made in reemployment and the improvement of our economic situation.

Lederer cautioned the Senate Committee that the Labor Relations Act would create a broad and deep chasm between employers and employees. And he warned that if the law infringed upon liberty, "the people of the country would then turn to subterfuge and chiseling."<sup>14</sup> Lederer's testimony exemplifies the concern and anxiety southern capitalists felt toward the N.L.R.A.

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<sup>13</sup>Ibid., p. 681.

<sup>14</sup>Ibid., p. 673.

As many of them had done of the N.I.R.A., southern congressmen opposed the National Labor Relations Act on constitutional issues. Representative Edward Cox of Georgia, who had voted against the Recovery Act, expressed strong criticism of the N.L.R.A. He said:

It must be apparent to everyone who has read it that it carries upon its face the most terrible threat--and I speak deliberately and advisedly--to our dual form of government that has thus far arisen. It is intended by this measure through the use of the commerce clause of the Constitution to sap and undermine that great document to the extent of ultimately striking down and destroying completely all state sovereignty.

Cox believed the Labor Relations Act would destroy the balance of power upon which the American system of government was based. He denied that he opposed the basic premise of the bill, however, proclaiming that no one objected to collective bargaining. Cox stressed that he favored insuring and protecting the free exercise of all the constitutional rights of labor.<sup>15</sup> One may view Cox's stance on the N.L.R.A. not as anti-labor, but rather as that of a conservative constitutionalist.

Howard Smith of Virginia, who had endorsed the National Industrial Recovery Act, claimed that the National Labor Relations Act had no legal basis under the Constitution. He asserted that the N.L.R.A. forbade the courts of the United States to consider labor controversies under the usual rules

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<sup>15</sup>U.S. Congress, House of Representatives, The National Labor Relations Act, 74th Cong., 1st sess., 1935, Congressional Record, p. 9675.



of evidence and procedure pertaining to other litigation. He also said that the Labor Relations Act would abrogate the right of contract.<sup>16</sup>

Representative Malcolm Tarver of Georgia called the National Labor Relations Act a "legislative lemon," and maintained that it would be a disservice to labor. He claimed the N.L.R.A. would create problems for industry, and without industry, workers could not survive. He declared that the Labor Relations Act would hurt the working class of the United States more than anybody else. Tarver said he had never failed, nor would he ever fail, to endorse legislation designed to grant greater justice to the nation's labor force.<sup>17</sup> But one may question this claim because Tarver had voted against the National Industrial Recovery Act and was now opposing the National Labor Relations Act.

Representative Joe Eagle of Texas, a member of the House Committee on Labor, gave the N.L.R.A. his full endorsement. Eagle had supported the Recovery Act, and he now defended the constitutionality of the Labor Relations Act. He said:

Reactionaries upon this floor today in arguing against the constitutionality of this measure have pretended that it falls

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<sup>16</sup>Ibid., p. 9692.

<sup>17</sup>Ibid., p. 9713.

within the category of the Schechter case. They are not familiar with this bill, else they could not and doubtless would not say such a thing.

Eagle told his colleagues that they fell into one of two categories--they either favored giving unreasonable profits to capital or they favored taking care of the nation's workers.<sup>18</sup>

Robert Ramspeck of Georgia, vice-chairman of the House Committee on Labor, endorsed the National Labor Relations Act with reservations. The strikes occurring in the years 1933-1935 convinced Ramspeck that the federal government should settle labor disputes conflicting with the national interest. And he claimed that the N.L.R.A. took a neutral stance between the concerns of employers and employees. Ramspeck said that by solving labor disputes the National Labor Relations Act was serving the general welfare of the United States.

Ramspeck criticised business leaders whose actions were hindering the economic recovery of the United States. He explained:

I am talking particularly about factories. There has been a tendency, for 20 years or more, to increase the productivity of employees through improved machinery, and the major portion of the gain derived from that improved machinery has gone to the management and to the stockholders, and we all know that the money does not go back into circulation in the same proportions as it would if it were paid to the employees.<sup>19</sup>

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<sup>18</sup>Ibid., p. 9713. In the spring of 1935, the Supreme Court ruled in Schechter v. United States that the National Industrial Recovery Act was unconstitutional.

<sup>19</sup>U.S. Congress, House, Committee on Labor, Labor Disputes Act, Hearings, before the Committee on Labor, House of Representatives, 74th Cong., 1st sess., 1935, pp. 287, 159.



Ramspeck maintained that it was wrong to outlaw company unions, and warned that he would not vote for any law which circumscribed the rights of employees to select their own organization, even if they choose a company union. Agreeing that company unions were ineffective, Ramspeck declared that it was up to organized labor to convince a worker to join an affiliated union.<sup>20</sup>

Howard Cooley of North Carolina, a first-term Congressman, unreservedly supported the National Labor Relations Act. He said:

This bill may not be perfect, but it is at least an honest effort to redeem a campaign pledge of the Democratic Party to give to labor the right of collective bargaining and protect them in that right. I hope, therefore, that this bill will pass, and that the workers of America will no longer be a plaything of fate and forced to resort to industrial warfare to gain the rights that should be his by law.<sup>21</sup>

Southern politicians have traditionally been viewed as opponents of the radical nature of New Deal labor legislation.

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<sup>20</sup>Ibid., p. 231. The National Labor Relations Act sought to outlaw company unions. The company union had started in 1914, and membership in the union was confined to the employees of one company. This measure found favor among managers who had employees demanding unionization. The advantage to management lay in the fact that the union could not get out from company control because its leaders were subject to the company and could be discharged or drawn off into the management.

<sup>21</sup>U.S. Congress, House, National Labor Relations Act, Congressional Record, p. 9704.

This idea was supported by men like Governor Eugene Talmadge of Georgia, whom Arthur M. Schlesinger, Jr., a noted historian, quotes as replying "let em starve," when asked what he would do for the nation's unemployed. Talmadge added that a little dose of castor oil would go a long way towards starting the wheels of industry moving again. Schlesinger claims that by 1935 Talmadge spat at the New Deal with contempt and referred to Roosevelt as "that cripple in the White House."<sup>22</sup>

But Schlesinger states that Roosevelt depended heavily on senators from the South. Given the character of the progressives of the period, Schlesinger asserts, Roosevelt had to rely on the southerners as the only body who would support the administration and pass legislation they did not really favor. It was this situation, Schlesinger reasons, even more than the fact that seniority had given southern senators control of the key committees, that made Roosevelt turn to such conservatives as Joseph T. Robinson, Pat Harrison and James F. Byrnes on important legislative matters.

The National Labor Relations Act first came before the Senate Committee on Education and Labor in March, 1934. Senators Hugo Black and Park Trammell were members of the Committee. Southern senators were largely apathetic to the National Labor Relation's Act, and this lack of concern was exemplified by

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<sup>22</sup>Arthur M. Schlesinger, Jr., The Politics of Upheaval (Boston, Mass.: Houghton Mifflin Company, 1960), p. 521.



Trammell's failure to attend a single session of the hearings. Hugo Black attended only one meeting. Although important testimony pertaining to southern labor conditions was offered by Donald Comer and Francis Gorman, neither Black or Trammell expressed an interest in the legislation.<sup>23</sup>

During the Education and Labor Committee's second round of hearings on the N.L.R.A. in 1935, the apathy of Park Trammell and Hugo Black remained apparent. Trammell took no part in the hearings, and Black attended only one session. At this time, Black asked Donald Comer if he wanted the Republican party to run the country, and Comer replied that he did not.<sup>24</sup> One is disappointed that Hugo Black, one of the earliest southern supporters of organized labor, did not take a strong stand on the National Labor Relations Act.

Huey Long of Louisiana was the only southern senator to participate in the debate on the National Labor Relations Act. He endorsed the bill, and attempted to convince his colleagues of the need to help the nation's labor force. Objecting to an attempt by Senator Millard Tydings of Maryland to weaken the N.L.R.A., Long argued:

The Senator knows that we have been trying to get laborers the right to organize for quite a while, and we never have been able to draft

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<sup>23</sup>U.S. Congress, Senate, National Labor Relations Board, Hearings, 73rd Cong., 2nd sess., pp. 259-99.

<sup>24</sup>U.S. Congress, Senate, National Labor Relations Board, Hearings, 74th Cong., 1st sess., p. 61.

a law yet which has not been whittled down. By interpretation the laws have always been cut down. Does not the Senator think we can take a little chance for once in our lives for a little while? If the Senator from New York can draft an act that will protect labor, he will be the only man who has ever been able to do it. I do not believe we ought to whittle away the bill and not take a chance.<sup>25</sup>

Huey Long, actively pursuing the presidency, formulated a plan for economic recovery which he presented on March 7, 1935. The New Republic, analyzing the program, said that Long pointed out what everybody already knew. The country was suffering from a gross maldistribution of wealth, and the measures of the Roosevelt Administration had done little to remedy the evils of depression. The President, who had the overwhelming support of Congress and among the people, could only blame himself for the failure of his program. The article concluded with a presentation of Long's plan for ending the depression. It stated:

He then proposed a minimum wage designed to give each family not less than \$2,500 a year. In order to spread employment, he would lengthen or reduce the working week each year by whatever amount was necessary. He also suggested an annual vacation for every individual of a month, or more, or less as required.<sup>26</sup>

In March and April of 1935, Huey Long continuously denounced the New Deal and Franklin D. Roosevelt. Long was

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<sup>25</sup>U.S. Congress, Senate, National Labor Relations Act, 74th Cong., 1st sess., 1935, Congressional Record, p. 7655.

<sup>26</sup>"Huey Proposes," New Republic, March 20, 1935, pp. 146-47.



extremely critical of Roosevelt's recovery measures, and he continued his seething indictment of the New Deal until his assassination in 1935.<sup>27</sup> When one considers the extent of Long's criticism of the New Deal, his endorsement of the National Labor Relations Act provides solid evidence that his desire to help labor was bona-fide.

Southern senators showed little interest in the debate on the N.L.R.A. Josiah Bailey of North Carolina had voted in favor of the National Industrial Recovery Act, but he voted against the Labor Relations Act. Bailey's switch may be better understood by investigating an article he wrote, in March, 1935, for Review of Reviews. Bailey explained his economic philosophy in a treatise called "Why Not Plan for Recovery." He wrote that the treatment of emergency conditions should not be confused with methods of recovery. The one is temporary, Bailey said, and the other is permanent. Stop-gaps, cushions and similar things might be necessary to preserve order and maintain public morale, he continued, but emergency legislation could not produce economic recovery. Bailey favored the National Industrial Recovery Act merely as a solution to the emergency created by the depression.

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<sup>27</sup> Information on Long's attacks on Roosevelt's administration and the New Deal was obtained from articles in the New York Times, March 8, 1935, April 1, 1935, April 3, 1935, April 6, 1935 and June 8, 1935.

Bailey rejected the National Labor Relations Act because he thought that more emergency legislation would not bring about the return of prosperity in the United States. Bailey presented a plan for economic recovery consisting of four parts. The first dealt with balancing the national budget. He explained:

First, we must balance the National Budget, that is, bring about public expenditures, within public revenue. So long as the Treasury reports annual deficits, business is uncertain and insecure. We must as the first step in recovery, in business expansion and employment, proceed as early as possible to balance the National Budget. That will be the base upon which recovery may be founded.

The second division of Bailey's program was the resumption of payment in specie. He said that the possibility of recovery could never be reached as long as the nation's currency was unstable.

Bailey's third section dealt with the assurance of a stable government. A government had the responsibility for balancing the budget and resuming payments in specie, he claimed, but most of all it had to resist demands which had the effect of creating a radical alteration in the character of government.

The fourth step of Bailey's plan was the creation and saving of annual wealth. He declared that the way to get out of the depression was creating wealth and saving part of it from year to year. He claimed that "the world would never break down on account of too much annual wealth." He concluded:

The means to distribute the opportunity to create it and have it can be wrought out,



and the more the better for all. This is the only source of distribution worth-while--distribution of opportunity to create and save annual wealth, crops, and goods. The products of sea, sod, earth, and labor.<sup>28</sup>

Bailey was not opposed to organized labor. He objected to the National Labor Relations Act believing that it contradicted the basic economic traditions of the United States.

The Labor Relations Act was solidly endorsed by the United States Senate. Sixty-three senators voted for the bill, twelve opposed it and nineteen abstained.<sup>29</sup> Southern senators supported the N.L.R.A., but they lacked enthusiasm for it. For example, Joseph Robinson of Arkansas voted for the bill but proposed an amendment which would have weakened it. His amendment called for the management-minded Department of Justice to prosecute all violations of the National Labor Relations Act.<sup>30</sup> Among the southern senators supporting the bill were Black, Byrns, Connally, George, Harrison, Long and Robinson. Southern opponents included Bailey and Byrd, while Glass and Russell abstained.<sup>31</sup>

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<sup>28</sup>Josiah W. Bailey, "Why Not Plan for Recovery," Review of Reviews, March, 1935, pp. 29-30.

<sup>29</sup>U.S. Congress, Senate, National Labor Relations Act, 74th Cong., 1st sess., Congressional Record, p. 7081.

<sup>30</sup>"Editorial-Wagner Bill and the NRA," Nation, May 29, 1935, p. 616.

<sup>31</sup>U.S. Congress, Senate, National Labor Relations Act, 74th Cong., 1st sess., Congressional Record, p. 7081.

## CHAPTER V

### THE FAIR LABOR STANDARDS ACT--1938

During the course of his first term as President, Franklin D. Roosevelt became convinced that the depression would continue until a political, social and economic re-organization occurred in the United States. The Supreme Court, however, nullified the earliest New Deal efforts to accomplish such a remodeling of society.<sup>1</sup> Roosevelt was re-elected to the presidency in 1936 by one of the greatest margins in American political history.<sup>2</sup> Armed with solid Democratic majorities in both houses of Congress and overwhelming confidence in his administration, Roosevelt attempted to alter the conservative nature of the Supreme Court by proposing the Judiciary Reorganization Act on February 5, 1937. This legislation empowered the President to appoint an additional judge to any federal court for any judge reaching the age of seventy without retiring. The bill also stated

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<sup>1</sup>The Supreme Court had voided the National Industrial Recovery Act, the Agricultural Adjustment Act and the National Labor Relations Act. In 1936 the Court reversed its decision on the N.L.R.A.

<sup>2</sup>Roosevelt received 27.8 million popular votes to 16.7 million for his opponent Governor Alfred Landon of Kansas. The vote of the Electoral College was even more one sided, Roosevelt received 523 votes to only 8 for Landon.



that fifteen Justices would be the maximum membership on the Supreme Court.<sup>3</sup> Six Supreme Court Justices were over seventy years of age in 1937.

Richard Hofstadter, former Professor of History at Columbia University, states that Roosevelt proposed the Judiciary Act because the Supreme Court had made it impossible for him to deal effectively with the nation's economic problems. Roosevelt did not believe that judicial review was undemocratic, Hofstadter asserts, but hoped that by appointing six additional judges, he would guarantee Supreme Court approval for his programs of social reform.

The Judiciary Reorganization Act was defeated by Congress, but the Supreme Court took a more progressive stance during and after Roosevelt's fight. The President suffered a substantial loss of prestige, however, as Hofstadter relates:

The court fight alienated many principled liberals and enabled many of F.D.R.'s conservative opponents to portray him more convincingly as a man who aspired to personal dictatorship and aimed at the subversion of the Republic.<sup>4</sup>

The battle with the Supreme Court cost Roosevelt support in Congress, and his second term was marked with strong opposition

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<sup>3</sup>U.S. Congress, Senate, Introduction of the Judiciary Reorganization Bill, 75th Cong., 1st sess., 1937, Congressional Record, p. 956. During his first term as President, Roosevelt had made no appointments to the Supreme Court.

<sup>4</sup>Richard Hofstadter, The Age of Reform From Bryan to F.D.R. (New York: Alfred A. Knopf, Inc., 1955), pp. 310-12.

to his legislative program. This congressional resistance had a decided effect on the future of New Deal labor legislation.

In response to a new economic recession in January, 1937, Roosevelt suggested the Fair Labor Standards Act. By placing a bottom limit to wages and a top limit to hours, the F.L.S.A. sought to end the severe exploitation of labor. An editorial in New Republic said Roosevelt was attempting to revive the most important feature of the National Industrial Recovery Act. The Fair Labor Standards Act was designed to protect the structure of American society at its most vulnerable point, the editorial reasoned, and Roosevelt's advisors thought the bill would stimulate the economy of the United States.<sup>5</sup>

William Green said the enactment of the F.L.S.A. was imperative. He declared that organized labor was supporting the bill because it protected workers during a depression and allowed them to meet the cost of living at all times.<sup>6</sup> Labor leaders from the South also supported the Fair Labor Standards legislation. John L. Lewis asserted that labor in the South was opposed to wage differentials based on geography. He said

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<sup>5</sup>"The Government's Part in Hours and Wages," New Republic, August 11, 1937, pp. 3-4.

<sup>6</sup>William Green, "Editorial-Wages and Hours Bill," American Federationist, January, 1938, p. 5.



that such differentials were not justified. "As far as data was available," Lewis declared, "it indicated that the price of various items in a family budget was just as high in the South as in the North."<sup>7</sup>

Two labor surveys taken in 1937 provide evidence that southern working conditions were the worst in the United States. One survey, appearing in Monthly Labor Review, revealed that despite widespread unemployment and inadequate employment, the use of child labor was greater in the South than in the nation's other geographical regions. Common laborers in the South were paid sixteen cents an hour less than their counterparts in the remainder of the nation. The average annual wage in southern industry was \$865.00 as compared to \$1,219.00 in the remaining sections. The survey's final point was that the low wages and long hours had not really benefited southern industry.<sup>8</sup> After learning about the disparity between working conditions in the South and the rest of the nation, Representative Maury Maverick

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<sup>7</sup>U.S. Congress, Fair Labor Standards Act, Joint Hearings, of the Committee on Education and Labor, Senate, and the Committee on Labor, House of Representatives, 75th Cong., 1st sess., 1937, p. 272.

<sup>8</sup>"Labor Conditions in the South," Monthly Labor Review, October, 1938, pp. 747-752. "North Meets South Again," Business Week, May 21, 1938, pp. 14-15. It is pointed out that a survey undertaken by the Bureau of Labor Statistics in July, 1937, found that minimum wages in the North averaged more than fifty-five cents an hour for unskilled labor, but wages for the same workers in the South were only thirty-eight cents an hour.

of Texas told his colleagues that the southern people endorsed the Fair Labor Standards Act. "There is plenty of proof of this," he warned those who opposed the bill.<sup>9</sup>

The majority of southern capitalists did not oppose the Fair Labor Standards Act, but many of them argued for a minimum wage for their employees which was lower than wages for workers in other regions of the United States. E.H. Lane, President of the Lane Furniture Company of Altavista, Virginia, said he would support the F.L.S.A. only if it included a wage differential based on geography. He claimed that the trade and density of population in the northern sector of the nation created lower freight rates. Lane continued:

Going from the northern section toward the equator one will find that the activity and production ability of the population gradually decreases. Recognizing this there should be a very definite provision made for lower wage rates as one progresses southward from the northern section.<sup>10</sup>

Lane was asserting that workers in the South were not as capable as workers in the North. One may conclude that southern industrialists used this argument to keep wages low and profits high.

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<sup>9</sup>Derber and Young, Labor and the New Deal, p. 228.

<sup>10</sup>U.S. Congress, Fair Labor Standards Act, Joint Hearings, p. 477. In relation to higher freight rates Representative Sam McReynolds of Tennessee claimed in a speech on the F.L.S.A., 75th Cong., 3rd sess., 1937, Congressional Record, p. 1461., that it cost twice as much for merchants to ship freight from Chattanooga to Chicago as it did from Chicago to Chattanooga.



Robert Johnson, President of Johnson and Johnson, owned textile mills in both the North and the South. He thought that wage differentials were not necessary. Johnson said that the cotton textile industry was more profitable in 1937 than at any time during the previous twenty years. He asserted that southern industrialists had blamed low wages and long hours on the lack of profits, but they were now continuing the same practices after large profits had returned. "I feel that the South has suffered more than any other area that I know of through a traditional low wage policy," Johnson said. "I would like to establish with you that the South does not need a lower wage to attract industry." Johnson claimed that he had no difficulty in paying the same wages to his employees in the North and South, and he believed that all southern employers should be forced to pay a living wage to their employees.<sup>11</sup>

R.R. Kuldell, President of the Hughes Tool Company of Houston, Texas, also believed that the Fair Labor Standards Act was justified. Kuldell said that he agreed with the bill's objectives of establishing a minimum wage, maximum hours, and the payment for an employee's overtime. He asserted that if the Labor Standards Board was properly constituted and did its task sympathetically, it would improve the nation's labor conditions. Southern capitalists, Kuldell concluded, would cooperate

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<sup>11</sup>U.S. Congress, Fair Labor Standards Act, Joint Hearings, pp. 95-99.

in the gradual uplifting of existing working conditions to match such conditions deemed desirable by the Roosevelt administration.<sup>12</sup>

Very few legislators expected Franklin Roosevelt to run for a third term, and by 1937 his influence was diminished by his apparent lame-duck status. Senators and representatives from the South whom Roosevelt had depended upon during his first term deserted him on the Supreme Court issue and opposed his anti-lynching legislation. These southerners had endorsed the early New Deal labor bills, but they voiced strong opposition to the Fair Labor Standards Act.

Attempting to increase their profit margins, many northern industrialists moved their factories south during the depression years.<sup>13</sup> Many southern congressmen argued that the F.L.S.A. was designed to stop the flow of industry from north to south. These southerners claimed that the Labor Standards Act would discriminate against their region, and they called for a wage differential based on geography.

Representative Sam McReynolds of Tennessee claimed that the standard of living in the South was lower than in the rest of the nation. He declared that merchants in the South were entitled to pay a lower wage to their employees.

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<sup>12</sup>Ibid., p. 247.

<sup>13</sup>Yellen, American Labor Struggles, p. 293.



McReynolds said that he was a good Democrat, but he remembered the economic condition of the South. He concluded:

I do not want the South crucified. I would like to improve wages and shorten hours, but you cannot do it this way. There are manufacturers all over my country who say if you pass the bill, they will have to close up and go into bankruptcy. In conclusion I appeal to the men from the North, my friends from the East, West, and South, not to sacrifice labor, organized and unorganized labor, not to sacrifice industry, and I pray you not to sacrifice the interests of the people of the nation and in particular the people of the South.<sup>14</sup>

Representative J. Will Taylor of Tennessee believed that the Fair Labor Standards Act was designed to discriminate against southern industrialists. He claimed that if wage differentials were not incorporated in the bill, southern industry would not be able to compete with the national market. Taylor reminded his southern colleagues that the legislation would not benefit labor in the South because if southern industry was not able to compete with the North, factories would be closed down, employment would decrease, and a general demoralization of industrial conditions in the South would occur.

Taylor was a Republican, but he had voted for the National Labor Relations Act. He said he endorsed the N.L.R.A., in the belief that capitalists and labor would be treated equally under the legislation, but the Wagner Act had been used only against

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<sup>14</sup>U.S. Congress, House, Fair Labor Standards Act, 75th Cong., 2nd sess., 1937, Congressional Record, p. 1466.

industry. "The Fair Labor Standards Act was too revolutionary in nature," Taylor warned, "and it had the sole purpose of dominating and strait-jacketing industry to an unbearable degree."<sup>15</sup>

Other southern congressmen opposed the F.L.S.A. because they thought it would give too much power to the federal government. Howard Smith of Virginia warned his southern associates not to abandon the system of state government until all of its possibilities had been explored. Smith did not believe the Labor Standards Act would discriminate against the South. But, he said, it would be unfair to industry and labor in every section of the nation. "In the treatment of a great subject such as the fixing of wages and hours," Smith reasoned, "to move too hastily inevitably means to move mistakenly."<sup>16</sup>

Representative James Wilcox of Florida said the Fair Labor Standards Act gave too much power to the federal government at the expense of state's rights. Wilcox regarded the F.L.S.A. as the most serious threat to representative democracy ever to come before Congress. He claimed the bill would ruin labor in the United States. And Wilcox said:

It proposes a bureaucratic control of business and industry and a dictatorship over labor which, if enacted, must ultimately result in the restriction of the right of collective bargaining and

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<sup>15</sup>U.S. Congress, House, Fair Labor Standards Act, 75th Cong., 1st sess., 1937, Congressional Record, pp. 9506-07.

<sup>16</sup>Ibid., pp. 2445-48, appendix.



which may easily reduce labor to a state of economic slavery. I believe, as you do, in decent wages and decent working conditions; and I also believe in representative government, in the right of men to govern themselves without dictation. I do not believe in this measure which ultimately will place 45,000,000 wage earners under the domination of five federal bureaucracies in Washington.<sup>17</sup>

Robert Ramspeck of Georgia was appointed chairman of a sub-committee, of the House Committee on Labor, which had the responsibility for developing an alternate approach to the Fair Labor Standards Act. Using this position, Ramspeck became the standard-bearer for the southern fight on wage differentials. He urged the establishment of wage differentials for all industrialists having to pay unfavorable freight rates. He said that he was anxious to see a wage scale in the South that was just as high as anywhere in the world, but at the same time he did not want to see southern capitalists put out of business. Ramspeck deplored low wages in the South, but asserted that discriminatory freight rates could not be disregarded.<sup>18</sup>

Ramspeck displayed, as he had earlier during the debate on the National Labor Relations Act, an awareness of the difficulties faced by southern labor. He said:

Some of my colleagues make the charge that this proposed legislation is directed at the South.

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<sup>17</sup>U.S. Congress, House, Fair Labor Standards Act, 75th Cong., 2nd sess., Congressional Record, p. 1407.

<sup>18</sup>U.S. Congress, Joint Hearings on the Fair Labor Standards Act, p. 85.

I find nothing to substantiate this attack. They appear to be satisfied with conditions as they are in the South. I am not. They claim that it costs less to live in our warmer climate and therefore our workers should get less. They claim our workers are less productive and therefore should have longer hours. I am not at all sure however that the cost of living is less in the South, at least in the larger cities of the South.

Concluding with an important point, Ramspeck asserted, "But if it costs less to live, it also costs the employer less to live in the South."<sup>19</sup> Ramspeck voted against the House version of the Fair Labor Standards Act, but he changed sides after his wage provision was adopted by a House-Senate Conference Committee.

Maury Maverick of Texas was the only southern congressman to voice total support for the Fair Labor Standards Act. Maverick was extremely critical of southern capitalists and congressmen who used the question of race in opposition to the bill. Maverick said that Negroes were entitled to economic justice, for a Negro spent his money just like a white man. Low Negro wages, Maverick explained to his southern colleagues, kept wages for white workers in the South lower than in any other region of the United States. "I do not want sweatshops or any low wages in my district, if I can help it," Maverick exclaimed, "Yes, Yes, I want the people of my district to get as good wages as workers in any other part of the country."<sup>20</sup>

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<sup>19</sup>U.S. Congress, Fair Labor Standards Act, 75th Cong., 2nd sess., 1937, Congressional Record, p. 1499.

<sup>20</sup>Ibid., p. 1407.



One may state that Maverick's views on the questions of race relations and labor reform were extremely liberal for a southern legislator in the year 1937.

A solid majority of southern congressmen opposed the Fair Labor Standards Act. The entire House of Representatives voted to enact the bill by a tally of 314 yeas to 97 nays with sixteen abstentions. Only forty southern representatives endorsed the bill, forty-seven opposed it and six abstained. Hill of Alabama, Cooley and Lambeth of North Carolina, Pitman and Sanders of Tennessee and Johnson and Maverick of Texas were among the southerners voting to enact the F.L.S.A. Congressmen opposing the bill included Sparkman of Alabama, Kitchens of Arkansas, Wilcox of Florida, Cox, Ramspeck, Vinson and Tarver of Georgia, Taylor and McReynolds of Tennessee and Dies and Patman of Texas. Robert Doughton of North Carolina, who had sponsored the National Industrial Recovery Act, abstained from the vote.<sup>21</sup>

In the United States Senate, Hugo Black of Alabama introduced a different version of the Fair Labor Standards Act. Black's bill included a wage differential based on geography. He explained that southern industrialists had more problems

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<sup>21</sup>U.S. Congress, House, Fair Labor Standards Act, 75th Cong., 3rd sess., 1938, Congressional Record, pp. 7449-50. Robert Doughton apparently opposed the F.L.S.A. In the speech previously quoted by Sam McReynolds (see footnote 14), he said that Doughton joined him in opposition to the legislation. Doughton never expressed his opinion, nor did he refute McReynold's assertion.

than their counterparts in the rest of the nation. The bill proposed by Black recognized the impossibility of bringing about an overnight revision of the United State's wage scale, but it provided for a minimum wage sufficient to protect all the nation's workingmen from undernourishment and slow starvation.

Senator Black criticised many employers of southern labor, and said that northern industrialists had brought mills to the South that were unfit for human use in New England. And when the mills opened, southerners were paid only one-fourth as much as northerners. Men born in the South, Black concluded, were entitled to the same working conditions as men born in New England or men born in foreign countries that had emigrated to New England.<sup>22</sup>

Senator Claude Pepper of Florida endorsed the senate version of the F.L.S.A. He said that he was willing to go down to the very bottom of the ladder and help those men who could not help themselves, but he opposed the regulation of hours and wages throughout all industries in the United States.<sup>23</sup> Pepper was in favor of a wage differential, and he would not have endorsed the Fair Labor Standards bill which had been approved by the House of Representatives.

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<sup>22</sup>U.S. Congress, Senate, Fair Labor Standards Act, 75th Cong., 1st. sess., 1937, Congressional Record, p. 7761.

<sup>23</sup>Ibid., p. 7812.



Pat Harrison of Mississippi, who had been one of Roosevelt's most faithful servants, made a speech in opposition to the Fair Labor Standards Act. He claimed that the bill was too radical in nature. More possibilities for injury and danger to the nation's economic structure existed in the F.L.S.A., Harrison warned, than in any legislation previously coming before Congress. He then stated:

This bill goes pretty far. It gives the Department of Labor the right to go into a manufacturing plant in the country and investigate every detail as to its records. I do not want to give this much power to anyone. I want reasonable wages. I want employees to get just as much as they can; just as much as industry will bear, but, on the other hand, I am not willing to destroy a business, large or small, by legislative mandate, and I know if this bill should be passed, some businesses will be destroyed.<sup>24</sup>

Walter George of Georgia asserted that the Fair Labor Standards Act would discriminate against the South. He said that if the bill became law, "The ax will fall more swiftly and with greater force upon the neck of the South; the industry and business of the South."

George declared that he was concerned with the anti-democratic nature of the F.L.S.A. He claimed that behind the purposes of the bill was the same steady encroachment upon the liberties of the citizens that had been present in most of the labor laws the Senate had been called on to pass during the previous four years. He continued:

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<sup>24</sup>Ibid., pp. 7873-74.

Back of this thing stands the almost undisguised purpose of putting into the hands of a board at Washington, all the industry, all the labor, of America with all its economic and political consequences.

Senator George believed that giving too much power to the federal government was far more evil than discrimination against the South. He concluded:

That is far more important than the crucifixion and burial beyond possibility of resurrection of every little mill and factory and place of business in all the South that would come within the jurisdiction of the bill.<sup>25</sup>

Walter George was noted for his conservatism, and it was this that led to his opposition to the Fair Labor Standards Act. His failure to support the F.L.S.A. was not based on anti-labor convictions, but on the need to save America's institutions as he viewed them.

Robert Reynolds of North Carolina thought the Labor Standards Act would cause unnecessary hardships for small businessmen. He therefore proposed an amendment to the bill stating, "The provisions of the Act should not apply to any individual, firm, association, or corporation employing 10 or fewer than 10 persons."<sup>26</sup> The amendment passed, and Reynolds went on to vote for the enactment of the Fair Labor Standards Act. This endorsement was puzzling when one recalls

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<sup>25</sup>Ibid., p. 7789.

<sup>26</sup>Ibid., p. 7863.



that Reynolds had opposed the National Labor Relations Act. One may assert that Reynolds did not think the F.L.S.A. discriminated against the South, nor did he consider the bill's provisions dangerous. Southern industrialists, both large and small, were protected by the Fair Labor Standards Act, and Reynolds therefore endorsed it.

Senator Ellison "Cotton Ed" Smith of South Carolina asserted that the F.L.S.A. was designed to counteract the handicaps of the northeast by burdening southern industrialists with higher wages and added expenses. He concluded:

There is not a man here who can deny it--not one. This whole bill, whether intentionally or otherwise, is based upon the principle of checking the inevitable rise of the South from the lowly condition in which the war between the states left it.<sup>27</sup>

Smith was a loyal Democrat, and he had supported many New Deal measures he did not favor. But Smith believed the Fair Labor Standards Act would destroy the economy of the South, and he had to oppose it.

Allen Ellender was appointed Senator from Louisiana after Huey Long was assassinated. Long had been outspoken in his support for organized labor, and Ellender continued this tradition. He said the Labor Standards Act would aid that class of labor which could not help itself. "The pending bill recognizes the right of labor to collective bargaining,"

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<sup>27</sup>Ibid., p. 7882.

Ellender declared, "and in no matter interferes with that right." The Labor Standards Act, the Senator concluded, allowed for an improvement of working conditions for those workers who had no other means of obtaining higher wages and shorter hours of work.<sup>28</sup>

The United States Senate endorsed the Fair Labor Standards Act by a convincing majority. Fifty-six senators voted for the bill, twenty-eight voted no and eleven abstained. The majority of southern senators voted against the legislation. Nine voted yea, ten voted nay and three abstained. Among the supporters of the F.L.S.A. were Bilbo of Mississippi, Black of Alabama, Ellender and Overton of Louisiana, Pepper of Florida and Reynolds of North Carolina. Bailey of North Carolina, Byrd and Glass of Virginia, Byrnes and Smith of South Carolina, Connally of Texas and George of Georgia were among the opponents. Senators Bankhead of Alabama, Caraway of Arkansas and Russell of Georgia did not vote. The bill passed by the Senate differed in substance from the bill passed by the House of Representatives. It was therefore sent to a conference committee.<sup>29</sup>

Robert Ramspeck of Georgia led the southern opposition to the Fair Labor Standards Act passed by the House of Representatives. He said the Senate had passed a bill containing

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<sup>28</sup>Ibid., p. 7952.

<sup>29</sup>Ibid., p. 7957. The basic difference was the Senate version had a wage differential and the House version did not.



one philosophy and the House a bill containing another. He claimed that his views were more in line with the Senate plan because it included a very flexible method for dealing with wages and hours. Ramspeck urged passage for the conference report when he said:

The conference report which I signed is neither a victory for one philosophy nor the other. It is not a victory for the North or the South. It has some of the philosophy of the House bill in the first year there is a rigid wage of 25 cents and thereafter a rigid wage of 30 cents, below which nobody can go. The hours follow the policy of the House bill. We have injected flexibility into the wage between 30 cents and 40 cents based upon a consideration of economic and competitive failure, which will give business an opportunity to be heard.<sup>30</sup>

As a result of the conference report, southern capitalists and congressmen had won the fight for a wage differential provision in the Fair Labor Standards Act.

Many southern congressmen who had voted against the F.L.S.A. voted in favor of the conference committee report.<sup>31</sup> Frances Perkins points out that there were reasons for this switch other than the inclusion of wage differentials. She declared that two Democratic primaries had brought about a complete change in the political climate. Senator Claude

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<sup>30</sup>U.S. Congress, House, Fair Labor Standards Act, 75th Cong., 3rd sess., 1938, Congressional Record, p. 9265.

<sup>31</sup>Ibid., p. 9267. The vote of the House of Representatives shows that Ramspeck who had led the fight for wage differentials also led the southern switch in support of the conference report.

Pepper, then campaigning for renomination in Florida, had been bitterly denounced by his opponents for endorsing the F.L.S.A. The Labor Standards Act was also an important issue in Alabama. Lister Hill was running for Hugo Black's seat, after Black was appointed to the Supreme Court. Hill had been friendly to the bill as a congressman. When Pepper and Hill were nominated by strong majorities, congressmen from the South were impressed.<sup>32</sup>

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<sup>32</sup>Perkins, The Roosevelt I Knew, p. 263.



## CHAPTER VI

### CONCLUDING REMARKS

Many historians have maintained that southern congressmen were opposed to the radical nature of New Deal labor legislation. But in The Politics of Upheaval, Arthur M. Schlesinger, Jr., states that Franklin D. Roosevelt relied on southerners to work and to vote for the enactment of his controversial labor laws.<sup>1</sup> The majority of southern congressional representatives endorsed the "Thirty Hour Week" bill, the National Industrial Recovery Act and the National Labor Relations Act, but the bulk of southern legislators rejected the Fair Labor Standards Act. Even though all of the aforementioned bills contained provisions which benefited labor, only the F.L.S.A. had the primary goal of improving and equalizing working conditions in all regions of the United States. Labor leaders deemed it the most important labor law passed during the New Deal era.<sup>2</sup> And so one may reason that southern congressional support for the "Thirty Hour Week" bill, the N.I.R.A. and the N.L.R.A. was selective.

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<sup>1</sup> Schlesinger, Jr., The Politics of Upheaval, p. 521. And on page 139 Schlesinger, Jr., states that the progressives in the Democratic Party discovered by 1934 that southern conservatives like Joe Robinson, Pat Harrison and Jimmy Byrns had been installed as White House favorites.

<sup>2</sup>"The Government's Part in Wages and Hours," New Republic, August 11, 1937, pp. 3-4.

It occurred because of the depression and was not linked to reforming labor conditions in the United States.

One notable figure recognizing the southern congressional view of labor legislation introduced during the depression was Senator Hugo Black of Alabama. Black knew that labor conditions were bad in the United States and deplorable in the South, and he wanted to reform them. But he realized that his southern colleagues would not endorse legislation aimed at improving the plight of the nation's workers. When Black presented the "Thirty Hour Week" bill, he stressed that it would end the depression by putting people back to work.

An investigation of remarks made by those southern congressional representatives approving the "Thirty Hour Week" bill shows they did so believing it would help restore prosperity in the United States. Although Hugo Black wanted to better working conditions in the nation, one must conclude that, with the exception of Huey Long, Black's convictions were not shared by his fellow southern senators.

Southern congressional support was vital to the enactment of the National Industrial Recovery Act, and President Roosevelt relied on Representative Robert Doughton of North Carolina, chairman of the House Committee on Ways and Means, and Senator Pat Harrison of Mississippi, chairman of the Senate Committee on Finance, to push the N.I.R.A. through their Committees and Congress.



The southern congressional stance on the National Industrial Recovery Act can best be understood by analyzing Robert Doughton's comments on the bill. Doughton endorsed the N.I.R.A. for a variety of reasons, but primarily because he thought it would spur the nation's economy by increasing the purchasing power of workers and permitting the employment of more people. Doughton was convinced that the N.I.R.A. was an emergency measure needed to stabilize the economy of the United States. He did not believe it was a legislative grant to organized labor.

Representative Doughton also favored the National Industrial Recovery Act because it was proposed by Roosevelt. The Democratic Party had blamed the depression on Herbert Hoover and the Republicans, and Doughton realized that only the return of prosperity would keep the Democrats in power. Many other southern congressmen, such as Edward Pou, Joseph Byrns and Pat Harrison, endorsed the N.I.R.A. since they shared Doughton's determination to support recovery measures sponsored by Roosevelt's administration.

Many social commentators declared that the most controversial, significant and far-reaching provision of the National Industrial Recovery Act was Section 7-A.<sup>3</sup> And an

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<sup>3</sup>Section 7-A of the N.I.R.A. dealt with the rights of labor to organize and bargain collectively. Many social commentators and historians have explained the significance of Section 7-A. They include, Edwin E. Witte, "What Congress did for Labor, New Republic, July 11, 1934, p. 30. Witte

inquiry of the comments made by those southern legislators endorsing the Recovery Act shows that only Huey Long advocated the labor section of the bill. Long called for an end to the social and economic injustices faced by workers in the United States, and asserted that Section 7-A was extremely limited in scope. One may conclude that, of all the southern congressmen commenting on the National Industrial Recovery Act, only Huey Long expressed genuine concern for the welfare of the nation's labor force.

Throughout the years 1933-1935, the United States was the scene of severe labor unrest and a large number of strikes. Seeking a solution to this crisis, President Roosevelt offered Public Resolution 44 on June 12, 1934. This plan had limited success, but it convinced Senator Robert Wagner of New York to seek more permanent labor legislation. And in March, 1935 he introduced the National Labor Relations Act.

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claims that Section 7-A served the useful purpose of forcing the American labor movement to abandon the dead center. Since the enactment of the N.I.R.A., he concluded, the United States had witnessed the greatest labor union organization drive in its history. Milton Derber and Edwin Young, Labor and the New Deal, p. 3. Raymond Clapper, "Labor Lobby at Washington," Review of Reviews, May, 1934, pp. 14-17. Clapper writes that with the advent of Roosevelt's administration, the government abandoned its role of onlooker in the warfare between capital and labor. All of these commentators felt that Section 7-A had changed the social makeup of the United States. The provision had enhanced the social and economic status of the nation's workers because it enabled them to organize and to bargain collectively--thus allowing them to deal with capitalists on an equal basis for the first time. And the writers agreed that by strengthening labor unions, Section 7-A gave organized labor a political base which could be used to push for more effective labor legislation.



Southern labor warmly endorsed the National Labor Relations Act, but it was opposed by many southern capitalists. Southern congressmen were basically apathetic to the N.L.R.A., but after the Supreme Court nullified the National Industrial Recovery Act in May, 1935, a majority of southerners decided to endorse the Labor Relations Act.

A large portion of the vocal objections to the National Labor Relations Act were raised by southern congressional representatives. Malcolm Tarver and Edward Cox of Georgia, Howard Smith of Virginia and Senator Josiah Bailey of North Carolina argued that the bill was unconstitutional, but the bulk of their southern colleagues disagreed.

The most widely held southern view of the National Labor Relations Act was described by Representative Robert Ramspeck of Georgia, the vice-chairman of the House Committee on Labor. He expressed reservations about the N.L.R.A., but said that the strikes of 1933-1935 had convinced him that the federal government should attempt to settle strikes which conflicted with the national interest. The Labor Relations Act, Ramspeck claimed, took a neutral stance between the concerns of employers and employees. And he maintained that the bill, by solving labor disputes, would serve the general welfare of the United States. Ramspeck concluded that the National Labor Relations Act was designed to serve the national interest, and he did not think of it as a "Magna-Carta" for organized labor.

By 1937, Franklin D. Roosevelt had lost many of his southern congressional supporters. Roosevelt was thought to be a lame-duck President, and Pat Harrison, Jimmy Byrns, Joe Robinson and Robert Doughton, men once extremely loyal to the President, deserted him because of the Supreme Court plan and his desire to enact anti-lynching legislation.<sup>4</sup> Even though Hugo Black introduced the Fair Labor Standards Act, the majority of southerners did not approve it. And by analyzing the southern vote on the F.L.S.A., one may conclude that Roosevelt no longer controlled the ballots of the southern congressional representatives he had once depended upon.

As Roosevelt's influence over southern legislators declined, so did southern congressional support for organized labor. And after 1936, many southern congressmen attempted to curb the power of unions. Martin Dies of Texas sought to outlaw sit-down strikes. He said:

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<sup>4</sup>Schlesinger, Jr., The Politics of Upheaval, p. 437. He claims that Roosevelt lost most of his southern support because he pushed for the enactment of the Wagner-Costigan Anti-Lynching Act. Josiah Bailey condemned the bill as a farce, and called state's rights a cause worth dying for. Hugo Black called the proposal an anti-labor bill in the name of anti-lynching that would crucify the hopes and aspirations of the millions of workers in this country. And, Black, thought the bill would drive a wedge between the races. He concluded, "Is it fair to us at this time, when we are working in peace and harmony, the one with the other, to do something which will bring about again the spread of the flame of racial antagonism, and instill prejudices, which, thank God have been shifted in the hearts of the people of Alabama and the other states of the South?" Senator Jame F. Byrnes simply denounced the bill as unconstitutional.



We championed the cause of labor and demanded adequate protection from such evils as sweat-shop conditions, child labor, and inadequate wages....I cannot believe that the majority of laboring people of the nation approve or resort to lawlessness in an attempt to secure objectives which in themselves may be perfectly right....To my way of thinking the sit-down strikes are doing infinitely more harm to the cause of labor than to the cause of industry. Labor has never won a fight, except with the aid of public sentiment, and it is my opinion that public sentiment is beginning to revolt against this new species of lawlessness and mob spirit.<sup>5</sup>

And Representative Thomas L. Blanton of Texas argued against guaranteeing minimum wages to workers in the United States. He declared:

If the Congress should fix a minimum wage, that would become a maximum. Furthermore, suppose business or industry cannot stay in operation and pay the minimum wage that might be fixed by a legislature, or by the Congress, but could stay in business paying something less than the minimum wage fixed by the legislature, would we rather have the employers in business and have the people in employment earning something or be out of employment and have the employers also go out of business....That is the main trouble now. We have been passing laws that have forced hundreds and even thousands of employers to go out of business and when they closed shop it left millions of employees out of work.<sup>6</sup>

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<sup>5</sup>Martin Dies, "Should Congress Outlaw Sit-Down Strikes?," Congressional Digest, 16 (May, 1937), p. 147. Senator James Byrnes of South Carolina agreed with Dies. He warned his colleagues that because of sit-down strikes, many men were out of work and unable to earn a living.

<sup>6</sup>Thomas L. Blanton, "The Question of a Minimum Wage Law for American Industry," Congressional Digest, 15 (November, 1936), p. 281.

In conclusion, one must declare that very few southern congressmen voted for New Deal labor legislation for the purpose of helping workers in the United States. By formulating the "Thirty Hour Week" bill and the Fair Labor Standards Act, Hugo Black made the most concrete attempts, of any southern congressman, to benefit the nation's labor force. Robert Ramspeck was aware of the poor labor conditions in the South, and he suggested means to improve them. And Robert Doughton deserves recognition for his work on the National Industrial Recovery Act. But labor's greatest friend in the South was Huey Long. He was paid this tribute by Representative Maury Maverick of Texas, who after hearing of Long's death declared:

In Long's bones and blood, there was hatred born of the oppression, undernourishment, sorrow, misery, ignorance, and desperation of his people. Raging in his soul, he "slashed and cut and cursed the gods of oil and sulphur--his first hates--and then all the other gods across the national scene." He was like a violent gargantuan shouting his Rabelasian song as he went. God rest his troubled soul in peace. There was much in him that was vicious but what he stirred up cannot--be drowned.<sup>7</sup>

The majority of southern congressmen voted to enact the "Thirty Hour Week" bill, the N.I.R.A. and the N.L.R.A., but their endorsement of New Deal labor legislation was very

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<sup>7</sup>Schlesinger, Jr., The Politics of Upheaval, p. 341.



restrictive. It occurred because of the emergency conditions that the depression had created in the United States, and most probably would not have happened at a different time.

## APPENDIX I

### DID NEW DEAL LABOR LEGISLATION IMPROVE WORKING CONDITIONS IN THE SOUTH?

George L. Googe, a labor organizer for the American Federation of Labor, indicates that New Deal labor laws improved the status of southern workers. As a preface to this conclusion, Googe alludes to the textile strike in Marion, North Carolina in 1929. He states:

Quite recently an episode of the old industrial dictatorship occurred at Marion, North Carolina. This is the city where several workers were slaughtered in the textile strike of 1929, after which the sheriff of the county, having handled the strike so satisfactorily for the mill barons was elevated to a higher state position. The United Brotherhood of Carpenters and Joiners started an organizing campaign among the low-paid furniture workers of the Carolinas and Virginia some months ago. Great success had met the Brotherhood's efforts. Some twenty-six local unions were founded and agreements were obtained in a majority of the plants where this membership was employed. But when the organizers started work in Marion, that old feudal spirit again manifested itself. Notwithstanding that Marion is the home of many political leaders of state and national fame, all of whom have loudly hailed Franklin D. Roosevelt as not only the man of the hour but the man of destiny, Marion is apparently not willing to put into effect any of the fine policies adopted by the Roosevelt Administration.

Googe continues:

Starting at the gate of the Drexel Furniture Company's plant one day recently, three organizers for the Carpenters were passing out



handbills as the workers came out of the plant. At a given moment, it appears, a flying wedge of thugs rushed from the factory door and fell upon the three men, beating, kicking, and brutally abusing them. The three organizers are native North Carolinians, and one is the President of the High Point, North Carolina, central Labor Union and he served as President of the High Point Local of Carpenters for the past thirty-five years.

But Googe concluded that there was "Good News From Dixieland," stating:

Fortunately this type of southern employer is rapidly passing away. The patriotic support of the government which the American Federation of Labor is giving is shaming most of these feudal barons, for all their thick skins. Their most severe critics are to be found among more enlightened Southern employers. The South today presents a picture of intense activity by the American Federation of Labor and loyalty to the Government of the United States....The wage earners of Dixie like a way of life that enables them to better their condition through self organization. They are determined to keep that way of life, no matter what the price may be.<sup>1</sup>

Virginius Dabney, a well respected commentator on southern social problems, believes that New Deal labor legislation failed to improve working conditions in the South. Using the failure of the Virginia General Assembly to cooperate with the federal government's Social Security and Unemployment Insurance programs as examples, Dabney asserts that, "the South as a whole has

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<sup>1</sup>George L. Googe, "Trade Unions--Good News From Dixieland," American Federationist, May, 1942, pp. 18-19.

been slower to grasp the necessity for these type of laws than any other section."

Dabney blamed the Virginia Manufacturers Association and similiar organizations in other southern states for the "backwardness of Dixie in the field of industrial relationships." He attributed the failure of labor reform in the South to these industrial groups. The Virginia Manufacturers Association worked for the defeat of a Women's Eight Hour Law, and Dabney claims that it was not surprising for the Virginia Assembly to rebuff this bill. He points out that no southern state had such a law. He continues:

The attitudes displayed by the Virginia Manufacturers Association towards this and similar legislation is no new thing. It is the usual attitude of southern industrialists who frequently take their cue from the Southern State Industrial Council, founded in the early days of the Roosevelt Administration by Mr. John E. Edgerton, who operates a woolen mill at Lebanon, Tennessee. Manifestoes from this organization dilate at great length upon the importance of protecting "free and independent labor of the South" from "the domination of a minority organization"--evidently the American Federation of Labor--and from the wiles of "outside agitators."

And Dabney asserts:

It specifically affirms "the right of any group to organize in lawful ways for lawful purposes to be lawfully pursued," but neglects to explain why so many Southern industrialists fire any workingman who lawfully joins a union and lawfully persuades others to do so. Mr. Edgerton, who probably is convinced that the A.F. of L. is one of the most pernicious agencies in this country, is famous for



the paternalistic arrangements in his Tennessee mill, where the work day always begins with a patriotic song, a prayer, and Bible reading. These religious exercises have brought about a situation, he says, where "the employees go to work with love and goodwill in their hearts and a song upon their lips."

Dabney goes on to explain how southern industrialists flaunted the New Deal labor laws. He declares:

Prayer, in so far as I am advised, is not on the agenda of the Friedman-Harry Marks clothing company in Richmond, but in other respects its management seems completely in sympathy with the doctrines of Mr. Edgerton and his Southern States Industrial Council. The Amalgamated Clothing Worker's Union sought during most of 1935 to unionize this garment factory. As in the case of the Tubize Chatillon rayon plant at Hopewell, Virginia, the previous year, employees were discharged for union activity, and when the National Labor Relations Board ordered their reinstatement, the management refused to comply. It contended that the Wagner-Connery Act is unconstitutional, and also that the board is without jurisdiction. At the same time, it announced that the case would be carried to the United States Supreme Court, if necessary. Despairing of getting a decision before hundreds of employees had been discharged, and fearing the Wagner-Connery Act might ultimately be declared in convention of the organic law, the Amalgamated found it necessary to abandon its effort in January of this year. Violence was lacking, but otherwise the attitude of the company was in the tradition of Marion and Gastonia and Harlan. Another Southern employer had smashed an effort at unionization and thereby had kept wages down.

Dabney said that many southern employers were fair and just, but "they do things in the mass which they would not countenance as individuals." They permit the associations to which they belong to adopt attitudes toward wage and hour legislation and toward unionization which were cruel and

shortsighted. Dabney warned that these actions would eventually destroy the southern region of the United States. He concluded:

How can a continuation of the near-pauper wage scale and the unreasonable hours which prevail in so many Southern industries work to the ultimate advantage of the South as a whole, or to that of industrialists? It is coming more and more to be recognized that the maintenance of prosperity is intimately linked with the maintenance of purchasing power....It seems hardly necessary to argue that the time has come when the South must bestir itself on behalf of decent wages, hours, and conditions of labor for its sons and daughters. A campaign such as the foes of child labor brought to a successful conclusion more than three decades ago must be organized. The opposition from reactionary employers must be submerged in a popular demand for more civilized standards.<sup>2</sup>

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<sup>2</sup>Virginus Dabney, "Southern Employers and Labor Reform," Southern Review, November, 1936, pp. 279-88.



## APPENDIX II

### BRIEF BIOGRAPHICAL SKETCHES ON SOME KEY SOUTHERN CONGRESSMEN OF THE NEW DEAL ERA

The South was represented by many important Congressmen throughout the New Deal period of American history. They included:

Representative Robert Doughton, Democrat of North Carolina, was Chairman of the House Committee on Ways and Means. He served throughout the era under discussion, and sponsored the National Industrial Recovery Act on the House floor. He also introduced the Social Security Act.

Representative Robert Ramspeck, Democrat of Georgia, was Vice-Chairman of the House Committee on Labor. He served throughout the era under discussion, and was influential to the course of New Deal labor laws.

Representative Maury Maverick of Texas was elected to the House of Representatives in 1936. His liberal attitudes on race relations and labor reform were rare among his southern colleagues.

Senator Hugo Lafayette Black, Democrat of Alabama, served in the 73rd, 74th and 75th Congresses, and was appointed to the Supreme Court in 1937. He proposed the "Thirty Hour Week" bill and the Fair Labor Standards Act, and served on the Senate Committee on Education and Labor.

Senator Joseph Taylor Robinson, Democrat of Arkansas, served in the 73rd, 74th and 75th Congresses. He was elected Chairman of the Majority Conference for the 73rd Congress, and constantly supported the New Deal until 1936.

Senator Pat Harrison, Democrat of Mississippi, served throughout the New Deal era being discussed. He was Chairman of the Senate Committee on Finance, and supported all New Deal programs until 1936.

Senator Huey Long, Democrat of Louisiana, was first elected to the Senate in 1932. He served on the Senate Committee on Finance, and was a great friend of labor until his death in 1935.<sup>1</sup>

These men, and many others from the South, had a great impact on New Deal labor legislation--1933-1938.

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<sup>1</sup>Clifford P. Reynolds, ed., Biographical Directory of the American Congress 1774-1961 (Washington, D.C.: United States Government Printing Office, 1961).



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