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Delineating Agriculture and Industry: Reexamining the Exclusion of Agricultural Workers from the New Deal

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Research Article

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Abstract

The exclusion of agricultural workers from the 1935 Social Security Act and Wagner Act is frequently cited as one of the significant limitations of the New Deal social and economic program. Standard explanations for this exclusion point to President Franklin D. Roosevelt's and other New Dealers' deference to the interests of powerful Southern Democrats in Congress, particularly their opposition to civil and labor rights. However, these explanations fail to recognize the important roots of this exclusion in earlier New Deal policy debates extending beyond the influence and interests of Southern Democrats. This article focuses on important political-economic debates that emerged in debates over the 1933 industrial and agricultural policy, which ultimately resulted in the exclusion of agricultural workers. Further, these debates and resulting policy changes shed light on the challenges and opportunities for building coalitions of labor unions and racial advocacy organizations to fight for broad economic restructuring. Exploring these strains of political-economic ideas provides a more complete explanation for agricultural workers' exclusion from the New Deal economic programs.

In February 1935, Charles Houston, a Howard University professor and lawyer for the NAACP, testified before the House Committee on Labor about the National Labor Relations Act (NLRA). This bill, more commonly known as the Wagner Act, would dramatically change the lives of working people in America, including many Black workers. Houston commended the bill's ambition to create more protections for workers and forcefully declared his interest in seeing "labor 100 percent organized." However, Houston also argued that the Wagner Act had been crafted in ways that would inevitably fall short of that goal: "I want to see [labor] organized not only so far as what we call 'industry' is concerned, but I also want to see it so far as domestic service, agriculture, and everything else."[1]

Houston was one of a small group that protested the exclusion of agricultural and domestic workers from the new labor provisions established by the Wagner Act. While it was a profoundly important law, transforming American labor policy and trade union power in the industrial economy, Houston rightly pointed out that the Wagner Act did not extend rights to *all* workers. Instead, this exclusion left out some of the most vulnerable and exploited workers in the American economy. Agricultural and domestic workers were of particular interest to Houston and the NAACP, one of the most prominent racial advocacy organizations of the twentieth century, for those sectors employed a majority of working Blacks at that time.[2]

Scholars and activists have argued that the exclusion of agricultural and domestic workers from the Wagner Act and the Social Security Act, both of which became law in 1935, resulted from the fierce conflict between the New Dealers and their primary opponents in Congress: Southern Democrats. Agricultural and domestic workers, who were highly concentrated in the South, were the "price" of Southern Democrats' support for President Franklin D. Roosevelt's New Deal program.[3] The exclusion of agricultural and domestic workers has

[1]*H.R. 4884 and H.R. 6450: Equal Labor Representation on Government Codes and Boards: Hearings Before the Committee on Labor*, U.S. House of Representatives (HRG-1935-LAH-0002), 74th Congress, 1st Sess., February 18–28, 1935, 218 (testimony of Charles Houston).

[2]In his testimony, Houston reported that "over 3,500,000 of the 5,500,000 Negro workers are in occupations that are notoriously unorganized; that is, in agriculture and domestic service" (*H.R. 4884 and H.R. 6450: Equal Labor Representation on Government Codes and Boards*, 203). Contemporary analysis is consistent with these figures. The Social Security Administration reported that the 3.5 million Black workers in the agricultural and domestic sectors made up roughly 65 percent of working Blacks in 1935. See Larry DeWitt, "The Decision to Exclude Agricultural and Domestic Workers from the 1935 Social Security Act," *Social Security Bulletin* 70, no. 4 (2010): 49–68, https://www.ssa.gov/policy/docs/ssb/v70n4/v70n4p49.html.

[3]Ira Katznelson, David Bateman, and John Lapinski argue that these worker exclusions in the NLRA were the price of Southern Democrats' support for the whole of the New Deal and that major provisions of the Social Security Act were "shaped to racist contours." Linda Gordon claims that the exclusion of African Americans from Social Security was "deliberate and mainly racially motivated, as Congress was then controlled by wealthy southern Democrats who were determined to block the possibility of a welfare system allowing African Americans the freedom to reject extremely low-wage and exploitive jobs as agricultural laborers and domestic servants." Juan F. Perea charts the explicit exclusion, and "exclusion by proxy," of

also become part of a more expansive story about the failures and limits of the New Deal. Scholars have pointed out that despite the New Deal's aspirational aims to transform the economic fortunes of the American working class, it left out—by design and default—many women and African Americans, who make up an essential part of the working class.[4]

The minimal references to agricultural workers and Black workers during legislative debates, particularly over the NLRA, have led many scholars to impute the motivations of Southern Democrats in seeking these exclusions and the reasons that New Dealers in Congress and President Roosevelt accepted these proposals. This focus is warranted, for there is certainly no disputing the critical role that Southern political development has played in shaping American politics, particularly the welfare state and labor law.[5] While they were initially staunch supporters of New Deal efforts, particularly of economic relief efforts, Southern Democrats' support began to wane when the second wave of New Deal policymaking in 1935 threatened "local control of [the South's] racial order" and this shift in support had significant policy consequences.[6] Although such exclusions were sometimes cloaked in the "race-neutral" language of worker classification exclusions, the "political reasons" for accepting the law's Faustian bargain were clearly an effort to appease the South and limit the challenge to the "political economy of the racist South."[7] In essence, these scholars have argued that race was hovering over these debates and shaping resulting policy even when it was not explicitly mentioned.

However, Houston's remarks point to another dimension of this debate that is often overlooked in accounts that focus so squarely on the racial conflict with and motivations of the Southern Democrats. In his testimony, Houston was arguing not only that agricultural and domestic service should be included in the NLRA, but also that those employment classes should be incorporated into a broader definition of "industry." At another moment in his testimony, Houston challenged Chairman William P. Connery Jr. (D-MA), the sponsor of the Wagner Act in the House: "I take it you are interested in agricultural labor just as much as industrial labor."[8] Houston was referencing a significant development of the first wave of New Deal policymaking in 1933 that is often overlooked in explanations of the exclusion of agricultural workers: the delineation and differentiation of the agricultural and industrial sectors. Houston's exchange makes clear that it was not only ideas about race and racial exclusion that were hovering over these debates. Efforts to exclude certain classes of workers were also deeply connected to debates over the industrial and agricultural economies, which had their roots in the first wave of New Deal policymaking and the 1933 National Industrial Recovery Act (NIRA).

Tracing the debate over agricultural and industrial workers back to this first wave of New Deal policymaking makes clear that the exclusion of agricultural workers under the 1935 Wagner Act was not a novel development. Rather, the exclusion of agricultural workers had its roots in the debates swirling within the early 1930s New Deal coalition, as it sought to craft solutions to industrial disputes between employers and workers, foster the expansion of the labor movement, and determine who qualified as a worker what kinds of legal protections that status entailed. In that earlier period, a broad spectrum of organizations and policymakers pointed to differences in the structures of factory and farm economies and argued that different parts of the federal government should manage the economic recovery from the Great Depression. This delineation had significant consequences for workers in these sectors, particularly for agricultural workers, who were not included in the labor protections that began to be extended to industrial workers in 1933.[9]

Two particular sets of ideas have important bearing on the policy debates that ultimately resulted in the exclusion of agricultural workers from New Deal labor protections, both of which involve broadening the scope of inquiry beyond the Southern Democrats. The consequential changes affected by both sets of ideas can be seen by examining the transformation of labor and industrial policy between 1933 and 1935. First were arguments that originated within the agricultural sector, which included a wide range of positions from populist agrarians to large-scale agricultural industrialists, seeking to define the needs and particularities of the agricultural sector in comparison with the industrial sector. This delineation had its roots in late nineteenth-century tensions between federal economic policy and agricultural politics.[10] However, the devastation to both sectors brought on by the Great Depression reanimated these debates and elevated their

agricultural and domestic workers across a broad spectrum of labor-focused and labor-inflected New Deal policies (NIRA, AAA, NLRA, SSA, and FLSA). Ira Katznelson, *When Affirmative Action Was White: An Untold History of Racial Inequality in Twentieth-Century America* (W. W. Norton & Company, 2005), 48; David A. Bateman, Ira Katznelson, and John S. Lapinski, *Southern Nation: Congress and White Supremacy after Reconstruction* (Princeton, NJ: Princeton University Press, 2018), 397; Linda Gordon, *Pitied but Not Entitled: Single Mothers and the History of Welfare, 1890–1935* (Cambridge, MA: Harvard University Press, 1995), 514–15; Juan F. Perea, "The Echoes of Slavery: Recognizing the Racist Origins of the Agricultural and Domestic Worker Exclusion from the National Labor Relations Act," *Ohio State Law Journal* 72, no. 1 (2011): 95–138.

[4]Suzanne Mettler considers how the interplay between federalism and the New Deal economic programs led to the development of two "distinct forms of governance separated in terms of gender" and, ultimately, two definitions of citizenship, one for white men and the other for nonwhite men and women. Robert Lieberman argues, similarly, that by tying welfare benefits to occupations and work status, the American welfare state became highly racialized. He argues that the starting point for this development was the Social Security Act of 1935, which created "race-laden" institutions, which were not explicitly targeting populations according to their race but had that effect. Jefferson Cowie similarly argues that "discrimination and disenfranchisement" within New Deal programs and policies was evidence that the New Deal had made "a devil's pact not to challenge racial segregation in any meaningful way." Suzanne Mettler, *Dividing Citizens: Gender and Federalism in New Deal Public Policy* (Ithaca, NY: Cornell University Press, 1998), 5–6; Robert C. Lieberman, *Shifting the Color Line: Race and the American Welfare State* (Cambridge, MA: Harvard University Press, 2001), 5–8; Jefferson Cowie, *The Great Exception: The New Deal and the Limits of American Politics* (Princeton, NJ: Princeton University Press, 2016), 115.

[5]V. O. Key, *Southern Politics: In State and Nation* (New York: Vintage Books, 1949); Bateman, Katznelson, and Lapinski, *Southern Nation*; Ira Katznelson, *Fear Itself: The New Deal and the Origins of Our Time* (New York: W. W. Norton & Company, 2013); Ira Katznelson and Quinn Mulroy, "Was the South Pivotal? Situated Partisanship and Policy Coalitions during the New Deal and Fair Deal," *The Journal of Politics* 74, no. 2 (2012): 604–20; Robert Mickey, *Paths Out of Dixie: The Democratization of Authoritarian Enclaves in America's Deep South, 1944–1972* (Princeton, NJ: Princeton University Press, 2015); Michael Goldfield, *The Southern Key: Class, Race, and Radicalism in the 1930s and 1940s* (New York: Oxford University Press, 2020).

[6]Katznelson and Mulroy, "Was the South Pivotal?," 610, 613; Lee J. Alston and Joseph P. Ferrie, *Southern Paternalism and the American Welfare State: Economics, Politics, and Institutions in the South, 1865–1965* (New York: Cambridge University Press, 2007), 96–97; Katznelson, *Fear Itself*, 16.

[7]Perea, "The Echoes of Slavery," 122, 124.

[8]*H.R. 4884 and H.R. 6450: Equal Labor Representation on Government Codes and Boards*, 213 (Houston).

[9]This article focuses on the exclusion of agricultural workers from these New Deal labor protections as a result of certain changes in the agricultural and industrial sectors. The particular circumstances that led to the parallel exclusion of domestic workers and similar developments in the domestic sector, while undoubtedly related and entwined, are outside the scope of this article.

[10]Elizabeth Sanders, *Roots of Reform: Farmers, Workers, and the American State, 1877–1917* (Chicago: University of Chicago Press, 1999).

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significance for New Dealers. Some argued that a necessary part of establishing parity between the agricultural and industrial sectors involved dividing them into two distinct legislative and administrative frameworks. This delineation was rooted, at least partly, in the preference of many within the agricultural sector (from small and large farmers to agribusiness) that labor standards *not* be applied to agricultural workers.

The second set of shifting political-economic ideas arose from efforts to establish a framework for harmonious industrial relations. Importantly, this involved questions about the need for, and scope of, federal limitations on employers and corporations on the one hand and protections for workers and labor unions on the other. In the first wave of New Deal lawmaking, progressives in Congress and the administration had primarily coalesced around an approach to industrial relations called labor associationalism. In line with this view, New Dealers sought to use the state to minimize industrial strife and class conflict through economic planning and facilitating negotiations among workers and employers. Influenced by the Progressive Era wariness over monopolies of any kind, most New Dealers in this early phase thought that powerful labor unions posed the same kind of threat to economic stability posed by large corporations and monopolies.[11]

While the industrial policies in the first wave did not expressly strengthen labor's legal bargaining position, the 1933 NIRA did spark a massive wave of organizing and increase the political power of labor associations like the American Federation of Labor (AFL). Further, when the New Dealers recognized that labor associationalism had failed to establish industrial peace, they grew increasingly supportive of measures that would increase the power of unions. Critically, the new industrial framework proposed in the Wagner Act of 1935 not only included more robust labor standards for workers and protections for unions, but also was crafted with extensive input from the AFL, the largest labor association and most powerful mouthpiece for labor in national debates. During both waves of New Deal policymaking, and consistent with their organizing philosophy, the national AFL declined to push for labor rights for agricultural workers. While it is not likely that their advocacy for agricultural workers would have been enough to surmount the pressure of Southern Democrats, the role that the national AFL and organized labor more broadly played in these debates warrants further inspection.

These ideas and resulting policy changes were also connected to important debates within and among labor unions and racial advocacy organizations. In particular, examining the efforts to build coalitions among these groups advocating for agricultural workers sheds further light on the developments that resulted in labor protections for skilled industrial workers, but not for unskilled workers (which included agricultural workers). In response to the AFL's emphasis on organizing skilled workers, groups like the Industrial Workers of the World (IWW), the Communist Party's Trade Union Unity League (TUUL), and, perhaps most significantly, the Congress of Industrial Organizations (CIO) led the earliest attempts to organize agricultural workers in the late 1800s and early 1900s.[12] In fact, the political-economic issues bound up in these debates over agricultural workers coincided with the emergence of the CIO, which broke away from the AFL in 1935 in order to press for a more politically engaged labor movement through an association more committed to organizing industrial and low-skilled workers.[13] However, even the CIO's more progressive and egalitarian positions at the national level were not enough to immediately resolve very serious civil rights issues within particular locals.[14] Nevertheless, while mass industrial unionism did not eradicate all forms of racial and gender-based discrimination, wage differentials between men and women and Black and white workers declined during this period.[15] In short, the differences between national policy decisions and local organizing efforts warrant further exploration.

These debates over organizing strategy and agricultural workers brought issues of racial discrimination and the inclusion of Black workers to the fore. The AFL succeeded in ensuring that the second wave of New Deal legislation did not include the anti-discrimination proposals proposed by groups like the NAACP and National Urban League.[16] As Houston's comments above underscore, racial advocacy organizations were deeply invested in debates over these political-economic developments, particularly in defining which workers would be included in labor protections. At some moments, leaders from racial advocacy organizations found allies among unions that argued forcefully for universal labor standards for all workers, including agricultural workers and African Americans. These loose coalitions shared a vision for transforming the existing capitalist economic order. However, at other moments, differences among these groups on these issues and conflicts with New Deal policymakers undermined opportunities for racial advocacy organizations and labor unions to work in coalition and advance a political-economic agenda that included more of the workforce.

This article traces legislative and administrative debates over labor policy from 1933 to 1935, beginning with often overlooked legislative debates from the first wave of New Deal policies which provide important political-economic context for subsequent debates. Section 1 details the debates over industrial policy in the NIRA and the Agricultural Adjustment Act (AAA) in 1933, when the agricultural sector effectively argued for parity between the agricultural and industrial sectors. This parity resulted in separate administrative frameworks, which allowed farmers and agricultural industrialists to evade labor regulations for agricultural

[11]Scholars use a variety of terms to describe the system of industrial relations guiding the early New Deal, the most common being *associationalism*, *corporatism*, *voluntarism*, and *paternalism*. For the purposes of this article, I will use *labor associationalism* to refer to the vision for industrial relations that attempted to curb competition and promote harmonious, voluntary negotiations between capital and labor with limited oversight by the federal government. This follows from Alan Brinkley's description of associationalism but also draws significantly on Cletus Daniel's description of the anti-union tendencies of progressive New Dealers in the early New Deal. Stephen Skowronek and Nelson Lichtenstein capture similar themes and tendencies during the NRA discussions that inform this discussion. Alan Brinkley, *The End of Reform: New Deal Liberalism in Recession and War* (New York: Alfred A. Knopf, 1995), 5; Cletus E. Daniel, *Bitter Harvest: A History of California Farmworkers, 1870–1941* (Berkeley: University of California Press, 1982), 167–74; Stephen Skowronek, *The Politics Presidents Make: Leadership from John Adams to George Bush* (Cambridge, MA: Belknap Press of Harvard University Press, 1993), 306; Nelson Lichtenstein, *A Contest of Ideas: Capital, Politics and Labor* (Urbana: University of Illinois Press, 2013), 159–61.

[12]Stuart Marshall Jamieson, *Labor Unionism in American Agriculture* (Washington, DC: U.S. Government Printing Office, 1946), 11, 20.

[13]Daniel, *Bitter Harvest*, 76–82; David Plotke, *Building a Democratic Political Order: Reshaping American Liberalism in the 1930s and 1940s* (New York: Cambridge University Press, 2006), 105–6; Nelson Lichtenstein, *State of the Union: A Century of American Labor* (Princeton, NJ: Princeton University Press, 2002), 64–65.

[14]Paul Frymer documents that CIO locals like the UAW and the United Steelworkers, which were at the forefront of domestic and international civil rights causes, still faced significant challenges within particular locals. Paul Frymer, *Black and Blue: African Americans, the Labor Movement, and the Decline of the Democratic Party* (Princeton, NJ: Princeton University Press, 2008), 53.

[15]Lichtenstein, *State of the Union*, 59.

[16]Perea, "The Echoes of Slavery," 123.

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workers. While it was not written into the law itself, administrative action clarified that agricultural workers were not included in the NIRA's protections. Section 2 describes the negotiations over applying labor standards through the NIRA's key agency, the National Recovery Administration (NRA). The early actions of this agency revealed the consequences of the delineation of the industrial and agricultural economies for the majority of Black workers and for many white workers as well. During the hearings to establish the first industrial code through the NRA, cotton textile manufacturers again attempted to circumvent labor regulations and exclude a subset of disproportionately Black workers from the code's labor regulations. However, a coalition of racial advocacy organizations, labor unions, and Communist Party organizers emerged in these and pushed for more universal labor standards.

Despite their limited success in countering exclusions under the cotton textile code, this coalition could not resist the formal exclusion of agricultural workers from the Wagner Act in 1935. Section 3 connects the exclusion of agricultural workers under the NLRA back to debates over the delineation of the agricultural and industrial sectors in the NIRA and NRA code board debates. During committee debates, racial advocacy organizations and a few other champions called on Congress to include agricultural workers, drawing from the lessons learned from these earlier debates. However, congressional deference to the AFL with respect to labor policy, coupled with the silence of the national AFL on agricultural workers, left agricultural workers without a strong labor advocate in these debates.

Exploring these strains of political-economic ideas provides a more complete picture of how agricultural workers came to be excluded from the New Deal economic programs than the all-purpose explanation of Southern racism. While Southern Democrats were certainly responsible for promoting and endorsing ideas that supported the exclusion of agricultural workers, calling attention to the conflicting visions for the nation's political economy that underwrote the limited success of coalition building among racial advocacy groups, labor organizations, and progressive New Dealers makes clear that these distinctions were intimately connected to evolving efforts to redefine an American political-economic framework. Focusing exclusively on the role of Southern Democrats obscures this broader context and deflects from consideration of these dynamics and their broader implications, particularly for better understanding the context in which coalitions of racial advocacy organizations and labor unions formed.

1. Delineating the Agricultural and Industrial Sectors in the Agricultural Adjustment Act and the National Industrial Recovery Act

While the 1935 NLRA officially codified the exclusion of agricultural workers from the protections of New Deal labor law and social welfare programs, debates over the first wave of New Deal policymaking in 1933 laid the groundwork for this exclusion. Although agricultural workers were not a prominent part of legislative debates in 1933, advocates from across the political spectrum effectively argued that different laws and standards should govern the agricultural and industrial economies. One important consequence of this delineation was that the labor standards established by the 1933 NIRA did not apply to the agricultural sector; instead, agricultural workers were exclusively covered by the AAA of the same year. This meant that even the meager protections afforded by the NIRA did not apply to agricultural workers. Beyond this limitation for agricultural workers, the NIRA ultimately proved to be an ineffective attempt at industrial planning, highlighting the limits of labor associationalism for settling industrial disputes. Industrialists under the NIRA framework pressed for exclusions and exemptions, beyond the exclusion of agricultural workers, in ways that further undercut the meager labor standards the law put in place. Compounding all of this, labor's principal advocate in these early debates, the AFL, was internally divided about whether organizing agricultural workers should be an organizational priority.

The NIRA and the AAA were part of the first wave of the New Deal legislation, enacted in 1933 during Roosevelt's first hundred days in office. These early laws and administrative policies included a banking assistance bill, cuts to federal payments to veterans and federal employees, the repeal of Prohibition, and two separate measures providing economic relief for the agricultural and industrial sectors. These measures sought to lift the country out of the crippling Great Depression. At the very heart of the first wave of legislation, the NIRA forged a new version of labor relations that aimed at curbing industrial strife. The act laid out a framework for industrial revival and economic planning: it enabled the federal government to set standards for production, relaxed prohibitions on monopolies to allow for industry-wide cooperation, and called for minimum wages and maximum hour provisions for workers. However, the legislation did not explicitly set any standards or thresholds. Employers and industry effectively argued that the particularities of different industries necessitated specific consideration. As a result, the NIRA delegated the responsibility of setting wage minimums, hour maximums, and price controls for separate industries to a new agency, the NRA.[17]

Although the NIRA led to new organizing, it did not provide workers seeking to organize with a robust set of legal defenses. Instead, the NIRA reflected Roosevelt's and many other progressive New Dealers' preferences for a version of labor associationalism. At its core, associationalism was rooted in a collectivist approach to economic planning. While workers were without question a dependent and exploited class, progressive New Dealers thought that the best remedy to their condition was to establish "harmonious and cooperative relations between workers and employers."[18] Critically, proponents of this vision, including Roosevelt himself, did not want trade unions to become a permanent feature of the American political economy. The initial bill, in fact, did not address the issue of worker organizing at all. That did not occur until William Green, the president of the AFL, insisted that Section 7(a) be added, which recognized unions' collective bargaining rights and outlawed employer interference in worker organization.[19]

Further, the fragmented system implemented through the NRA, which sought to establish different standards for each industry, opened a window for employers and industrialists to argue about categories of workers that should and should not be included in labor protections. Officials within the

[17]By the end of the summer of 1933, General Hugh Johnson, FDR's pick to head the NRA, had secured the agreement of all major industries; however, he had also amassed many critics. The central criticism of the new NRA codes was centered around the practice of price-fixing and the belief that the codes promoted monopoly to the disadvantage of small businesses. Leuchtenburg, *Franklin D. Roosevelt and the New Deal: 1932–1940* (New York: HarperCollins, 1963), 67–68.

[18]Daniel, *Bitter Harvest,* 167-168.

[19]Daniel, *Bitter Harvest*, 167–73.

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administration later estimated that 14 to 20 percent of employees were exempted from code provisions enacted by the NRA.[20] As Section 2 details, industrialists on many occasions pushed to exclude seemingly small categories of workers, usually those in the most arduous and lowest-paid positions. However, this also happened at a very broad level in the case of the agricultural industry. The agricultural industry was one significant sector of the economy not included in the purview of the NIRA and the NRA. While some members of the New Deal administration were working with New Deal legislators to draft the NIRA, others were crafting a similar bill to aid the recovery of the agricultural economy. Some saw agriculture and industrial production as parallel and entwined enterprises. Others argued that the agricultural and industrial economies had been impacted differently by the economic crash and would require different interventions to recover.

During debates over the NIRA and the AAA, this tension between the agricultural and industrial economies led to extensive discussions of the differences in the structure and function of each. The ultimate result of these debates was that the two sectors came to be managed by different legislative frameworks: the agricultural sector by the AAA and the industrial sector by the NIRA. These separate legislative acts also divided the administrative management of the two sectors into separate administrative agencies: the U.S. Department of Agriculture oversaw the agricultural sector, while the NRA was tasked with promoting economic recovery and growth for the industrial sector. The NIRA committee reports articulated this delineation clearly in Section 8 of the law, which gave the secretary of agriculture primary authority over agricultural commodities and products and indicated "that nothing in the industrial program should be construed to repeal or modify any of the provisions of the [AAA]." The committee rewrote this section in order to eliminate possible conflicts in administering the industrial program and the AAA.[21]

The AAA was premised on the broadly held belief that plummeting commodity prices and overproduction were at the root of the crisis in the agricultural sector.[22] Members of Roosevelt's administration, large and small farmers, and farm federations and agribusiness all focused on farmers and "saving capitalism on America's farms," which they thought had been too often overshadowed by interest in the industrial economy. In particular, advocates of the AAA endorsed federal programs that offered loans to farmers, set higher prices, and were much more involved in overseeing farm production.[23] In legislative debates and administrative management, much of the focus was on farmers, even though many others, like tenant farmers, sharecroppers, and agricultural workers, were integral parts of agricultural production.[24]

Farmers, farm group representatives, and agribusiness supported the delineation of the agricultural and industrial sectors. Citing concerns over dual administration and taxation, they pressed for the agricultural sector to be managed exclusively under the AAA. Even staunch New Dealers like Senator Robert Wagner (D-NY), the great champion of organized labor and workers' rights, endorsed this view. In his introduction of the NIRA, Wagner made clear that agriculture was not included in the bill's definition of industry and that there should be no duplicative oversight with the AAA.[25] Although he was an ally of organized labor, Wagner felt no compulsion to protect the rights of agricultural workers, at least in part because the AFL, the leading force in the labor movement during this period, thought that labor's strength lay in the bargaining power of skilled workers. In part, this focus reflected broader shifts in political economy. Between 1919 and 1933, the number of industrial workers had been steadily climbing, while the number of agricultural workers had declined.[26] Beyond the changes in the number of workers, the AFL's focus on skilled workers also meant that they were not inclined to organize low-skilled farmworkers. However, this was a point of contention within the labor movement. Throughout the earlier twentieth century, a variety of other labor associations, including affiliates of the Communist Party of the United States of America (CPUSA), the IWW, and the new CIO, challenged the AFL's focus on skilled workers and pursued different strategies for building on collective power.[27] However, in 1933, these

[20]Leon Henderson, who was the director of research and planning for the NRA, argued that the wage and hour provisions set under the NRA industrial code boards had been "sapped of considerable strength by exceptions, exemptions and tolerances for peak periods." Of the tremendous 578 codes, Henderson reported that only four resisted exceptions for specific occupations. Further, his estimates indicated that between "14 to 20 percent of all employees of codified industries were exempted from code provisions." *Hearings before a Joint Meeting of the Senate Committee on Education and Labor and the House Committee on Labor* (HRG-1937-EDS-0014), "Fair Labor Standards Act of 1937. Part 1," 75th Congress, 1937, 157, 161 (statement of Leon Henderson, director of research and planning for the NRA).

[21]"It is provided that the President may, in his discretion, in order to avoid such conflicts, delegate any of his functions and powers under the industrial program with respect to trades or industries which are engaged in handling agricultural commodities or products, or competing commodities or products, to the Secretary of Agriculture." Committee on Finance, U.S. Senate, *National Industrial Recovery Bill*, 9769 S. Rep. No. 114, 73rd Congress, 1st Sess., May 29, 1933.

[22]For example, Mordecai Ezekiel, assistant chief economist for the Federal Farm Board, argued that farmers, unlike industrial workers, found themselves in a double bind as a result of the Great Depression. First, their loss of cash income was double that of the general population of workers. According to Department of Agriculture estimates at the time, "From 1929 to 1932 the cash Income of all persons in this country, except farmers, declined by approximately 38 percent. During the same period the gross income of farmers, according to estimates prepared by the United States Department of Agriculture, declined by 57 per cent. Second, because the price of farm goods remained high, farmers' purchasing power had only returned to 60% of what it was in 1929. Ezekiel argued that the consequences of this double bind would be felt beyond farmers: The reduced farm income affected not only the buying power of farmers themselves, but also that of all persons whose income is directly dependent on the income of farmers, merchants, doctors, and artisans in small country towns, railroad employees on lines serving principally farming territory, and even many dwellers in cities." *Agricultural Adjustment Program: Hearings Before the Committee on Agriculture*, U.S. House of Representatives (HRG-1932-HAG-0018), 72nd Congress, 2nd Sess., December 14–17 and 19–20, 1932, 359.

[23]Jason Scott Smith, *A Concise History of the New Deal* (New York: Cambridge University Press, 2014), 56–61.

[24]The goals and legacy of the New Deal farm programs and have been a source of considerable debate among scholars of agricultural history. Some scholars, like Cletus Daniel and Jason Scott Smith, highlight the ways the programs benefited large landowners at the expense of agricultural workers and sharecroppers. Others, like Jess Gilbert and Mary Summers, have argued that "the intended Agricultural New Deal" of Henry Wallace and many of his progressive allies tried to expand the benefits of a planned agricultural economy to lower-income farmers, tenants, sharecroppers, and farmworkers, but their efforts were aroused fierce opposition and were ultimately dismantled by New Deal opponents. Daniel, *Bitter Harvest*, 174; Mary Summers, "The New Deal Farm Programs: Looking for Reconstruction in American Agriculture," in *Fighting for the Farm: Rural America Transformed*, ed. Jane Adams (Philadelphia, PA: University of Pennsylvania Press, 2003), 147–59; Smith, *A Concise History of the New Deal*; Jess Gilbert, *Planning Democracy: Agrarian Intellectuals and the Intended New Deal* (New Haven, CT: Yale University Press, 2016).

[25]*S. 1712 and H.R. 5755: Bills to Encourage National Industrial Recovery, to Foster Fair Competition, and to Provide for the Construction of Certain Useful Public Works, and For Other Purposes: Hearing Before the Committee on Finance*, U.S. Senate (HRG-1933-FNS-0004), 73rd Congress, 1st Sess., 1933, 19.

[26]Robert H. Zieger, *The CIO, 1935–1955* (Chapel Hill: University of North Carolina Press, 1997), 6.

[27]Cletus Daniel explores the IWW, CPUSA, and early CIO campaigns in a rich study of California farmworkers and organizing efforts in the late nineteenth and early twentieth centuries. Daniel, *Bitter Harvest*.

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debates were largely taking place across the country in local and regional organizing drives, not in congressional debates. As a result, Wagner and the AFL did not push back against a legislative and administrative framework that set government priorities and oversight of the agricultural economy separately from industry.

Farmers' organizations, agribusiness, and agricultural manufacturers' arguments also emphasized the kinds of taxation and funding issues that could arise from "dual oversight" of the agricultural sector by both the NIRA and the AAA. They included labor regulations among this list of issues. In their view, increasing labor costs would unnecessarily increase production costs and reduce farmers' purchasing power. They argued that in order to establish parity between the agricultural and industrial sectors, sole authority over the agricultural sector should reside with the Department of Agriculture.[28]

For example, A. M. Loomis, representing agricultural manufacturers from the National Dairy Union and the American Association of Creamery Butter Manufacturers, opposed the general sales tax proposed to fund the NIRA because it would impose a double tax on farmers and agricultural manufacturers, who were already subject to the processing taxes under the AAA.[29] In response, Representative John McCormack (D-MA) and other committee members asked Loomis whether he had supported the processing tax of the AAA and, if so, why he was opposed to a similar tax in the NIRA. McCormack challenged Loomis's position, claiming that his opposition was rooted in the agricultural sector's interest in benefiting from, but not contributing to, the process of recovery:

> That is the one great problem in all taxation problems. We people from the industrial areas are willing to contribute more than our share, but those representing the agricultural areas do not want to contribute a penny.[30]

Loomis's alternative to the general sales tax was the same as the Farm Bureau Federation's: reduce the individual exemptions and increase the payroll tax payments on everyone, including the working classes.[31]

In addition to double taxation, representatives of the agricultural sector and members of Congress were also concerned with the issue of dual administration. During Chester Gray's testimony on behalf of the American Farm Bureau Federation, which had supported the AAA as critical to saving the agricultural economy, Representative Harold Knutson (R-MN) asked him whether "dual administration" of agricultural production under the AAA and the NIRA was a concern for his organization. Gray responded that "any reasonable interpretation of the language in section 8 leaves the administration of the Agricultural Adjustment Act exclusively in the Department of Agriculture, under the Secretary's authority."[32] In his testimony before the Senate Committee on Finance, Gray restated this position and affirmed their preference was for sole authority to rest with the secretary of agriculture to avoid confusion.[33]

Outside of his stated interest in avoiding dual oversight, Gray did not expand on his preference for settling agricultural production in the hands of the Department of Agriculture. However, Loomis explicitly referenced labor standards in his testimony. He argued that the AAA already required the agricultural sector to "adopt a program and fair-trade practices for our industry-the very thing that is also contemplated in the industrial recovery bill for all industries." He continued and pointed out that the only differences between the AAA and the NIRA were the "limitation of working hours and minimum wages."[34] Loomis's remarks make clear that the absence of labor regulations under the AAA was a significant reason that farmers and agricultural manufacturers preferred oversight by the Department of Agriculture.

Loomis and others also nested their arguments against oversight under the NIRA in terms of broader concerns over parity between the agricultural and industrial sectors. In his testimony before the House Committee on Ways and Means, Loomis characterized his opposition to the public works' provisions of the NIRA as rooted in these concerns over parity:

> This is not a plea for low, starvation, or substandard wages. It is a protest against the disparity of wages which has existed between industries, and which we believe to have been a major cause of the depression. It is a plea for honest living wages, substantially fair as between industries and occupations. Any utilization of this vast amount of public funds to maintain arbitrarily high wages should be regarded as directly in opposition to the full purpose and intent of this legislation.[35]

Loomis's concerns over the disparity between the agriculture and industry reflected a common perspective in the agricultural sector. However, they also served to deflect attention from class differences and conflict within the agricultural sector, particularly those related to the exploitative working conditions of agricultural workers, sharecroppers, tenant farmers, and other precarious farm laborers.

In addition, this focus on agricultural and industrial parity on a broad level obscured the fact that employers and representatives of industry in both sectors used similar arguments against labor standards in order to avoid legal measures that would have addressed exploitative working conditions. Indeed, representatives of industries that were included in the NIRA's purview argued against labor standards that would increase the costs of production. In debates over the NIRA, industrial elites and employers made similar claims that rescuing industry meant keeping costs down in order to increase overall production levels. The AFL, organized labor's most influential voice in Congress during the New Deal debates, challenged these arguments and advocated

[28]The entities whose testimony was analyzed include the National Grange, the Farmer's Union of America, the American Farm Bureau Federation, the National Dairy Union, the American Association of Creamery Butter Manufacturers, and the Associated Coffee Industries of America.

[29]H.R. 5664: A Bill to Encourage National Recovery to Foster Fair Competition, and to Provide for the Construction of Certain Useful Public Works, and for Other Purposes: Hearing Before the Committee on Ways and Means, U.S. House of Representatives (HRG-1933-WAM-0006), 73rd Congress, 1933, 210.

[30]Ibid., 212.

[31]This position was shared by other farmers' organizations, including the National Grange and the American Farm Bureau Federation, both of which represented the interests of predominantly large-scale farmers. *H.R. 5664: A Bill to Encourage National Recovery to Foster Fair Competition, and to Provide for the Construction of Certain Useful Public Works, and for Other Purposes: Hearing Before the Committee on Ways and Means*, U.S. House of Representatives (HRG-1933-WAM-0006), 73rd Congress, 1933, 213–216, 232–43.

[32]*H.R. 5664: A Bill to Encourage National Recovery to Foster Fair Competition*, 238.

[33]*S. 1712 and H.R. 5755: Bills to Encourage National Industrial Recovery*, 396.

[34]*S. 1712 and H. R. 5755: Bills to Encourage National Industrial Recovery, to Foster Fair Competition, and to Provide for the Construction of Certain Useful Public Works, and For Other Purposes*, U.S. Senate Committee on Finance (HRG-1933-FNS-0004), 73rd Congress,1933, 82.

[35]*H.R. 5664: A Bill to Encourage National Recovery*, 209.

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for labor standards that would protect industrial workers.[36] Focusing on issues facing industrial workers and the industrial sector, New Dealers and the AFL argued that increasing wages would increasing consumer buying power, which was critical for economic recovery.[37]

While the AFL effectively countered the efforts of employers and industrialists to limit the scope of labor protections when it came to industrial workers, there was no comparable organization making the same case on behalf of agricultural workers. Arguments that higher wages were needed to increase consumer buying power were rarely applied to agricultural workers. The AFL was silent on the issues faced by agricultural laborers in debates about the NIRA and the AAA. Their silence in national policy debates reflected the AFL's ambivalence over organizing agricultural workers. Farm laborers, who were largely seasonal and migratory, were thought to be more difficult and expensive to organize. As a result, many AFL leaders believed that the costs of organizing them outweighed the benefits.[38] As one AFL leader famously said in 1935, "only fanatics are willing to live in shacks or tents and get their heads broken in the interest of migratory labor."[39]

Further, at this point, the AFL was primarily focused on organizing skilled workers along craft lines. Some agricultural workers who worked in agricultural processing jobs more closely resembled the traditional craft workers the AFL sought to organize. However, the vast majority were unskilled field workers. Given the craft-oriented focus of the AFL, groups like the IWW and the TUUL led the first and most concerted efforts to organize agricultural workers in the late nineteenth and early twentieth centuries.[40]

As would be true throughout the next few decades, efforts to organize unskilled workers were highly divisive within organized labor. Organizations like the IWW, the TUUL, and later the CIO emerged in large part to challenge the AFL for its reluctance to organize unskilled workers, including agricultural workers.[41] However, as will be discussed in the next section, the NIRA led to a revival in labor unionism among agricultural workers, who worked to establish new unions and labor standards using new federal protections even though the new laws did not formally protect them.

By appealing to concerns about dual administration and effective economic recovery, farmers, farmers' organizations, and agricultural manufacturers won a definitive victory in settling the agricultural industry under the authority of the AAA and not the NIRA. While the exclusion of agricultural workers was not written into the laws explicitly, as it would be in the 1935 NLRA, this differentiation had a very similar effect, particularly when reinforced by executive action. Just weeks after the NIRA passed, Roosevelt issued the President's Re-employment Agreement, which contained language that stipulated that Section 7(a) did not apply to agricultural workers.[42] In addition, employers and industrialists learned that by drawing distinctions and parsing different types of workers, they could effectively evade the labor regulations ushered in by New Deal reforms. The idea that minimum wage, maximum hour, and other labor protections could harm some sectors of the economy became a tool that the New Deal's opponents used in subsequent battles over industrial relations. Critically, as the following two sections will explore, these debates became increasingly consequential for racial advocacy organizations and Black workers.

2. Coalitional Politics and Worker Exclusions under the National Recovery Administration

However scant consideration of agricultural workers was during debates over the NIRA and the AAA, there was even less consideration of the implications of New Deal programs for Black workers. In reflecting on the drafting of the NIRA, Houston of the NAACP argued that "there was absolutely almost no recognition of the interests of the Negro workers . . . it is a situation in which the relation of the Negro with regard to the general economic picture just has not penetrated."[43] Racial advocacy organizations were not among those who testified before Congress regarding the first wave of New Deal legislation, and their interests, like those of agricultural workers, were not represented by major labor associations like the AFL. The question of organizing Black workers was another major source of tension within the labor movement. Organized labor, especially the AFL, was internally divided on how best to address racial discrimination within local unions and member associations.[44] In response, racial advocacy organizations were extremely divided on how—and whether—to work with trade unions in pressing for economic rights. However, the implementation of the NIRA through the NRA's code boards presented an important opportunity for racial advocacy organizations and labor unions to work together for more expansive labor protections. While these administrative debates were not as consequential as their legislative counterparts, they provide further, and in many cases sharper, insight into the racial and political-economic positions of many key groups engaged in these discussions.

Although the NRA was ultimately unsuccessful in establishing a coherent and durable framework for industrial relations, the creation of the first industrial code in the cotton textile sector enabled the creation of a loose coalition that included the Negro Industrial League (NIL) and several AFL and CPUSA labor affiliates. Together, these groups contested the delineation of the industrial and agricultural sectors and exposed the practical difficulties it presented for establishing labor regulations that would protect all workers. Racial advocacy organizations' interventions into these national debates over industrial policy and labor regulations underscore that racial discrimination was not their only issue of concern; they were also very much concerned with the creation of industrial relations frameworks and the nature of industrial production. These debates also show that there were trade unionists in this period pushing for universal labor standards that would foster solidarity among all workers —including agricultural and Black workers.

[36]The most prominent issues they addressed were the need for measures to combat the power of business-run company unions. *H.R. 5664: A Bill to Encourage National Recovery to Foster Fair Competition*, 117–32 (statement of William Green, president of the AFL); *S. 1712 and H.R. 5755: Bills to Encourage National Industrial Recovery*, 404–7 (statement of John Lewis. president of the United Mine Workers of America and vice president of the Metal Trades Division of the AFL).

[37]Brinkley, *The End of Reform*, 268–69.

[38]Jamieson, *Labor Unionism in American Agriculture*, 22.

[39]Daniel, *Bitter Harvest*, 274.

[40]Jamieson, *Labor Unionism in American Agriculture*, 11, 20.

[41]Jamieson, *Labor Unionism in American Agriculture*, 80–81.

[42]Jamieson, *Labor Unionism in American Agriculture*, 17; Daniel, *Bitter Harvest*, 174.

[43]*H.R. 4884 and H.R. 6450: Equal Labor Representation on Government Codes and Boards*, 225.

[44]Philip S. Foner, *Organized Labor and the Black Worker: 1619–1973* (New York: International Publishers, 1974), ch. 15.

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The NIRA delegated the responsibility of setting wage minimums, hour maximums, and price controls to a new agency: the NRA.[45] In part, this strategy helped usher the legislation through more quickly and without major debates over these provisions in Congress. But it did not circumvent these debates entirely, instead relegating them to the nascent agency. Rooted in labor associationalist ideals, the NRA created a series of industrial code boards that were overseen by the federal government and composed of representatives from labor, industry, and the consuming public. The NRA was established to promote harmonious industrial relations, avoid class antagonism, and constrain the excesses of capitalism that were thought to have brought about the depression.[46] One important goal of the NRA was to enact price controls and curb massive monopolies. Some argue that this meant the NRA was intended to allow businesses to negotiate among themselves rather than providing an opportunity for negotiations to take place between labor and industry.[47] The structure also tended to favor large corporations, which garnered criticism of the agency among small businesses.[48]

The agency also posed an initial challenge to efforts to delineate the agricultural and industrial sectors. Despite Roosevelt's administrative decree that the NIRA and Section 7(a) did not apply to agricultural workers, there was still considerable confusion over the law's applicability to the agricultural sector and its workers.[49] Public interpretations and responses to the legislation did not register this fact. In response to the massive publicity campaigns conducted to spread awareness of the NRA, many farm laborers petitioned the agency to establish standards for their industries.[50] As in the industrial sector, there was a similar spike in labor organizing among farm workers after the passage of the legislation.[51]

The NRA code board hearings seeking to set wages and working conditions in agriculture-related industries challenged the bright line that Congress and the agricultural sector had attempted to draw between the agricultural and industrial sectors. During the debates that resulted in the passage of the NIRA, the term "agricultural workers" typically referred to non-landowning farmworkers employed by farmers, planters, and ranchers to work in their fields and barns. However, the rise of mass agricultural production meant that there was also a significant component of the agricultural workforce that worked for agricultural cooperatives and industries in packing sheds and canneries or moving an agricultural product like cotton into mills. Many of these positions closely resembled those in industrial factories, making the delineation between the agricultural and industrial sectors fuzzy. This issue of how to differentiate the two repeatedly appeared in debates over wages and standards set by the NRA in agriculture-related industries.

Most critically, the cotton textile code board hearings made clear that the delineation of the agricultural and industrial sectors had significant consequences for both agricultural and Black workers. The massive cotton textile industry was a priority industry for the Roosevelt administration, which was why the president asked the cotton textile board to convene first, before the legislation became law.[52] By the 1930s, the cotton textile industry was the largest in the United States and spanned a broad set of workers and working conditions, with nearly one million workers across twenty-nine states.[53] Cotton production was also highly concentrated in the South. Moreover, while there were many instances of protest and militant action among Southern textile workers from 1929 to 1934, overall rates of unionization were low. This disorganization of textile workers was compounded by the fact that workers were spread out and frequently reliant on their employers for housing, medical care, and other services.[54]

Code debates for the cotton textile industry mirrored the debates that had taken place during the creation of the NIRA. Once again, farmers' organizations, agribusiness, and agricultural manufacturers attempted to distinguish between categories of workers in order to limit the scope of labor protections provided by the codes. Their arguments endorsed labor protections only for those workers who were deemed essential to the flow of commerce by their relative proximity to the chain of production, which served as another means of delineating agricultural and industrial labor. In the cotton textile code board hearing, the groups of workers that sparked the most discussion were "outside employees" and "cleaners." Both of these were lower-skilled positions and disproportionately consisted of Black workers, in jobs that looked very much like agricultural and domestic labor. Unlike the debates over the NIRA, there was more forceful opposition to attempts to exclude these workers. Local AFL leaders, labor organizers affiliated with the CPUSA, and the NIL fought to keep both worker classes included in two ways: first by highlighting the need for universal inclusions, and second by focusing on the disparate impact the exclusions would have on Black workers.

The purpose of the cotton textile code, as articulated in a draft presented in June 1933, was to address unemployment, improve standards of labor, limit competition, and increase the "consumption of industrial and agricultural products by increasing purchasing power."[55] The first version of the code, which had been drafted by the three industrial representatives on the panel, stipulated a maximum 40-hour workweek, a $10 minimum weekly wage in the South, and an $11 minimum weekly wage in the North. George Sloan, an industry representative of the Cotton Textile Institute, spearheaded the effort to draft the code and was tasked with presenting it to the assembled board. However, it quickly became clear that the code had been drafted by the industry representatives without input from organized labor.

[45]Skowronek, *The Politics Presidents Make*, 305–8.

[46]Jean-Christian Vinel, *The Employee: A Political History* (Philadelphia: University of Pennsylvania Press, 2013), 4–6; Nelson Lichtenstein, "From Corporatism to Collective Bargaining: Organized Labor and the Eclipse of Social Democracy in the Postwar Era," in *The Rise and Fall of the New Deal Order, 1930–1980*, ed. Steve Fraser and Gary Gerstle (Princeton, NJ: Princeton University Press, 1989), 122–52.

[47]Lichtenstein, *A Contest of Ideas*, 161.

[48]Leuchtenburg, *Franklin D. Roosevelt and the New Deal*, 67–68.

[49]Jamieson, *Labor Unionism in American Agriculture*, 17; Daniel, *Bitter Harvest*, 174.

[50]Sidney C. Sufrin, "Labor Organization in Agricultural America, 1930–35," *American Journal of Sociology* 43, no. 4 (1938): 554.

[51]Jamieson, *Labor Unionism in American Agriculture*, 17–18.

[52]"Representatives of the President and industry itself alike felt that this industry with over 400,000 employees experiencing acutely the disastrous and demoralizing effects of the emergency, ought to be one of the first to take certain fundamental salutary steps toward recovery which this Act makes possible. The President himself specifically called attention to the cotton textile problem and pointed the way." National Industrial Recovery Administration, Hearing on Code of Fair Practices: Cotton Textile Industry, Vol. 1, June 27, 1933, C-6, Box 73, c6, Transcripts of Hearings, 1933–1935, Record Group 009, Records of the National Recovery Administration, Record Group 009, National Archives Building, College Park, MD.

[53]As of 1930, over 75 percent of the nation's cotton textiles were produced in the South, and cotton textile workers made up the largest group of southern industrial workers. Goldfield, *The Southern Key*, 241, 253–58.

[54]Zieger, *The CIO, 1935–1955*, 74–76; Goldfield, *The Southern Key*.

[55]National Industrial Recovery Administration, Hearing on Code of Fair Practices: Cotton Textile Industry, Vol. 1, June 27, 1933, C-6, Box 73, B-5.

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One of the government administrators overseeing the code board hearing was flabbergasted when labor representatives, including the AFL and its affiliate, the United Textile Workers of America (UTWA), expressed their opposition to the code at the first public hearing. The UTWA representative said that there had not been an opportunity to raise their concerns about the code because the draft had been written entirely by the manufacturing representatives.[56]

The UTWA and other labor groups advocated for a lower maximum hour provision and a higher weekly minimum wage than the manufacturers' draft code proposed. For example, Thomas McMahon, who testified on behalf of the UTWA, argued that the weekly wage should be $14.[57] In doing so, they sought to simultaneously limit workers' hours and create more jobs without lowering overall wages. Some labor groups were concerned that the maximum hour provision was not a guarantee of those hours and that the weekly wages were likely to decrease for those workers. So, they advocated for higher wages. During the cotton textile code board hearing, the labor groups that testified were the national AFL, the Amalgamated Clothing Workers of America (ACWA, an AFL affiliate), the Massachusetts Textile Council, and the National Textile Workers. The composition of this group provides important context for the debates within the labor movement at the time, particularly concerning agricultural and Black workers. While all these locals were part of the AFL at that time, McMahon of the UTWA and Sidney Hillman of the ACWA would be among the seven founding members and unions of the CIO when it broke away from the AFL in 1935 to focus on organizing mass industrial workers. Textile workers, in both the North and the South, were important sectors for that strategy. Many workers in the cotton textile industry were frustrated with the AFL leadership and negotiations on their behalf, particularly with their leadership in the labor disputes in the early 1930s. Both in those disputes and during the NRA code board hearings, many rank-and-file members felt that the AFL was siding with management over workers' interests.[58]

McMahon of the UTWA explicitly objected to the exclusion of certain classes from the definition of "employees" in the draft code: "learners during a six weeks' apprenticeship, cleaners and outside employees."[59] The federal NRA administrators questioned Sloan of the Cotton Textile Institute and other industrial representatives about the exclusion of these three classes. Sloan argued that excluding apprentices from the minimum wage requirements reflected the fact that these were training programs, not formal employment. He maintained that if minimum wages were put in place for this group, employers were likely to discontinue the apprentice programs due to the increased cost. William H. Allen, the federal administrator and chairman of the session, voiced a concern that excluding apprentices from the code's definition of an employee could make them "perpetual apprentices," who would move from company to company without finding stable work. Sloan said that while this exact situation had not been raised in the preliminary discussions, he believed the proposed code would prevent this, although he did not clarify how.[60]

Sloan invited another cotton manufacturing representative from the code board, T. M. Marchant, to explain and defend the exclusion of cleaners and outside employees. "'Cleaners,' as they are classed in the Southern mills, are sweepers and certain types of operatives that clean up the machines, merely when it is standing idle . . . Outside labor, as designated here, are altogether colored workers who come in contact with the farming employes [*sic*], or farming help. Colored operators."[61] Marchant's technical defense of the exclusion of these categories was rooted in their distance from the chain of production. Outside workers, who simply aided farmworkers, and cleaners, who worked around the machines when they were not in production, should not be considered formal employees of the cotton textile industry. Marchant's admission that these were predominantly Black workers spoke to the intense racial stratification of the Southern workforce. The additional costs imposed by maintaining segregated facilities meant that Black workers had been all but excluded from the largest industry in the South. Where they were able to be hired in textile mills and factories, Black workers filled the most menial roles, including "outside labor, cleaning and sweeping, or the hot, dirty, heavy work in the picking room."[62]

Marchant was questioned as to why cleaners and outside workers should not be included in the definition of employee and what that would mean for their labor protections. He responded that although it had not been discussed explicitly in their sessions, he thought "it would be the understanding that naturally the wage scale of the outside employees would come up on some corresponding basis in this fight." At that point, General Hugh Johnson of the NRA waded into the conversation and asked whether increases in wages for outside employees would be proportional to increases in wages for classes of workers included in the code. Marchant said he could not be sure the increase would be proportional, but he was confident they would increase. Johnson pressed Marchant on why, with that assumption, the code did not also designate a wage scale for cleaners and outside employees. After some ineffective evasion, Marchant said that it had not been considered. Johnson let the issue drop and returned to Sloan's testimony.[63]

Marchant's and Sloan's answers to questions about the proposed exclusions may have been murky and evasive, but their proposal represented another attempt by employers and industrialists to avoid the new labor regulations for the lowest paid, least skilled, and most precarious workers in the cotton textile industry. Just as they had in debates over the NIRA, they used the delineation of the agricultural and industrial economies to single out categories of unskilled workers that New Deal labor protections would not cover.

However, unlike in the NIRA debates, these low-skilled and disproportionately Black workers found allies and defenders within the labor movement in this instance. Union representatives fought back against the proposed code, and their response spoke to ongoing debates over unskilled and African American workers within the labor movement. On the day following Sloan's and Marchant's defense of the exclusion of outside workers and cleaners, McMahon of the UTWA argued that the proposed exclusions from the code invited "careful stipulation about the meaning of

[56]Ibid., I-1.
[57]Ibid., I-1.
[58]Zieger, *The CIO, 1935–1955*, 24, 75–76; Goldfield, *The Southern Key*, ch. 6.
[59]National Industrial Recovery Administration, Hearing on Code of Fair Practices: Cotton Textile Industry, Vol. 1, June 27, 1933, C-2.
[60]Ibid., U-5–U-7.
[61]Ibid., U-8.
[62]Herbert Northrup, *Organized Labor and the Negro* (1944; repr., New York: Harper & Brothers, 1971), 119.
[63]National Industrial Recovery Administration, Hearing on Code of Fair Practices: Cotton Textile Industry, Vol. 1, June 27, 1933, U-8.

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the word 'employes' [*sic*]. Under the definition contained in the code 'employes' are those actually employed in the operation and tending of looms and spindles." McMahon recalled the proposal for labor protections only for workers with a certain "proximity to the chain of production" and clearly aligned this with stipulations about workers' skill level. McMahon argued that establishing labor protections along these lines would mean that those workers in "the most in need of relief are afforded no relief."[64] Instead, McMahon suggested that the definition of employee proposed in the code and the legal protections afforded should be determined by their precarity and need for legal protections. This argument reflected a more comprehensive and universal version of labor protections than the national AFL's craft-based, skilled worker focus. The UTWA argued quite forcefully that labor protections should extend to these unskilled Black workers, challenging the exclusion of workers based on skill level.

This difference between the national AFL and the UTWA spoke to the increasing divide within the AFL over the question of organizing industrial workers, which ultimately sparked the split and formation of the CIO. However, this incident also highlights those efforts to organize unskilled workers. These arguments about the need for universal labor protections made by soon-to-be CIO affiliates led by leaders like McMahon were particularly consequential for Black workers. Viewing labor protections for skilled and unskilled workers alike underscored the need for a labor movement whose strength lay in its commitment to the principle of solidarity for workers across skill levels. Further, these developments within the labor movement exchange challenge the race-centric arguments put forward by scholars like David Roediger, which attempt to show that a sense of solidarity among the white working class, unified by a psychological experience of whiteness, worked as a constant to perpetuate racial exclusion and discrimination against Black workers.[65] The clear division among white trade unionists as to whether to build on the bargaining power of skilled workers or to build on a principle of solidarity to win bargaining rights and protections for all workers challenges the idea that "the relationship between race and labor can be reduced to a narrative of exclusion and subordination," and instead were entwined with debates within labor over whether and how to organize unskilled workers and fight for universal labor protections.[66]

While union and industrial representatives did not explicitly cast the exclusions of outside workers and cleaners in the cotton codes as racially motivated, two prominent labor and racial advocacy organizers framed their remarks at code board hearings in explicitly racial terms. They were John P. Davis of the NIL and June Croll of the National Textile Workers, a group organizing Southern cotton workers affiliated with the CPUSA. The NIL was the forerunner of the National Negro Congress, an organization that endorsed a Popular Front strategy to synthesize the efforts of unions and racial advocacy organizations.[67] Davis was a forceful defender of Black workers in the cotton textile code debates. In his testimony, Davis provided census data to establish that of the nearly 14,000 Black workers attached to cotton mills, roughly three-quarters were unskilled laborers, while just one-quarter were semiskilled operators. These figures underscore the centrality of Marchant and McMahon's debate over skilled and unskilled workers for Black workers.

Further, Davis stated that seven out of ten of these workers worked in five Southern states (North Carolina, South Carolina, Virginia, Alabama, and Georgia). The fact that these were largely unskilled workers in the South meant that, on the whole, Black workers were getting paid significantly less. Davis did not offer comparable figures for white workers, however, as there was no official public documentation of the comparison of wages between laborers and semiskilled operators. He did make reference to unofficial records, which indicated that "persons classified as laborers working in cotton mills receive a lower wage than that paid those classified as operatives." Further, Davis testified that "an even lower wage scale prevails for Negro laborers in the cotton textile industry than for whites classified as laborers; that the hours of work for this class are more than 40 hours a week; that the work is unhealthy and generally unsanitary conditions prevail."[68] On these grounds, Davis claimed that the exclusion of outside employees and cleaners would disproportionately impact Black workers:

> This exception necessarily results in the exclusion of Negro wage earners from the benefits to labor provided by the Act and stated to be within the purpose of the Act by the President of the United States and the Administrator of the Act appointed by him. The sharpness of this discrimination would be accentuated by the fact that over four-fifths of colored 'laborers' attached to the cotton textile industry are concentrated in the South – where wages are lowest and hours of services are longest.[69]

Davis argued that the very spirit of the exclusion went against the basic principle of minimum wage legislation to "raise excessively low wages."[70]

Like McMahon of the UTWA, Davis stressed that such exclusions would also tempt employers to "evade the law by reclassifying employees." With an available group of laborers not protected by minimum wage and maximum hour protections, employers were likely to "either falsify the classification or shift men grouped in the excluded occupations to part-time work in fields that are not included in the regulations."[71] This aligned with Marchant's stated intention that the wages of these classes of workers would be determined by the employers, with perhaps some relationship to subsequent rises in the minimum wage for code employees, but certainly no guarantee.

The NRA administrators, Hugh Johnson and Donald Richberg, only engaged with Davis to ask whether the NIL was satisfied with the minimum wage rate proposed by the code. Davis once again pointed to the lack of a comprehensive cost of living study for Black workers in the South, which they had asked the U.S. Department of Labor to conduct. Without such information, Davis said he could not make a clear assessment but agreed with the testimony of other labor groups who raised concerns.

The limited engagement with Davis stood in sharp contrast with Johnson's and Richberg's open hostility to Croll of the National Textile Workers. Communist organizing efforts were

[64]Ibid., I-2–I-3.

[65]David R. Roediger, *The Wages of Whiteness: Race and the Making of the American Working Class*, new ed. (New York: Verso, 2007).

[66]Eric Arnesen, "Up from Exclusion: Black and White Workers, Race, and the State of Labor History," *Reviews in American History* 26, no. 1 (1998): 149, 156.

[67]For more on the evolution of the Negro Industrial League and the National Negro Congress, see Erik S. Gellman, *Death Blow to Jim Crow: The National Negro Congress and the Rise of Militant Civil Rights* (Chapel Hill: University of North Carolina Press, 2012).

[68]National Industrial Recovery Administration, Hearing on Code of Fair Practices: Cotton Textile Industry, Vol. 1, June 29, 1933, 23.

[69]Ibid.

[70]Ibid., 24.

[71]Ibid., 25.

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another source of tension within the labor movement, fueled by the CPUSA's efforts to organize both independent unions and AFL locals. The CPUSA unions and organizing groups, which had started organizing Black workers in 1929, were among the first labor associations to strongly endorse antidiscrimination principles.[72] In her testimony, Croll attacked the proposed code on the grounds that it would accomplish little in advancing the NIRA's goals to create jobs and increase wages for workers. Croll argued that neither the 40-hour maximum nor the weekly minimum wage considered the actual circumstances textile workers were facing. She also clearly articulated the racial implications of the proposed worker exclusions:

> In the South, for instance, taking up this question of cleaners and outside people who do odds and ends around the mill, who are they in the south, particularly? Negroes. I know there are probably a lot of people here who think we don't have to worry about them. They are not people.

Croll's testimony weaved together racial exclusion and worker exploitation issues in ways that connected the points made by other trade unionists and racial equality advocates.

In addition to highlighting the unfair practices of employers, Croll was also highly critical of organized labor, particularly of the AFL's and UTWA's failure to fight for contracts that reflected the workers' preferences and needs. She criticized organized labor for using the exclusion of Black workers as a bargaining chip for higher wages for their white members.[73] She also sought to distinguish between the interests of workers and the machinations of leaders of labor organizations, who had interests in reaching an accord on the codes separate from the benefit of the workers.[74] Labor representatives' testimony before the cotton textile code board provided some support for Croll's claim that there were important distinctions between the national union's leaders and the rank-and-file workers. While McMahon, a representative of a local union, argued forcefully for the inclusion of the outside workers and cleaners, William Green and John Frey, representatives of the national AFL, stayed silent on the issue. This difference, once again, highlights the growing rift that would give rise to the CIO.[75]

The final version of the code, which President Roosevelt signed on July 9, 1933, reflected the NRA's attempts to compromise on many of the arguments that arose during the hearing. Minimum weekly wages were increased by one dollar, but the code maintained the 40-hour workweek. It also accepted the industrial representatives' proposal to exclude outside workers and cleaners "for the present." However, it called for the Planning and Supervisory Committee of the NRA to create a "schedule of minimum wages and maximum hours for these classes," by January 1934.[76] While not an outright success, this was a significant indication that the federal administrators were dissatisfied with Sloan's and Marchant's defense of the exclusions and compelled by the testimony of those who advocated keeping outside workers and cleaners in the definition of employee. The NRA was broadly recognized as a failure of industrial planning, a claim that is supported by the modest adjustments and clear evidence of the powerful position industry representatives held on the cotton textile code board.[77]

But this modest concession by the NRA highlights a small moment of victory for the coalition of labor and racial equality advocates that had argued for labor protections for outside workers and cleaners. At its core, the fight over outside workers and cleaners hinged on the question as to whether some categories of laborers outside the framework of legal labor protections. McMahon and the UTWA recognized that the risk of settling for anything other than universal inclusion would be allowing employers to continue to exploit the most disadvantaged workers—a recognition of the need for solidarity that transcended the race and skill level of workers. Davis and Croll also pointed to the harmful consequences of these exclusions, highlighting the racially disparate impact that the exclusion would have on Black workers. It is not clear whether the NRA administrators were more compelled by the racial disparity or universal protection arguments, but what is clear from this debate is that issues affecting Black workers were intimately tied to these debates among competing political-economic visions.

In either case, the final ruling and call for labor standards for the outside workers and cleaners was a significant indicator that the government was increasingly open to a vision of economic recovery that extended protections to more vulnerable workers, one that would develop into stronger labor protections under the NLRA. Ultimately, both the positions of agricultural industrialists and the coalition of racial and labor advocates provided a set of rhetorical arguments that were drawn upon in a similar debate over agricultural workers and the NLRA, as will be discussed in the next section.

3. Rearticulating Agricultural Worker Exclusions under the NLRA

The experience under the NIRA and the NRA was illuminating for those trying to build a new framework for labor relations, including those aiming to build coalitions among labor unions and racial advocacy organizations. But in May 1935, the U.S. Supreme Court overturned vital sections of the law, including Section 7(a) protections for organizing workers. The Court argued that Congress had overstepped the commerce power granted to it in the Constitution.[78] However, the problems with the law extended beyond these constitutional questions. While there was a rapid spike in labor organizing and union growth, the attempts to foster harmonious negotiations between industry and labor had, in fact, led to greater labor unrest. A major strike wave in 1934 and 1935 underscored workers' dissatisfaction with the NIRA and the perception that the code boards had allowed for

[72]Daniel carefully traces the tensions between the AFL and Communist-affiliated labor organizations in organizing farmworkers in California. Goldfield provides a similar analysis of tensions between the AFL and Communists in agricultural worker organizing in the South during the 1920s and 1930s. Daniel, *Bitter Harvest*, ch. 4; Goldfield, *The Southern Key*.

[73]"Whenever a white worker refuses to accept the starvation level of wages, the Negroes are hired and starved out for years and they are obliged to accept the lower wage scale. Through the policy of the American Federation of Labor they have not been organized and have been obliged to accept this low wage scale." National Industrial Recovery Administration, Hearing on Code of Fair Practices: Cotton Textile Industry, Vol. 1, June 29, 1933, 17.

[74]Ibid., 13, 23.

[75]National Industrial Recovery Administration, Hearing on Code of Fair Practices: Cotton Textile Industry, Vol. 1, June 29, 1933, S-9 and W-6.

[76]As for the schedule stipulated, I have not been able to find a record of this report. Code of Fair Competition for the Cotton Textile Industry, as approved by President Roosevelt, July 9, 1933, Release #331, Box 73, page 2, Transcripts of Hearings, 1933–1935, Record Group 009, Records of the National Recovery Administration, Record Group 009, National Archives Building, College Park, MD.

[77]Goldfield reports that the NRA was largely seen as a "boon for textile manufacturers," who had significant control over the operations of the code board. Goldfield, *The Southern Key*, 271.

[78]*Schechter Poultry Corp. v. United States*, 295 U.S. 495 (1935).

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too much influence by employers. The agricultural industry was no exception. A massive cotton textile strike in the South in the fall of 1934 was, in part, a response to workers' dissatisfaction with the outcome of the NRA's cotton textile code.[79] In the West, major agricultural strikes in the San Joaquin Valley in the fall of 1933 and then in the Imperial Valley in early 1934 caused political unrest in the region.[80]

But it was not only industrial unrest and the Supreme Court's decision that led New Dealers to devise a new framework for industrial relations. Even before the court struck down elements of the NIRA, Senator Wagner, labor's major champion in Congress, had begun crafting a new labor relations bill that would reconstitute and strengthen the weak protections for workers that had been established by the NIRA's Section 7(a). Wagner and other progressives continued to highlight the importance of harmonious and peaceful labor relations for interstate commerce in order to circumvent further intervention by the Supreme Court. Thus, the NLRA was designed not simply to recreate elements of the NIRA and NRA; it was also written to correct the shortcomings of the previous legislation. Most notably, it created the permanent National Labor Relations Board (NLRB) that would supervise union elections, expanded workers' bargaining rights, and codified a list of unfair or coercive labor practices.[81] In short, the NLRA offered more substantial protections and powerful tools for workers seeking to organize into labor unions. Thus, with the introduction of the NLRA, it became clear that many New Dealers had begun to move away from promoting associationalism as the primary mode for organizing labor relations in favor of measures that would create and protect a stronger labor movement while still promoting "industrial peace."[82]

While it provided essential protections for workers, the new law did not go so far as to embrace the vision of universal labor standards that labor representatives and racial advocacy organizations had pushed for during the NRA's cotton textile code board hearing. Instead, the NLRA codified the exclusion of several classes of workers, including agricultural workers. Many scholars have tried to pinpoint where the idea for agricultural workers' exclusion originated. Some argue that it emerged from members of Congress (particularly Southern Democrats), others point to the influence of advisers on Roosevelt's economic council, and some point to similar exclusions adopted by other Western democracies.[83] Debates over the NLRA in both Congress and within Roosevelt's cabinet certainly provide support for each of these explanations. However, they also tend to isolate consideration of the development of these policies on the friction and debate between New Dealers and the oppositional Southern Democrats.

For example, many scholars argue that concerns over the "administrative burden" of implementing new provisions of the Social Security Act, which also passed in 1935, were rooted in members' interest in maintaining a labor and racial regime in the South. They argue that congressional opposition to labor standards and social welfare programs proposed in the second wave of New Deal legislation reflected an interest in maintaining the system of paternalism in the South, particularly in the cotton and agricultural sector.[84] These accounts highlight significant political dynamics that inarguably shaped the policy environment. However, these accounts fail to emphasize the extent to which the congressional hearings and testimony on the NLRA were continuations of the debates that had taken place in the NIRA and the NRA's cotton textile code board over the need to delineate agricultural and industrial production in the eyes of the law. Representatives of farmers' organizations, agribusiness, and agricultural producers continued to argue for a delineation of the agricultural and industrial sectors, which was a strategy for making some categories of workers (in canneries, for example) ineligible for labor protections. Further, as this section will detail, the cotton textile code board's legacy was a matter of significant consideration during the NLRA hearings.

Despite the fact that New Dealers had begun to shift away from labor associationalism and increase their support for a strong labor movement, an NRA-style coalition labor and racial advocacy group did not form to oppose the exclusion of agricultural and other workers. One reason for this was that in 1934, despite the debates over organizing strategies that were taking place within the labor movement, the AFL was the largest and most influential trade association in the country, which meant that it had extraordinary influence and sway among New Dealers in Congress. As committee debates over the bill reveal, just as they had during the NIRA hearings, these members increasingly deferred to the AFL regarding emergent issues related to industrial relations. This deference had two primary consequences for agricultural workers. First, the national AFL's unwillingness to organize agricultural workers resulted in their lack of champions in legislative debates. Second, this deference also meant that progressive New Dealers were not particularly receptive to the claims of discrimination made by racial advocacy organizations against labor unions.

In addition, the most outspoken members of racial advocacy organizations during the NLRA hearings were conflicted about how—and whether—to work alongside trade unions. Some representatives continued to advocate for a Popular Front–style coalition, in which Davis and the NIL saw unions as partners, albeit imperfect ones, in striking at the core problems within the capitalist economic system.[85] While Davis highlighted racial disparities and the dire conditions for Black workers during the cotton textile code board hearings, he did not explicitly attack labor or union practices. During the NLRA debates, some representatives

[79]Goldfield, *The Southern Key*, 269–73.

[80]Daniel, *Bitter Harvest*, ch. 6, 7.

[81]Leuchtenburg, *Franklin D. Roosevelt and the New Deal*, 145, 150–51; Plotke, *Building a Democratic Political Order*, 94.

[82]Lichtenstein, *A Contest of Ideas*, 161–62.

[83]Larry DeWitt highlights that some members of Congress pointed to the "administrative burden" in floor debates. Mary Poole points to the influence of Wisconsin economists on President Roosevelt's Committee on Economic Security, not Southern Democrats, who pushed for the exclusion of some categories of workers from the new social insurance provisions. Finally, Richard Rodems and H. Luke Shaefer argue that this was a broader trend of international policy diffusion. Of the nine countries that had established compulsory unemployment insurance programs as of 1935, six excluded both agricultural and domestic workers, and the remaining countries excluded one or the other. For a further description of the administrative burden thesis, see DeWitt, "The Decision to Exclude Agricultural and Domestic Workers." For the Wisconsin influence thesis, see Mary Poole, *The Segregated Origins of Social Security: African Americans and the Welfare State* (Chapel Hill: University of North Carolina Press, 2006). For the international policy diffusion thesis, see Richard Rodems and H. Luke Shaefer, "Left Out: Policy Diffusion and the Exclusion of Black Workers from Unemployment Insurance," *Social Science History* 40, no. 3 (2016): 389–90, 394.

[84]Alston and Ferrie, *Southern Paternalism and the American Welfare State*; Cybelle Fox, *Three Worlds of Relief: Race, Immigration, and the American Welfare State from the Progressive Era to the New Deal* (Princeton, NJ: Princeton University Press, 2012).

[85]For a broader discussion of the NIL, later the National Negro Congress, and Davis's approach to organizing a Popular Front–style strategy that encompassed the CIO, Communist Party, Black workers, and racial advocacy groups, see Gellman, *Death Blow to Jim Crow*.

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of racial advocacy organizations echoed Davis's claims and argued forcefully that an alliance with labor would strike at the real enemy: employers. But other racial advocacy organization representatives were more conflicted about the possibility of partnering with unions, many of which still adhered to Jim Crow segregation and discrimination practices. Representatives of the NAACP and the National Urban League directed some of their most fiery critiques of discrimination at labor unions and used the NLRA hearings and worker exclusion policies to demonstrate the barriers for Black workers trying to join unions. They also emphasized the consequences of excluding agricultural and domestic workers from coverage by the NLRA for the majority of Black workers. Ultimately, however, the lack of clear advocates among the strongest labor voice in Congress, the AFL, and the deference to them inhibited the formation of a stronger coalition among racial advocacy organizations and unions.

Tracing back through the committee reports, hearings, and debates on the NLRA, several key dynamics emerge that help to explain how the explicit exclusion of agricultural workers evolved out of similar efforts to distinguish the agricultural and industrial sectors that had taken place in the NIRA and NRA debates. Unsurprisingly, farmers and agribusiness representatives continued to advocate for differentiation of the agricultural and industrial economies. Frederic Brenckman, president of the National Grange (the nation's oldest farmers' organization), sent a letter to the Senate Committee on Education and Labor in April 1934 that illuminated the Grange's continued commitment to an explicit separation of the agricultural and industrial sectors, including the differentiation of their workers. Brenckman opened the letter by citing opposition from "various parts of the country" to the proposal that the NLRA include agricultural labor. Brenckman claimed that "it would manifestly be absurd to place hired farm labor in the same category with the industrial labor, and to give the proposed national labor board justification over the farmer's hired help."[86] Brenckman argued that farm labor was merely a reflection of the state of farmers:

> If farm labor is poorly paid in the United States today, then it can be said with emphasis that the farmer and his family are still more poorly paid. After we have restored the purchasing power of the farmer and converted agriculture from a losing to a gainful venture, it will be in plenty of time for the Government to talk about regulating the conditions of farm labor.[87]

As it had during debates over the NIRA and the AAA, the National Grange maintained that imposing labor regulations to protect farm workers would further disadvantage already vulnerable farmers.[88] The Grange held up the ideal of the small family farmer as the backbone of American agriculture and elided the fact that big and small farmers were hiring increasing numbers of farmworkers at very low wages in many sectors of American agriculture. In line with this position, Grange representatives like Brenckman pressed committee members to continue to distinguish between the agricultural and industrial sectors and within the agricultural sector, to prioritize the interests of farmers over those of farm laborers.

The NLRA's definition of "employee" excluded several categories of workers from labor protections, including agricultural, domestic, and other small-scale business employees.[89] While the original bill introduced in the Senate did not exclude agricultural workers, in May 1934, the Senate Committee on Education and Labor amended it to make "clear that the Industrial Adjustment Board is to have jurisdiction over only those disputes which are of a certain magnitude and which affect commerce."[90] The justification for these exclusions was that only the occupations that had the greatest impact on commerce should be under the jurisdiction of the Industrial Adjustment Board, which would later become the National Labor Relations Board. One significant motivation for this language and for limiting the scope of the legislation to significant commercial activities was to circumvent the possibility that the NLRA would be overturned by the courts, as had been the fate of the NIRA. However, this was the same type of argument that had been used to exclude outside workers and cleaners from the cotton textile industrial code, distinguishing agricultural laborers from the chain of industrial production.

The Senate Committee on Education and Labor ultimately revised the bill to include "employees working for very small employer units" in NLRA protections. After much deliberation, committee members had concluded that Section 7(a) of the NIRA did not impose limitations on the size of employers, and neither should the NLRA deny rights to employees based on the "size of the plant in which they work." The report concluded that while they may work in smaller establishments, these workers were often part of "very large associations of workers with great public significance." In essence, this was a recognition that even small groups of workers, when aligned with other workers through labor unions or other organizations, were significant parts of the national economy and required labor protections.

Nevertheless, the committee did not extend this logic to bring agricultural workers under the bill's protections. The Senate committee report pointed to "administrative reasons" that made it "wise not to include under the bill agricultural laborers, persons in domestic service of any family or person in his home, or any individual employed by his parent or spouse."[91] Scholars have argued that members of Congress were concerned that the cost of recouping social security taxes from small employers would impose a massive administrative burden that would exceed any revenue generated by the 1935 Social Security Act. However, in the case of extending labor protections, members did not clarify how labor regulations would generate a similar administrative burden.

As later organizing efforts would show, agricultural workers *could* and *did* organize along "craft or industrial lines" into a "large association of workers" with an impact on commerce.[92] In other words, the idea of administrative burden was a political construction that made a largely artificial distinction between agricultural workers and employees of small firms. Whether in response to this call or other pressures, when the bill was reported

[86]*S. 2926: A Bill to Equalize the Bargaining Power of Employers and Employees, To Encourage the Amicable Settlement of Disputes Between Employer and Employee, To Create a National Labor Board, and for Other Purposes: Hearing Before the Committee on Education and Labor*, U.S. Senate (HRG-1934-EDS-0003), 73rd Congress, 1st Sess., April 4–9, 1934, 1000.

[87]Ibid.

[88]Committee on Education and Labor, U.S. Senate, *To Create a National Industrial Adjustment Board*, 9770 S. Rep. No. 1184, 73rd Congress, 2nd Sess., May 10, 1934, 1.

[89]James R. Wason, "Legislative History of the Exclusion of Agricultural Employees from the National Labor Relations Act, 1935 and the Fair Labor Standards Act of 1938," Library of Congress: Legislative Reference Service, 1966, 1.

[90]Committee on Education and Labor, *To Create a National Industrial Adjustment Board*, 3.

[91]Committee on Education and Labor, U.S. Senate, *Creation of National Labor Relations Board, etc.*, 9879 S. Rep. No. 573, 74th Congress, 1st Sess., May 1, 1935, 7.

[92]Zieger, *The CIO, 1935–1955*.

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out of the Senate Committee on Education and Labor the following month, it had been amended to exclude agricultural and domestic workers.[93]

After passing out of the Senate, the bill moved into the House and was assigned to the House Committee on Labor, where the most vocal supporter of agricultural workers in Congress, Representative Vito Marcantonio (R-NY), loudly opposed their exclusion from the bill. His dissenting opinion appeared in three reports generated by the House Committee on Labor in May and June 1935. While he stated at the outset that, overall, he supported the bill, the exclusion of agricultural workers was a significant issue. He presented labor disputes in California's Imperial Valley and Ohio's Hardin County and the work of the Southern Tenant Farmers Union in Arkansas as evidence that the agricultural sector exhibited many instances of labor unrest that required congressional attention. Marcantonio relied on arguments similar to those that had been used to defend outside workers and cleaners during the cotton textile debates. He forcefully declared that agricultural workers were among the workers in greatest need of protection and that he could not think of "a single solitary reason why agricultural worker should not be included under the provisions of this bill." Further, he stated that "the same reasons urged for the adoption of this bill on behalf of the industrial workers are equally applicable in the case of the agricultural workers, in fact, more so as their plight calls for immediate and prompt action."[94]

Just as McMahon of the UTWA had argued in the cotton textile code hearings, Marcantonio's minority statement in the House report sought to equate the conditions agricultural and industrial workers faced and push for universal labor protections. Neither Marcantonio nor the majority report, written by the bill's cosponsor, Representative Connery, included any explicit discussion of the reasons for the agricultural worker exclusion, aside from the same "administrative burden" reasoning that had been provided in the Senate reports.

Many of the representatives who testified before the NRA cotton textile board also testified before the House and Senate committees considering the NLRA, including the UTWA, the ACWA, the Cotton Manufacturers Association, and the Cotton Textile Institute. In part, the NLRA debates provided a platform for discussion and evaluation of the efficacy of the NIRA and the NRA, in particular. There was extensive debate over whether the cotton textile code had prompted the creation of new jobs through maximum hour restrictions while maintaining wage levels for the existing employees. Unsurprisingly, labor representatives and industry representatives had different interpretations of the effects of the code. Labor representatives argued that while workers would have maintained the same level of wages if they worked a 40-hour workweek, in many cases, they were not *guaranteed* those hours and, thus, took home less pay. In other words, the maximum hour provision might have created more jobs, as was intended, but it did not secure the status of existing workers.[95]

On the other hand, manufacturers and industrialists argued that the new code's 40-hour maximum and minimum wage provisions had increased workers' net take-home pay. They defended the cotton textile code with data indicating that both workers' numbers and take-home pay had increased. Further, they argued that while 40 hours of work was not guaranteed, the figures reported to the Bureau of Labor Statistics indicated an increase in the number of jobs and workers' weekly pay, as well as a decrease in hours.[96] They also pushed for maintaining the NRA framework, contending that doing so would help to promote harmonious industrial relations between workers and employers. While they had initially been wary of the NIRA, cotton manufacturers had been able to shape the code to their preferences and found that they were able to exert significant influence under the the labor associationalist framework.[97] Some committee members, including Northern Democrats, were compelled by the picture of agricultural recovery painted by the agribusiness and agricultural manufacturers and boasted about the recovery of agriculture in the cotton textile industry.[98]

Representatives from racial advocacy organizations, like the NAACP and the National Urban League, also sought to connect the exclusions under the NRA to the limits of government protections for Black workers in the new bill. Drawing on the exclusion of outside workers and cleaners under the cotton textile code, Houston of the NAACP extended Davis's argument during the cotton textile code board hearings and argued that racial exclusion was the primary goal of those who fought for exclusions under the cotton textile code:

> Chairman: What is the situation in reference to these outside crews and cleaners? That is in the textile code, is it?
> Mr. Houston: The first code of 1933 excluded the outside crews and cleaners.
> The Chairman: They were really getting at the Negro?
> Mr. Houston: Yes, 10,000 out of 13,000.[99]

Houston also presented an article written by Davis that addressed the issue of workers at the Maid-Well Garment factory in Arkansas, whose workforce was composed predominantly of Black women and fell under the cotton textile code's jurisdiction. Maid-Well employees had filed a complaint with the NRA Compliance Board when the company refused to raise wages after the cotton textile code was signed. In response, Davis reported that the employer fired these Black women, claiming they were "inefficient" employees.[100] They defended the cotton

[93]Committee on Education and Labor, *To Create a National Industrial Adjustment Board*, 1.

[94]Committee on Labor, U.S. House of Representatives, *National Labor Relations Board*, 9887 H.R. Rep. No. 969, 74th Congress, 27–28.

[95]*S. 2926: A Bill to Equalize the Bargaining Power of Employers and Employees*, 271–81 (statement of Francis Gorman, vice president of the United Textile Workers of America), 120–124 (statement of Sydney Hillman, President of the Amalgamated Clothing Workers of America, member of Labor Advisory Board).

[96]*S. 2926: A Bill to Equalize the Bargaining Power of Employers and Employees*, 622–31 (statement of Donald Comer, President of Avondale Mills, American Cotton Manufacturing Association); *S. 1958: A Bill to Promote Equality of Bargaining Power Between Employers and Employees, to Diminish the Causes of Labor Disputes, to Create a National Relations Board, and for other purposes: Hearings Before the Committee on Education and Labor*, U.S. Senate (HRG-1935-EDS-0003), 74th Congress, 1st Sess., March 21–April 2, 1935, 680–83, 688–96 (statement of Donald Comer); *S. 2926: A Bill to Equalize the Bargaining Power of Employers and Employees*, 325–35 (statement of George Sloan, president of Cotton Textile Institute and chair of Cotton Textile Code Authority).

[97]Goldfield, *The Southern Key*, 271.

[98]Senator David Walsh (D-MA) expressed gratitude to Sloan of the Cotton Textile Institute for setting the record straight and countering the UTWA's claim that many workers suffered pay decreases by the 40-hour maximum rule: "Chairman: I am very glad you appeared, Mr. Sloan, because I really got the impression myself, and I think the committee did, that there were many cases of pieceworkers—and this is not critical at all—who really had their pay envelops reduced by the 40-hour requirements." *S. 2926: A Bill to Equalize the Bargaining Power of Employers and Employees*, 335 (statement of George Sloan).

[99]Ibid., 214.

[100]Ibid., 207–10.

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textile code with data indicating that both workers' numbers and take-home pay had increased. Once again, employers and industrials sought to segment the labor force and only extend labor protections to some categories. Maid-Well's explicitly racially essentialist arguments further highlight the material consequences of racial stratification in the labor market.

Nonetheless, committee members were resistant to Houston's argument about the racial implications of the NRA's cotton textile code board. Chairman Connery, the House sponsor of the bill, even argued that labor representatives on a national labor board would have prevented the exclusion of the cleaners and outside workers from the cotton textile code:

> Chairman: Do you think the 5 American Federation of Labor men would allow the outside workers and cleaners to be exempted from that code?
> Houston: No
> Chairman: Of course, they would not. They would not let them be exempted. And you would get the same results, far better results than you are seeking through your counsel [*sic*] . . . Your only salvation, I think, is for your five union-labor men to be on there and for their own protection, not yours, but for their own protection they are going to see that these outside crews and cleaners are not exempted, that the manufacturer will have to pay them decent wages to keep up the wage scale.[101]

Here, Connery referred to the five labor representatives that would sit on the new NLRB. Houston accepted Connery's point, perhaps reflecting optimism about a new labor board and more effective administrative machinery. However, as the previous section makes clear, Connery's assumption that the AFL would stand against the exclusion of specific classes of workers was only partially true. The local affiliate of the AFL and precursor of the CIO protested this exclusion and pressed for universal coverage and labor protections during the cotton textile code board hearings. But William Green, president of the national AFL, had not protested the cotton textile board exclusions and was similarly silent about the exclusion of agricultural workers under the NLRA.

This tension over organizing agricultural workers and challenges to the AFL's craft organizing model were not explicitly addressed in hearings on the NLRA. Instead, comments like Connery's reflected members' deference to the AFL as the primary representative of organized labor during the NLRA hearings. New Dealers' remarks and lines of questioning revealed their deference to the AFL and their overall positive impression of the AFL's membership policy and attitude toward Black workers. While the New Dealers in Congress were not entirely dismissive of the labor's discriminatory practices toward Black workers, some of their remarks do reveal that their prevailing belief was that Black workers were able to join labor unions without significant obstacles, particularly the AFL and its affiliates.[102]

Houston and other representatives of racial advocacy organizations sought to counter these claims and amend the bill to reflect the significant discrimination and barriers Black workers faced in trying to join unions. William Taylor, another NAACP representative, told the Senate committee that the NAACP was "convinced that this bill conceals more danger to the future welfare of the colored citizens of this country than any bill seriously considered by Congress in the last 75 years." Taylor's forceful claim was rooted in his belief that the bill did not do enough to remove the barriers for Black workers to join labor unions, which were "hostile to colored people."[103] The NAACP and others proposed that the bill be amended to include an antidiscrimination clause, but the AFL made clear that it would withdraw its support for the NLRA if such an amendment was included.[104] During the AFL's 1934 convention, a similar proposal which would have added an antidiscrimination clause to the association's constitution had been voted down by the national membership, signaling that this was an open and active debate.[105]

In addition to the recommendation for a general antidiscrimination clause, racial advocacy organizations made several other proposals to amend the NLRA, which would have imposed penalties on discriminatory unions. Houston suggested that representatives of national unions on the proposed NLRB should be from unions that "make no discrimination in the matter of membership as to race, creed, or color."[106] Second, Houston argued that the bill should create workers councils that would represent workers from unorganized sectors of the economy, like agricultural workers.[107] T. Arnold Hill of the National Urban League articulated a similar concern in his testimony on the NLRA and suggested the bill be amended to include Black strikebreakers in the bill's definition of "employee."[108]

New Dealers in Congress were resistant to these proposals because they undercut precisely the kind of obstructions the law was attempting to prevent. Following Houston's prepared statement, Chairman Connery argued that including unorganized workers in the workers' councils would allow representatives from company unions to serve on these councils, which employers had created and used to thwart organized labor's efforts prior to the NLRA. Both Representative George Schneider (P-WI) and Chairman Connery argued that Black workers and racial advocacy groups should continue to try to organize workers through the AFL rather than seek legal representation for unorganized workers outside the labor movement.[109]

These arguments had some resonance with racial equality advocates, particularly with Houston. While the NAACP's proposed amendments to the NLRA were seen as antagonistic to the bill's goals, elsewhere in his testimony, Houston underscored the importance of working with organized labor and using federal regulations to protect white and Black workers against employers. Houston put it quite plainly: "anything that benefits labor in general is going to benefit Negro labor in particular." He acknowledged that the way to resolve issues for Black workers was through labor "and that as between looking to the employer and looking to labor, I personally would rather trust white labor than white employers, and there are a lot of Negroes who are feeling that

[101]*H.R. 4884 and H.R. 6450: Equal Labor Representation on Government Codes and Boards*, 223.

[102]Two exchanges during Houston's testimony before the House Committee on Labor make this point clear. Said Representative Richard J. Welch (R-CA): "My understanding is that there are very few labor unions that exclude Negroes." Later, Welch continued that the reason Black workers had not joined AFL unions was not because of discrimination, but because "the Negro worker has not availed himself of the opportunity to join a labor organization affiliated with the American Federation of Labor." *H.R. 4884 and H.R. 6450: Equal Labor Representation on Government Codes and Boards*, 214, 216.

[103]*S. 2926: A Bill to Equalize the Bargaining Power of Employers and Employees*, 997 (statement of William Taylor, representative of the NAACP).

[104]Foner, *Organized Labor and the Black Worker*, 215.

[105]Ibid., 204–7.

[106]*H.R. 4884 and H.R. 6450: Equal Labor Representation on Government Codes and Boards*, 202.

[107]Ibid., 203.

[108]*S. 2926: A Bill to Equalize the Bargaining Power of Employers and Employees*, 1022.

[109]*H.R. 4884 and H.R. 6450: Equal Labor Representation on Government Codes and Boards*, 221.

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way."[110] Representative Schneider shared this position and argued that Black workers' lack of organization was not attributable to opposition by the "intelligent white worker," but to employer opposition. The employer, Schneider claimed, had realized that "it is to his advantage financially to keep the Negro unorganized and keep that feeling between the [Black and white workers] so that he can get cheap labor, that is all." Houston strongly agreed with Schneider, further claiming that "it is necessary for economic exploitation of labor for the employers always to have a labor pool into which they can reach down and draw any time labor gets out of hand or threatens to get out of hand."[111] Here, committee members and racial advocacy organizations found a point of agreement and recognized that employers exploited divisions between Black and white workers. Such divisions allowed employers to create and maintain a flexible, multipurpose pool of laborers outside the protection of the law. However, this acknowledgment did not extend to classes of workers, like agricultural workers, who found themselves set outside the law's protections.

Houston's comments and his forceful argument that Black workers' fates were inextricably tied to the labor movement reflected a vital debate within and among racial advocacy groups about the potential for coalition building with trade unions. Some racial advocacy organizations and activists saw the New Deal as an opportunity "to reorient America's obsession with the Negro problem away from an answer based upon racial solutions toward one grounded in class dynamics."[112] Davis was among them, especially as he worked to transform the Negro Industrial League into the National Negro Congress, which actively sought to build ties to the labor movement as part of early Popular Front efforts.[113] But as testimony by other racial advocacy organizations and representatives makes clear, some organizations saw labor as a target, not an ally. Groups like the National Urban League and some within the NAACP, like Taylor, thought that the expanding federal powers should be used to force unions to change internal their practices and hire more Black workers. However, these proposals garnered significant opposition from labor and New Dealers in Congress, who argued that the proposed amendments would significantly undercut labor's power.

Ultimately, attempts to argue against the exclusion of agricultural workers and the challenges for Black workers did not lead to the same outcome that labor and racial advocacy organizations had achieved during the cotton textile code board hearings. New Dealers in Congress maintained that organized labor was the best path forward for organizing Black workers, and they were seemingly unreceptive to arguments that AFL unions discriminated and constructed barriers in place for Black workers. Most critically, no labor representative challenged the agricultural worker exclusion, reflecting the AFL's disinterest in organizing workers in unskilled sectors like agriculture. Moreover, while it limited the coalition-building potential during this episode, it did not settle the tensions within the labor movement about approaches to organizing and building worker solidarity.

This tension over organizing strategies within the labor movement, was also reflected in the testimony of James Rorty, a special correspondent for the *New York Evening Post*, before the House Committee on Labor in March 1935. Crucially, Rorty's testimony highlighted how this issue over unskilled and agricultural workers within the labor movement was not exclusively a Black-white issue. Rorty testified about the condition of largely migrant Mexican agricultural workers in Imperial Valley, California, before the House Committee on Labor. Rorty's testimony, with its focus on the wages, working conditions, and treatment of primarily migrant workers in the fields of California, spoke to the importance of regional political economies rooted in racial and economic hierarchies in the ultimate exclusion of agricultural workers from the labor provisions of the New Deal.

The West was a particularly significant region for policymakers concerned with unrest in the agricultural sector. More than half of the strikes and roughly four-fifths of the strikers in the agricultural sector were in California in the 1930s.[114] In the spring of 1934, in response to the particularly brutal labor conflicts in the Imperial Valley, Labor Secretary Frances Perkins directed Brigadier General Pelham Glassford to relocate to California and resolve the disputes among growers and agricultural workers. Glassford is a perfect example of a New Dealer whose views on industrial relations and labor associationalism changed during this period. Upon his arrival in Imperial Valley, Glassford tried to meet the needs of growers hoping that it would lead to greater willingness to compromise without the need for well-defined and powerful labor unions. Perkins selected Glassford precisely because she felt he could broker a peaceful agreement through his version of "benevolent authoritarianism." However, this plan quickly fell apart. Western growers' unwillingness to recognize workers' organizing and their brutal response to labor unrest quickly shifted Glassford's position on the ability to resolve the conflicts through negotiation, and he became more open to the need for labor unions as permanent features of labor relations.[115]

While Rorty's investigation was prompted by unrest in Imperial Valley and, in part, by Glassford's report, he was much more sympathetic to organized labor and efforts to organize workers in the region led by the CPUSA. Based on his two-month investigation in Imperial Valley, which was connected to a larger project on labor conditions in the country, Rorty concluded that the growers in the area had "exploited a communist hysteria for the advancement of their own interests." Further, he argued, "they have welcomed labor agitation, which they could brand as 'red,' as a means of sustaining supremacy by mob rule, thereby preserving what is so essential to their profits, cheap labor; that they have succeeded in drawing into their conspiracy certain county officials who have become the principal tools of their machine."[116] The question of Communist Party influence was particularly salient in Imperial Valley and in California agriculture more broadly. Rorty reported that a group of CPUSA organizers had attempted to transform a

[110]*H.R. 4884 and H.R. 6450: Equal Labor Representation on Government Codes and Boards*, 217 (statement of Charles Houston).

[111]*H.R. 4884 and H.R. 6450: Equal Labor Representation on Government Codes and Boards*, 219.

[112]Howard University professors Abram Harris and Ralph Bunche argued for this position most forcefully. They pressed their position further than Houston, who also pointed to the first New Deal industrial relations law as providing little recourse for Black workers: "there was absolutely almost no recognition of the interests of the Negro workers…it is a situation in which the relation of the Negro with regard to the general economic picture just has not penetrated." Jonathan Scott Holloway, *Confronting the Veil: Abram Harris Jr., E. Franklin Frazier, and Ralph Bunche, 1919–1941* (Chapel Hill: University of North Carolina Press, 2003), 2; *H.R. 4884 and H.R. 6450: Equal Labor Representation on Government Codes and Boards*, 225 (statement of Charles Houston).

[113]Gellman, *Death Blow to Jim Crow*.

[114]Jamieson, *Labor Unionism in American Agriculture*, 20.

[115]Daniel, *Bitter Harvest*, 240–50.

[116]*H.R. 6288: Labor Disputes Act: Hearing Before the Committee of Labor*, U.S. House of Representatives (HRG-1935-LAH-0003), 74th Congress, 1935, 37.

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company union into a real labor organization. As a result, eighteen of the organizers were arrested and the union fell apart.[117] As Cletus Daniel effectively demonstrates, Communists and other left-leaning labor organizers attempted to organize agricultural workers starting in the late nineteenth century, with little success until the 1930s. Further, Daniel's account underscores how the unwillingness of the AFL to actively organize agricultural workers reflected the organization's preference for organizing skilled workers along craft lines.[118]

Confirming Daniel's claims, Rorty was critical of the AFL in his testimony and clearly more sympathetic toward the efforts of Communist organizers: "I note that frequently radicals are active in labor organizations, and I regard—and myself, have regarded with sympathy, the efforts of the various radical organizations."[119] He argued that more than having his sympathy, the Communist-led organizing efforts had also yielded significant progress, referencing the "genuine strike" led by the Cannery and Industrial Workers Industrial Union (C&IWIU) in the previous year. Rorty contrasted these efforts with the AFL's organizing efforts in agricultural labor. He argued that the "American Federation of Labor does not interest itself in agricultural work. Its entrance into the field of food work and food labor is new" and that they had been "standing still because of the failure of the Government to enforce 7(a)."[120] The C&IWIU, which the CPUSA and the TUUL organized, was one of the most significant efforts to organize agricultural workers in the early 1930s as part of the wave of industrial organizing, even though the NIRA did not technically include agricultural workers.[121]

Rorty raised many concerns and critiques of the AFL and picked apart their arguments against organizing agricultural workers.[122] Ultimately, Rorty endorsed the conclusion of the Glassford report that the NLRA should be amended to include labor rights for agricultural workers based on an assessment that, particularly in the case of Imperial Valley, "the type of agriculture is a highly industrial type of agriculture."[123] In the end, efforts like Rorty's to bring agricultural workers back into the bill were unsuccessful. The shift away from labor associationalism had led to much stronger worker and union provisions in the NLRA. However, the outsized influence of the national leadership of the AFL left Rorty, Marcantonio, and racial advocacy organizations without a clear champion. The final bill had improved on the industrial framework provided by the NIRA in many ways, but the persistence of a strict division between the agricultural and industrial sectors had tremendous and lasting consequences for agricultural workers.

4. Conclusion

In the 1950s, amendments to the Social Security Act included agricultural workers in social welfare provisions and programs. As Southern Democrats began to see the development of the federal social welfare programs as less of a threat to Southern economic development, their opposition to the programs waned.[124] However, this transformation did not reach so far as to bring agricultural workers into the fold of labor protections. Instead, their exclusion was further entrenched by the 1938 Fair Labor Standards Act and the 1947 Taft-Hartley Act. To this day, agricultural workers remain outside the legal protections extended to many other classes of workers.[125] The persistence of this exclusion suggests that Southern Democratic opposition represents a partial but ultimately incomplete description of the scope of political-economic context in which New Deal policymaking was taking place. A closer examination of the acceptance of the idea that the agricultural economy was "different" from the industrial economy resulted in a political-economic framework that entailed government support for the protection of industrial workers and farmers but not for farmworkers.

This retelling of the exclusion of agricultural workers from the labor legislation crafted during the transformational New Deal legislative package both broadens and sharpens existing political and scholarly accounts by shifting focus from the Southern Democrats to other debates over the New Deal's industrial and labor framework. Representatives of the agricultural sector successfully promoted the idea that the farm economy could not flourish if it was managed by the same framework applied to the industrial sector. A crucial and intentional consequence was that the labor regime was constructed to exclude agricultural workers. New Dealers largely accepted these arguments, even as their ideas about labor associationalism and the need for a stronger labor movement shifted between the first and second wave of New Deal policymaking. Further, New Deal policymakers' deference to the AFL contributed to the persistent exclusion of agricultural workers. The AFL's preference for building power by organizing skilled workers left agricultural workers without a voice in national policy debates. They were not without champions, however. Other labor groups were challenging the AFL's position on organizing agricultural workers, most prominently the Communist Party and the emerging industrial union wing of the labor movement, which would soon coalesce into the CIO.

This episode of policymaking also highlights significant opportunities for and barriers to forging coalitions of civil rights and labor organizations seeking to address these exclusions. The efforts of racial advocacy groups, labor unions, and the Communist Party to challenge the exclusions of agricultural

[117]Ibid., 44.

[118]Daniel, *Bitter Harvest*, 224–50.

[119]*H.R. 6288: Labor Disputes Act*, 40.

[120]*H.R. 6288: Labor Disputes Act*, 46–47.

[121]"Although the labor provisions of the National Industrial Recovery Act did not apply to farm workers, the latter did not regard themselves as an isolated segment of the working class." Jamieson, *Labor Unionism in American Agriculture*, 80.

[122]For example, Rorty criticized the claim that the "highly mobile nature of [agricultural] work presented insurmountable difficulties in negotiating labor contracts. Rorty pointed out that the AFL had a precedent for establishing contracts for such workers. In other cases, they had established "floating charters," which were contracts "authorized to a union of the A.F. of L. to operate in this territory, or in any territory, depending upon the workers, the movement of the migratory workers." *H.R. 6288: Labor Disputes Act*, 42.

[123]Ibid., 38.

[124]Jill Quadagno argues that changes in the plantation economy meant that the threat of federal support for aging Blacks no longer posed such a threat to their system. Lee Alston and Joseph Ferrie point toward similar changes in the political-economic context, particularly the mechanization of cotton production, which changed the overall labor needs and structure of the southern plantation economy. Jill Quadagno, *The Transformation of Old Age Security: Class and Politics in the American Welfare State* (Chicago: University of Chicago Press, 1988), 141–48; Alston and Ferrie, *Southern Paternalism and the American Welfare State*, 74, 119; see also William Nelson, "Employment Covered under the Social Security Program, 1935–84," *Social Security Bulletin* 48, no. 4 (1985): 34–35.

[125]The Taft-Hartley Act of 1947 extended the exclusion of agricultural workers from labor protections and is the primary legal framework for labor and collective bargaining rights to this day. Some states have chosen to regulate collective bargaining rights for agricultural employees. Michael H. LeRoy and Wallace Hendricks, "Should 'Agricultural Laborers' Continue to Be Excluded from the National Labor Relations Act?," *Emory Law Journal* 48, no. 3 (1999): 489–546.

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workers from New Deal labor legislation and extend workplace protections to vulnerable agricultural workers were grounded in principles of antidiscrimination and universal protections for workers. While under the code board for cotton textile under the NRA, a loose coalition formed to defend universal labor rights and protect vulnerable classes of Black workers, the same did not happen during the debates over the NLRA. Racial advocacy organizations continued to recognize that the labor movement could be an importantally for affecting broad economic change. However, they also used their testimony to highlight the racial inequalities in the labor movement and to call for punitive measures to be applied to discriminatory unions. Ultimately, there was little support for such measures from New Dealers, who were increasingly following the lead of the AFL as they embraced the need for strong unions in the face of employer intransigence.

This exclusion of agricultural workers from New Deal labor regulations also informed, and continues to inform, subsequent coalition building and labor solidarity efforts that seek to address both economic exploitation and racial inequality. A range of perspectives within labor and racial advocacy organizations continued to influence the development of political projects and campaigns, both during the New Deal and beyond. Perhaps most centrally, this story foreshadows the rise and significance of the CIO in bridging the divide between economic and racial equality. Documenting the history of these shifting labor and racial coalitions—and drawing attention not only to racially discriminatory practices of unions but also to the recognition that a strong labor movement was essential to racial equality—offers an essential lesson in the history of coalition building. It is no coincidence that these organizations and coalitions were so intensely active in the context of major efforts to build and expand an American social democratic welfare state and these struggles should be central to accounts that characterize the legacy of the New Deal political order.

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