Narrow Gauge Politics:
Railway Labor, Parties, Race, and the State

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Workers in the American railroad and air transport industries still belong to unions.\(^1\) Fully 65.2 percent of workers in the railroad industry held union membership in 2014; in air transport, the figure was 40.5 percent. Union density is higher among railroad workers than among postal workers or than among public workers in every state but two. A distinct legal regime – a “state within a state”\(^2\) – developed to protect white railroaders, and withstood the assaults that have devastated American labor. While workers in the rest of the private sector organize under the National Labor Relations Act, the Railway Labor Act governs labor relations on the railroads and the airlines. Its consensual subgovernment among railroads, white unions, and the state has proven remarkably stable. But that labor-relations regime achieved stability precisely by avoiding large-scale ideological conflict. Rather, at the roots of stability lie political quiescence and racial intransigence in the critical New Deal and Fair Deal era.

This paper situates the case of railway labor, comparing rail unions both across time and with other American labor regimes. At the end of the nineteenth century, the state repressed worker militancy (including from railroad workers) in the North and, by the extreme means of Jim Crow, in the South. The white rail unions – the Standard Railroad Labor Organizations, by their designation – accommodated themselves to these realities as they blended national-level partnership with the Democratic Party and racial

\(^1\) Abbreviations from railway labor periodicals: *BB* (*Bags & Baggage*, United Transport Service Employees Association); *BW* (*Black Worker*, Brotherhood of Sleeping Car Porters); *LEJ* (*Locomotive Engineers’ Journal*, Brotherhood of Locomotive Engineers); *MMJ* (*Machinists’ Monthly Journal*, International Association of Machinists); *RC* (*Railway Conductor*, Order of Railway Conductors); *RCJ* (*Railway Carmen’s Journal*, Brotherhood of Railway Carmen); *TRC* (*The Railway Clerk*, Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees); *TWUE* (*Transport Workers Union Express; Transport Workers Union of America*).

conservatism to protect their jobs from African-Americans’ encroachment. The New Deal state, buttressed by organized labor, sustained Jim Crow.

In the rest of the American economy, the Great Depression and Second World War heralded new patterns; union density tripled from 1935 to 1947. As the unions of the Congress of Industrial Organizations (CIO) and, in turn, most of the American Federation of Labor (AFL) grew under the protection of the National Labor Relations Act of 1935 (the Wagner Act), they moved, however fitfully, to embrace broadminded social legislation and the liberal Democrats who sought to enact it. With the Taft-Hartley Act of 1947, Republicans afraid of union power and southern Democrats afraid of integrated unions’ power to destroy Jim Crow brought that expansion to a halt. Over the coming decades, structural economic change and heightened opposition weakened unions’ place in the political economy, the polity, and the Democratic Party.

On the railroads, however, every one of those conditions differed. The rail unions’ radical moment came not in the Depression, but in 1924, when they enthusiastically backed Robert La Follette’s farmer-labor insurgency. In the New Deal years, far from embracing universalism, the rail unions retreated into the captured National Mediation Board and National Railroad Adjustment Board, and made these federal agencies into instruments of racial exclusion. The Railway Labor Act served to advance industrial peace by giving the unions exclusive representation and ongoing rights to bargain; the Wagner Act sought to advance workers’ self-organization through representatives of their own choosing.

The lily-white rail unions posed few challenges for any of Taft-Hartley’s backers, and they escaped its onslaught unscathed. Policies to the left of the Railway Labor Act
would have proven highly vulnerable to attack from the conservative coalition. Since the New Deal, organized labor and the Democratic Party have joined together in a long, troubled partnership, a “social democracy that dare not speak its name.” The alternative to that partnership, the rail unions suggests, was not full-throated social democracy, but a model across American industry that resembled what transpired on the railroads: a limited partnership to entrench white workers’ prerogatives.

From the Knights of Labor to the United Farm Workers, American labor organizations have brought workers together – and then seen their gains dissolve. Following the CIO organizing drives of the 1930s and the Second World War, unions represented a third of American workers in the private sector, a figure that has since nosedived fivefold. In the public sector, which organized largely in the 1960s and ‘70s, unionization has proven more durable – but faces recrudescent threats as opponents mobilize.

Rather than a single narrative, whether of progress or declension, American labor politics have reflected multiple and conflicting patterns of rise, consolidation, and fall. Repeatedly, they have proven fragile, politically constructed and historically bounded. Political opportunity structures at different periods and for different workers in stratified labor markets have produced different regimes, differently durable when conditions grow hostile, to govern industrial relations and place unions in political contest. Those alternative systems of labor market governance have both emerged from and

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subsequently conditioned different political outcomes. Railway labor offers a particularly rich alternative history.

The political development of the Standard Railroad Labor Organizations poses three sequential questions, and this paper takes them up in turn. First, why did railway labor, its aims limited and its politics conservative before and since, reach outward to engage with the dominant themes in national politics and attempt to reshape the party system only in the La Follette insurgency of 1924, rather than in the 1930s? Second, why did the distinctive railway labor regime of Democratic partisanship, national labor bargaining, and racial conservatism become entrenched in the New Deal years? Third, could that regime have proven so durable if African-Americans and industrial unions had had greater opportunities under the Amended Railway Labor Act, or would it have faced blowback?

To answer the first question, unions will become ideologues when they find a “fit” between group interest and parties’ answers to foundational questions. The rail unions found such a fit in the 1924 La Follette campaign as they never had before – and never would again. The group interests of many players in the diffuse farmer-labor insurgency targeted the railroads. The rail unions wanted a nationwide labor law to free them from the injunction and assure them organizing rights over workers in their respective crafts or classes. The Progressives bundled their supporters’ demands into a platform to smash corrupt monopolies, tame the injunction, and return power to the people. It was a transitional moment between the ideology of the Bull Moose and of the New Deal and Fair Deal. The Progressives’ older agenda to expand state capacity had

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grown to embrace labor – but not yet African-Americans. White railroaders wanted protection against the hiring into their “craft or class” of African-Americans who would, they felt, decrease their wages, lower their occupational prestige, and destroy their bonds with fellow-workers. Even as the conservative rail unions made their peace with avowed radicals, the 1924 Progressives elided race. With common interests and no cross-cutting pressures, the rail unions radicalized for an instant.

Second, the subsequent labor relations regime on the railroads has endured, with remarkably little drift or retrenchment, for eight decades. In 1926, the standard rail unions and the roads together drafted the Railway Labor Act. After the 1934 amendments to it, the railway state entirely accepted the rail unions’ jurisdictional claims, freezing out black workers and their unions and forestalling any moves to the left. For eight decades following, railway labor has been the most strictly job-conscious segment inside American labor, offering support to Democratic candidates in exchange for their defense for the obscure legal status quo of the Amended Railway Labor Act. Even as the players differed slightly from the classic iron triangle, with a smaller role for Congress, it was a closed system of the type well known in mid-century American politics – a subgovernment sustained by a geographically dispersed membership of local elites.

Third, that system threatened neither the Republicans nor the Southern Democrats who together passed the Taft-Hartley Act over Harry Truman’s veto. Neither had any interest in curbing railway labor; indeed, a majority in each group in 1951 approved a union shop on the railroads. If the railway labor regime had expanded beyond the racially exclusionary standard unions, then the left-led Transport Workers Union of America would have gained a foothold – and Taft-Hartley would have shut it down.
Thus does exclusionary policy from the age of Jim Crow continue to protect unions on the railroads and in the airlines.

Control over the “state within a state” substituted for broader ideological action inside the Democratic coalition. The alliance between railway labor and the New Deal party-state was hardly, to use Mike Davis’s metaphor, a barren marriage. Contrary to the claims of scholars who celebrate AFL-style voluntarism or Wobbly-style radicalism away from an overweening state, primarily job-conscious unions can thrive connected to the state without having their core purposes eviscerated. Politically durable labor regimes need not prove normatively satisfying; neither free-market conservatives nor racial liberals will find much to celebrate in the saga of white railroaders and politics. But each would do well to understand it.

The Nineteenth-Century Legacy

The standard railroad unions date back to the late nineteenth century. The oldest union, the Brotherhood of Locomotive Engineers, was founded as the Brotherhood of the Footboard in 1863, and the last major union, the Railway Clerks, formed in 1899. Workingmen’s republican solidarities rode the iron horse. The unions began as mutual aid and insurance societies. Elaborate initiation rituals, overwrought titles and a network

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of lodges to host traveling members all confirm a resemblance to the fraternal orders that also sprang up in this period.8

The Railway Labor Executives’ Association comprised the twenty-one standard railroad unions. The members of the “Big Four” operating brotherhoods ran the trains: engineers, conductors, trainmen (including ticket collectors and brakemen), and firemen. The remaining “non-ops” worked in the yards and on the tracks. Non-ops in railroad shops, including machinists, boilermakers, and carmen, typically bargained jointly and were together known as shopmen. As of 1916, the operating brotherhoods and the shopmen’s unions each represented about a fifth of the railroad workforce.9 While the “labor aristocrats” of the Big Four stayed out of the AF of L – just as many craft unionists themselves wanted nothing to do with menial industrial workers – the non-ops were all members of the Federation’s Railway Employees’ Department. Some of the non-ops, such as the Machinists and the Sheet Metal Workers, also had members outside the rail industry. The rail unions all held membership in the joint Railway Labor Executives’ Association, and were together known as the Standard Railroad Labor Organizations (or simply the standard unions).

Patterns of alliance emerged from bitter labor conflict in the Gilded Age. In 1877, 1886, and 1894, massive federal intervention from US marshals and federal troops, buttressed with rulings from the judiciary (many of whose members had been railroad lawyers themselves) quashed railroad strikes. Because railroads engaged in interstate

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commerce and carried the public mails, federal intervention raised few constitutional hackles. Leaders and groups more radical than the brotherhoods led this strike activity: unorganized workers in the loosely coordinated Great Strike of 1877, the Knights of Labor in a wave of strike activity peaking in 1886, Eugene V. Debs’s industrial American Railroad Union in the Pullman Strike of 1894. The 1894 strike, from the first American union devoted to sector-wide industrial unionism, threatened the nationwide network of Pullman cars. The attorney general, Richard Olney (a railroad lawyer himself), persuaded the courts to issue an injunction enjoining the ARU’s leadership from communicating with its members or one another, and then brutally enforced it by calling in federal troops and jailing the strike’s leaders. As Mr. Dooley, the tavern-keeper in Finley Peter Dunne’s sketch, remarked, “This here Pullman makes th’ sleepin’ ca-ars an’ th’ constitootion looks afther Pullman. He have a good time iv it. He don’t need to look afther himsif.”

The early and heavy hand of state involvement separates railway labor from industrial unions and from other craft unions. Industrial unionism arrived on the rails as a too-early vanguard, and the state’s crushing response foreclosed any alternative to the craft-based organizing that reified occupational hierarchies among rail workers. Nor did the craft unions on the railroads follow the classic Gompersian pattern, relying on workers’ efforts to improve their own position. The legacy of the Gilded Age, hence,

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came not just in the early development of railroad labor relations, but its distinctive legal regime. The state cultivated conservative unionism.

White supremacy permeated the rail unions, including even its left flanks, from the beginning. The Brotherhood of the Footboard formed to stop the Michigan Central Railroad from hiring African-American firemen during the Civil War.\textsuperscript{12} The Machinists who led the charge for La Follette and long flirted with socialism, until 1948 also maintained a color bar, de jure until 1895 and thereafter via a whites-only pledge in local lodges’ initiation rites.\textsuperscript{13} Even the ARU rejected Debs and narrowly voted to ban African-Americans from membership.\textsuperscript{14}

The United Mine Workers, the country’s most thoroughly integrated labor organization, brought industrial unionism into mass-production industries in the 1930s and committed to organizing if not always to promoting black workers. The new CIO unions imported the “UMW formula,” placing African American workers as officers (albeit rarely president or treasurer) in local unions, and reaching out to elites in the black power structure. Although it is hard to predict the trajectory of an American Railway Union allowed to grow without state repression, the rail unions’ farmer-labor politics in 1924 augured an reconfigured American state for whites’ benefit, and the body of railway labor law put that vision into effect on the rails.

\textsuperscript{14} Nick Salvatore, \textit{Eugene V. Debs: Citizen and Socialist} (Urbana: University of Illinois Press, 1982), 227.
The Making of Railway Labor Law

Between the Pullman Strike and the First World War, the federal government, following relatively uncontested votes in Congress, began to build a labor-relations state for the running roads, one that, however ineffectively, adumbrated the principles of arbitration and mediation adopted in the Railway Labor Act as enacted in 1926 and amended in 1934. The Erdmans Act of 1898 and its similar successor, the Newlands Act of 1913, both contained provisions for tripartite state intervention, through representatives of the standard unions, the carriers, and the state (the Interstate Commerce Commission). Although the Erdmans Act contained a provision banning yellow-dog contracts (which forbid workers from joining unions), the Supreme Court threw it out on commerce-clause grounds in 1907. Yet the system failed either to cover the vast majority of railroad workers, or to provide a mechanism to resolve basic disagreements short of the strike.

In 1916, the four operating brotherhoods threatened a nationwide strike over the eight-hour workday. Its resolution reveals the Janus face of early labor legislation. The Adamson Act, proposed by an initially skeptical Woodrow Wilson and passed in days by Congress just before a scheduled nationwide rail strike, guaranteed running-road workers an eight-hour workday. It presaged the Fair Labor Standards Act – the last great piece

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of New Deal legislation, and the progenitor of the conservative coalition – passed in 1938. Yet it also put in place the first element of the separate social-welfare state for the railroad industry, one that would have important policy feedback effects in the coming generation as railway policy went down its own set of tracks.

On December 26, 1917, Wilson placed the railroads under federal control using his authority under the Army Appropriation Act of 1916, in order to expedite movement of war materiel to Europe. Federal control through the US Railroad Administration (USRRA) was, in essence, a rental arrangement with private companies running trains under contract and continuing to pay their bonds and dividends. Under federal control, employees previously classified in myriad wage schemes worked side by side for a common employer.

Sequence matters greatly: rather than imposing a general labor law on largely unorganized employees, as did the Wagner Act, USRRA administrators faced labor organizations willing and able to establish jurisdiction over almost all available jobs, and held immediate imperative to accept their classifications. Under federal control, employees previously under myriad wage classification schemes worked side by side for a common employer. William Gibbs McAdoo, the rail administrator (and Wilson’s son-in-law) sought standardization; labor peace and nationwide bargaining served the interests of both the USRRA and the unions. In April 1918, McAdoo issued orders to prevent discrimination in employment “because of membership or non-membership in labor organizations,” and then to establish uniform national classifications for all railroad

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work, categorizing every job in a mutually exhaustive scheme precisely according to the jurisdictional claims of the standard railroad unions. These rules legitimized the “non-ops,” and organization proceeded rapidly. McAdoo also pledged equal pay for equal work at the USRRA. Without any rules against discrimination, it had the effect of pushing African-Americans, especially southern firemen, out of jobs they had held for a generation. The state had established craft unionism for white railroaders.

The postwar years proved a bitter disappointment. The unions supported the Plumb Plan for continued federal control. The plan, named after the unions’ legal counsel, called not for outright nationalization, but a corporatist system of joint control by management and the unions. The plan, with its obvious Populist appeals, however, hardly fit the tenor of the times, nor did the unions mount a terribly effective appeal for it. Ironically, if the Plumb Plan were to have been adopted, the railway unions would probably have had to admit black workers during the Second World War. It is unlikely that the FEPC in particular or the New Deal coalition in general would have tolerated federal employment – even if in an autonomous corporation – being restricted to whites.

In April, 1920, as the Red Scare raged, Congress passed over Wilson’s veto and the standard unions’ objections the Esch-Cummins bill, which restored the roads to private control and set up a presidentially appointed Railroad Labor Board with powers of mandatory arbitration. Yet it included no procedures to recognize or certify unions, to determine the validity of labor contracts, or to adjudicate labor disputes without management recourse to the labor injunction.18

The Case of 1924

In the months before Esch-Cummins, but especially after their bitter defeat, the unions began to organize. The Railway Labor Executives’ Association reported from the capitol through its new newsweekly, Labor. It lessened the traditional division between the operating brotherhoods and the non-ops. Their demands emphasized legislation to bring some measure of popular control to the rails. In 1922, a strike by the shopmen ended with the Harding administration obtaining a sweeping injunction against the strikers. The state’s unrelenting hostility, expressed in the course of legislation, labor board intransigence, and injunction, touched on all three branches of government, and turned on basic questions of popular control over the roads and the rights to organize.

In the spring of 1922, fifteen of the sixteen Standard Railroad Labor Organizations convened a conference in Chicago, along with northwestern farmers, old Bull Moosers, and even the Socialist Party, to challenge monopoly on behalf of farmers and labor. Chaired by the Machinists’ William H. Johnston, the Conference for Progressive Political Action would two years later sponsor “Fighting Bob” La Follette’s presidential campaign. “The history of recent years is a history of repeated injuries and usurpation by the servants of this oligarchy in both the dominant parties,” declared the platform committee.

Given their gains under the Wilson administration, the railroad unions’ decision in the 1920s to break away from major-party politics might seem surprising. Yet the

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19 Colin J. Davis, Power at Odds: The 1922 National Railroad Shopmen’s Strike (Urbana: University of Illinois Press, 1997); Montgomery, Fall of the House of Labor, 424-436.
20 MMJ April 1922, 271.
Democrats had little to offer the rail unions in 1924. Intraparty fission over prohibition and the Klan, already bad when the CPPA first convened in February 1922, worsened during the following years even as the shopcrafts’ strike drove home to rail labor the need for allies across all three branches of government. McAdoo conspicuously failed to endorse federal control, and links to Teapot Dome also hurt his reputation. Union support for McAdoo -- rural, dry, and Protestant -- risked rifts inside the labor movement; many of the building trades were particularly close to his rival, Al Smith -- urban, wet, and Catholic.\footnote{21}

The greatest threat to defect to McAdoo away from La Follette and the CPPA may have come from the operating brotherhoods, which had less invested in the Plumb Plan, and no need to consider alliances within the AF of L.\footnote{22} When the divided Democrats chose John W. Davis, a New York corporation lawyer acceptable to both factions, the die was cast, and all the rail unions stayed with La Follette until the end. The *Railway Carmen’s Journal*, from another of the shopcrafts, captures the situation nicely: “It is true that prominent in the Cleveland convention were labor leaders who sighed for McAdoo or Smith and would have deserted the La Follette movement had either McAdoo or Smith been nominated. Neither of them were.” Instead, “The John W. Davis whom we are asked to vote is the leading corporation attorney in the United

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\footnote{21}{Harry H. Guttman, “Labor and the Election of 1924,” Master’s thesis, Columbia University, 1938, 49; David Burner, *The Politics of Provincialism: The Democratic Party in Transition, 1918-1932* (New York: Knopf, 1968), 119. Dan Roper, an old Wilsonian and later Roosevelt’s Secretary of Commerce, “jokingly referred to the ‘three years I have been working for the nomination of such a Klansman and all around rascal as McAdoo.’ ” Nor, given his failure to capture the nomination in any of 101 ballots where his name was in serious contention, was McAdoo’s nomination ever seriously in the cards.}

Ironically – and in a sign of how deep the Democrats’ divisions were in the 1920s – only a third-party candidate could have united labor supporters close to one of the Democrats’ warring factions.

La Follette Progressivism and the Standard Railroad Labor Organizations found a deep “fit.” Notably, fusion posed no threat to the rail unions’ racial exclusion. It was a farmer-labor party for whites only. Labor and race had not merged in American politics – with deep consequences in the history of railway labor. The CPPA coded seventy-five key votes in Congress – but left off the bill to make lynching a federal crime. The 1924 Progressive platform maintained total silence on the plight of African-Americans, let alone Jim Crow. Instead, the rail unions’ group concerns in the aftermath of Esch-Cummins and the shopmen’s strike bundled alongside other interest groups’ priorities together into an ideological framework. Court injunctions, for instance, threatened farmers and unions alike. In four short sentences, the La Follette-Wheeler Campaign Text-Book wove together the injunction, the travails of railroad labor, the money power led by the House of Morgan, and the Democratic nominee:

“In 1922, however, John W. Davis was a director of the Santa Fe railroad when that road was a party to the great drive to smash the railroad unions. He must have sanctioned these acts. He did not raise his voice against the infamous Daugherty injunction. J.P. Morgan’s lawyer will not defend the rights of labor.”

The La Follette insurgency – the conservative brotherhoods’ flirtation with a broad coalition organizing on common principles to reorient American democracy –

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23 RCJ August 1924, 480.
25 La Follette-Wheeler Text Book (Chicago: La Follette-Wheeler campaign headquarters, 1924), 105.
failed, and the disparate coalition, from Socialists to TR Progressives, went its separate ways. Many of its pieces would reassemble in the New Deal, but by then the small-unit spirit that animated the 1924 campaign had waned, and race and labor had twinned in new ways. Instead, the failures laid bare in the shopmen’s strike led to a new Railway Labor Act negotiated directly between the rail unions and the roads, designed to promote labor peace rather than to remake the political economy. In the rest of American labor, the moment when radicalism met party politics was still to come; on the railroads, it had already passed.

The Railway Labor Act

Both major parties had included platform planks favoring new railway labor legislation. Union opposition had immobilized the existing Railroad Labor Board. In early 1925 Alfred Thom, counsel to the roads, approached Donald Richberg, counsel to the brotherhoods and a progressive veteran of 1912 and 1924, and, the two of them largely wrote the bill. Thom, when asked to explain his support of the 1926 bill given his unflinching opposition to earlier legislation, replied that “I have got to know a fact when I meet it in the road.”26 Despite opposition from the National Association of Manufacturers, which disliked the bill on ideological grounds and some agricultural interests worried about increased rates for freight, the Railway Labor Act of 1926 sailed through Congress, with only thirteen votes apiece opposed in both chambers, and Calvin

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26 Donald R. Richberg, *Tents of the Mighty* (Chicago: Willett, Cole, and Colby, 1930), 186. Interestingly, David Lilienthal, Richberg’s young assistant and later head of the Tennessee Valley Authority and the Atomic Energy Commission, did the final drafting.
Coolidge, who had had almost nothing to do with the legislation, signed it on May 26, 1926.

Section 2 of the act guaranteed railroad workers the right to organize “without interference, influence, or coercion exercised by either party over the self organization or designation of representatives by the other,” a first in American history. At the same time, a section allowing “an individual carrier and its employees” to settle grievances through “such machinery of contract and adjustment as they may mutually establish” gave de facto legitimacy to company unions (often formally called System Associations, and funded and run by the companies), which represented about a quarter of railroad workers. This accommodation brought the Pennsylvania Railroad, the nation’s largest and most implacably anti-union road, on board with the compromise bill. A new five-man Board of Mediation ruled on major wage and rule disputes, and had the power to invoke voluntary emergency boards and to impose a thirty-day cooling-off period. In each case, these structures would provide the basis for the standard unions to create institutions more fully to their liking in 1934.


This “non-coercive” corporatism emerged from the unions’ and the railroads’ private interests. The Railway Labor Act in 1926 and later in 1934, therefore, expressed very different purposes from those that Robert Wagner brought forth in the National Labor Relations Act. Both evinced commitments to certain notions of workplace democracy – but of very different sorts. Only the Wagner Act aimed to build countervailing power.\textsuperscript{29}

Seen in one light, passage of major labor legislation under such political circumstances appears bizarre, but in another light a certain logic with longstanding implications emerges. In a 1956 Supreme Court case, Felix Frankfurter wrote that “the railroads and the railroad unions between them wrote the Railway Labor Act of 1926 and Congress formally enacted their agreement.”\textsuperscript{30} This “non-coercive” corporatism emerged from the unions’ and the railroads’ private interests, and the railway unions’ activities in the subsequent decades would largely reinforce their claims on the agencies created at their behest.

Most of the unions sat out the 1928 elections, and issued pro-forma endorsements of Roosevelt in 1932. Yet even as the New Deal years reshaped American labor relations, prior histories led to very different consequences. In 1932, the Norris-LaGuardia Act, pushed by the Nebraska progressive George Norris with drafting assistance from Richberg, banned the yellow-dog contract, which enjoined workers from


\textsuperscript{30} Hanson \textit{v. Railway Employes Department}, 351 U.S. 225, 240.
forming unions, and severely limited labor injunctions.\textsuperscript{31} It was a notable one-off, the only major federal labor legislation ever to apply both on and off the railroads.

**The New Deal and After**

New Deal railway labor legislation systematically used the state to perpetuate an effective monopoly for the existing white railroad unions. From that settlement arose the distinctively national, partisan, and small-bore political strategy that railway labor followed for decades. This kind of alliance is a very long way from traditional AFL-style voluntarism, especially at the national level, or even a kind of disproportionate supporting one’s friends and defeating one’s enemies. It is the story of a political alliance delivering votes in exchange for a stable labor-relations regime. Its touchstone was the new structure created by the 1934 amendments to the Railway Labor Act. Joseph B. Eastman, the president’s Transportation Coordinator, wrote the amendments jointly with Bert Jewell of the AF of L Railway Employees Department and George M. Harrison of the Railway Clerks, refusing only to accept the unions’ entreaties for the closed shop.

The Railway Labor Act and the National Labor Relations Act represented two varieties of reformist accommodation, each with roots in planning circles and hopes to bring democratic voice into the workplace. These similarities mark them as a particularly good pairing for comparison. Behind both Joseph Eastman and Robert F. Wagner, who framed the National Labor Relations Act, lay progressive experts in labor relations who

\textsuperscript{31} Herbert Hoover had nominated James Wilkerson, who issued the shopcrafts injunction of 1922, to a circuit judgeship, and Norris used the outcry to push through his bill, which ultimately passed by the landslide margins of 362-14 and 75-5. Irving Bernstein, *The Lean Years: A History of the American Worker 1920-1933* (Boston: Houghton Mifflin, 1960), 407-414.
urged proposals to prevent strikes and bring industrial peace, to improve working conditions, and to protect workers from unemployment and provide savings for them in retirement. Otto Beyer, an engineer and planner who had pioneered programs for labor-management cooperation on the Baltimore & Ohio Railroad, led the labor relations section under Eastman. An advisory committee included Isador Lubin, a Brookings economist who had drafted Wagner’s original proposal for unemployment insurance, and Alvin Hansen, the “American Keynes.”

Yet the critical questions in the complex New Deal political economy came when planning met power, and ultimate winners came clear. The railway state, to be sure, created labor peace and generous benefits, and gave workers in the standard unions a voice on the job unparalleled in American industry. In practice, however, that voice served as a means of separation from the rest of the political economy and exclusion against African-Americans.

While Eastman’s stubborn refusal to make deals doomed his broader efforts at coordination, he was friendly with the rail unions in the spring of 1934. A coalition of populist Democrats and progressive Republicans threatened to disrupt Congressional adjournment if the bill did not pass. The Senate invoked cloture by a 78-2 vote on the evening of June 18, 1934, after which passage on voice vote in both chambers quickly

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followed. Eastman, a longtime Interstate Commerce Commissioner, got his start in Boston at the Public Franchise League fighting the New Haven and Boston & Maine railroads with Louis Brandeis. Anti-railroad sentiment in the state and union power triumphed in a year when the original Wagner Act failed.

The RLA as enacted in 1926 was, as the chair of its Board of Mediation described, “as full of holes as a paper of Swiss cheese,” and the amendments filled the holes so as to suit the unions’ purposes. It banned the company unions that the earlier law had allowed. Section 2 Fourth expressly protected union representation, declaring that “The majority of any craft or class of employees shall have the right to determine who shall be the representative of the craft or class for the purposes of this Act,” and then proceeded to list a series of unfair labor practices from which it enjoined the roads.

Through new boards that integrated representation and dispute resolution and representation, the Standard Railroad Labor Organizations won effective monopoly power inside the railway state. A tripartite National Mediation Board held the dual mandate of adjudication of labor disputes (inherited from the old Board of Mediation) and certification of union representation. A new National Railroad Adjustment Board settled grievances under existing contracts. It was comprised of 18 members each from

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management and rail unions “national in scope,” a category deemed to include all and only the standard railroad unions.36

These state policies doomed CIO-type labor organizing. Industrial unionism rested on two pillars: first, in John L. Lewis’s famous rallying cry for the early CIO, to “organize the unorganized,” and, second, to organize entire plants and industries along vertical lines. “Craft or class” organization rendered the second impossible, and with strong incumbent unions, the first had little chance of succeeding. The shopcrafts on Pennsylvania Railroad form an important exception, considered below. Nor did this policy apply only to troublemaking CIO unions. The National Mediation Board in its early years systematically ruled against claims by the Amalgamated Association of Street, Electric Railway, and Motor Coach Employees, an AF of L affiliate, for “industrial type units, notwithstanding 20 and 30 years of bargaining history on that basis.”37

The “state within a state” manifested itself, too, in the separate railroad retirement and unemployment system first passed in 1934. The key player here was no border-state populist but the New York liberal, Robert F. Wagner. For him, railroad pensions served

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as an opening to “blaze the way toward full treatment of the problem.”38 His 1932 proposal, indeed, presaged the Social Security Act with a joint insurance fund paid for equally by employers and employees (a precursor to Old Age and Survivors’ Insurance) and a non-contributory “prior service pension fund” (a precursor to Old Age Assistance).39 The Wagner bill passed unanimously at the end of the 1934 session, just two days before the RLA amendments.40

Railroad workers collected separate, higher benefits, administered through the Chicago-based Railroad Retirement Board, than did employees eligible for Social Security. While the AFL and AFL-CIO under the leadership of lobbyist Nelson Cruikshank pushed long and hard to expand Social Security benefits and eligibility, railroad labor remained cosseted inside its own program, worrying about benefit levels and funding formulas that would affect only its members.41 Ironically, Bob Wagner, who through his career sought – not altogether unsuccessfully – to meld the Democratic Party, organized labor, and the universalistic welfare state begat a particularistic program that entrenched railway labor’s narrow political focus. Here, as in the 1934 amendments, feedback effects in the railroad industry took experts’ hopes to extend democratic control

40 Tussles with the Supreme Court precluded full implementation until a revised version utilizing the taxing power rather than the commerce clause and acceptable to the roads could pass muster in 1937; Louis Stark, “Railways and Men Agree on Pensions; 1,500,000 Benefit,” New York Times, 17 Mar 1937, 1. See also Huibregste, American Railroad Labor, ch. 8.
41 Although rail retirement funds were partially folded into the Social Security system in 1974, railway pensions remain higher, and the RRB continues its work as an independent agency. For a full account, see The Railroad Retirement System: Its First Seventy-Five Years (Chicago: Railroad Retirement Board, 2010).
and social protection into the American workplace – and severed them from other efforts to achieve similar ends.

Even in the aftermath of Taft-Hartley, railway labor politics remained distinctive. A broad coalition in Congress, backed by all the standard unions save the Locomotive Engineers, in 1951 added union shop provisions to the Railway Labor Act. The provisions applied only to unions national in scope, while a carve-out opposed only by a fringe of Northern Republicans exempted “employees to whom membership is not available upon the same terms and conditions as are generally applicable to any other member,” sidestepping the rail unions’ exclusionary practices. Taft-Hartley similarly allowed for union shop provisions – but with the possibility for state right-to-work laws. Yet open shops in right-to-work states threatened the national bargaining at the heart of railway labor contracts. Nor would right-to-work lower labor costs or threaten left unions. Only 23 senators – including 10 Republicans and 12 southern Democrats – approved a proposal to subject rail and airline workers to state right-to-work laws. The Senate approved the bill by voice vote; in the House, only 52 Representatives, all but 11 of them Southern Democrats, voted no. Even as race and labor tore northern Democrats, southern Democrats, and northern Republicans apart, a bill sailed through Congress with substantial support from all three camps. While the bill’s particulars were certainly unusual, the railway labor subgovernment proved stronger than the most divisive fault lines in national politics.

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Cocooned inside the Railway Labor Act, the brotherhoods benefited from group-specific legislation, and had less incentive to reach out toward the questions of partisan contestation than they did in the unsettled environment of the 1920s. Edward Keating, for four decades editor of *Labor*, the standard unions’ newsweekly, in his 1958 memoir listed three major goals for railway labor: “The complete recognition of workers’ right to form unions and bargain collectively with their employers. Social Security, including pensions, unemployment insurance, and a long list of other benefits. Adequate wages, limitations of hours of work, and related proposals.” In each case, these bread-and-butter union issues – not so different in tenor from what the AF of L under William Green would have proposed or what the late, deradicalized CIO sought to protect – meant legislation separate from that covering most American workers: respectively, the Railway Labor Act; the Railroad Retirement Act and Railroad Unemployment Insurance Act; and a bevy of industry-specific safety and maximum hour laws.

At a deeper level, the ideological tendencies in railway labor, stood apart from the central tendencies in the post-New Deal Democratic party, with which it had only an imperfect fit. The radical “rails,” often sublimated to be sure but surfacing in the 1890s and the 1920s, had fed off of a tradition, straddling the parties, of small-town, producerist radicalism that stretched back through Populism to the Locofocoism in the Jacksonian era, and had roots in both parties – with Democrats like Burton Wheeler and Louis Brandeis as well as independent-minded Republicans like George Norris and Bob La

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This spirit, strongest – indeed, too strong for the brotherhoods – in Debs reappeared in CPPA days; Len DeCaux, a Harrow-educated Wobbly who later ran the CIO News until being booted for leftist sympathies, worked at in the rail labor press in the 1920s, and later “recalled how many articles against United States imperialism we used to run in the Locomotive Engineers Journal, often by brotherhood-supported Western senators.”

Similarly, Edward Keating wrote that “The railroad ‘boys’” most effective allies were the farmers, particularly in the Middle West and Northwest.” Yet that small-unit spirit in American life atrophied, and the unions’ friends turned away. In the late 1930s, western Republicanism went sour with isolationism and lost its old radical edge. Rural and southern Democrats, generally loyal supporters of the “railroad boys,” turned away from FDR starting in 1938 and into the arms of the conservative coalition that would dominate Congress for a quarter century.

Despite a few echoes in the 1948 campaign, waged by railway labor’s old friends, Harry Truman and Alben Barkley, populist talk about battling “the interests” on behalf of “the common man,” was soon displaced forever by more inclusionary language. Rather, the New Deal era’s distinct character came from bigness and the cities: from favored machines rejuvenated with patronage; from an administrative state nurtured by

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45 Len De Caux, Labor Radical: From the Wobblies to the CIO (Boston: Beacon Press, 1970), 503. To describe the articles, most of them standard-issue statements of isolationism, as opposing imperialism may be a generous reading.
the “plague of young lawyers” who flocked to Washington; and from the CIO’s bold 
moves into party politics. No great theme connected railway labor with these political 
comings-of-age, and so, despite its partisanship, railroad labor defined its interests in less 
expansive terms.

None of this should deny that actors’ choices during critical junctures might have 
pushed the “railroad boys” deeper into regime politics. In 1939, John L. Lewis 
tantalizingly proposed an American Council of Labor amalgamating the AFL, CIO, and 
Brotherhoods, and led by a man from a neutral railroad brotherhood.48 Such a plan was 
anathema to the AFL and of little interest to the happily independent Big Four, but if 
something like it had been realized, railway labor’s trajectory would have looked far 
different as it negotiated the critical junctures in wartime and postwar politics, with 
implications for everything from race and the FEPC to coordinated transport policy to the 
chances for the RLA to escape unscathed from something like Taft-Hartley. Instead, by 
the time the shrunken brotherhoods finally joined the merged federation in the late 1950s, 
the parameters of labor law under the RLA and NLRA had been set, and the political 
environment had calcified.

To be sure, partisan divisions on labor issues became clearer once the 
conservative coalition began to attack unions, and railway labor’s political endorsements 
became more Democratic. Railway Labor’s Political League first issued endorsements 
on behalf of the standard unions in 1936. The 1936 endorsements, fittingly for the grand 
Roosevelt coalition, ran the ideological gamut from the reactionary Martin Dies of East 
Texas, who would found the House Un-American Activities Committee and with it

investigate the CIO, to Vito Marcantonio of East Harlem, a close ally with – although never a member of – the Communist Party. Of the 349 endorsed Congressional candidates that year, 76 were Southern Democrats, and 72 were Republicans. In 1940, railway labor endorsed 62 Democrats in the South and nearly as many Republicans – 126 – as Democrats – 149 – in the rest of the union. The key transition came in 1942, when Virginia Representative Howard W. Smith’s bill to limit union political activity and allow the president to nationalize war-related industries, including railroads, in the event of strikes, first came to the floor.\footnote{The Smith-Connally bill, known as the War Labor Disputes Act, passed over Roosevelt’s veto in 1943. The standard rail unions had endorsed Connally in 1940.} The standard unions that year refused to endorse any candidate who had supported the Smith bill, and backed 131 Democrats – only eight of them in the South – and 26 Republicans. Notably, the retrenchment in endorsements took place only when legislation threatened railway labor, and especially the operating brotherhoods with their specialized skills and importance for the war effort, not when Smith first started to investigate the NLRB in 1939.\footnote{See Sean Farhang and Ira Katznelson, “The Southern Imposition: Congress and Labor in the New Deal and Fair Deal,” Studies in American Political Development 19:1 (2005), 1-30.}

The trends continue stably through the postwar years, with railway unions subtly but clearly distinctive from their labor brethren, especially supportive of mainstream, often rural members attentive to their interests and occasionally indulgent of populist sympathies – Joseph O’Mahoney of Wyoming, Estes Kefauver of Tennessee. Railway labor loyally stood by Burton Wheeler in his 1946 primary, despite a turn to isolationism and anti-Semitism, even as the CIO strongly backed his opponent.\footnote{As it did with Russell Long in Louisiana in 1948 and Pat McCarran in Nevada in 1950, two other conservative-populist Democrats.} By 1948, the rail
unions backed 201 Northern Democrats, 31 Southern Democrats, and 26 Republicans. In 1968, at the end of the postwar Democratic era, the figures for the railway labor endorsements were a notably similar 224, 45, and 34 respectively.\footnote{The subtotals exclude scattered endorsements for independent and farmer-laborite candidates. The South is defined here as the eleven states in the Confederacy. TRC, November 1936, 451-453; TRC, November 1940, 470-472; RC, June 1946, 153-155 and July 1946, 185-186; TRC, October 1948, 576-580; TRC, November 1966, 10-15.}

A similar story comes in exploring the Brotherhood of Railway Clerks under George M. Harrison, president from 1928 until 1963, and for decades the foremost figure in railway labor’s political forays. Like the machinists’ William Johnston in CPPA days, Harrison came from one of the big non-ops, and benefited from the multiple, crosscutting networks of the rail unions through the Railway Labor Executives’ Association, the AF of L (from which the Big Four abstained), and a major union presidency. He basked in the reflected glow that comes with reasonable proximity to power. Two weeks after the 1948 election, Harry Truman sent a handwritten note claiming to “Want to see you George whenever you come to Washington.” John F. Kennedy offered birthday wishes and similar greetings. Harrison served on the boards for each of their presidential libraries. Relations with Eisenhower were “always amicable,” although not, as with the Democrats, “warmly personal.” A retirement tribute records audiences with, among others, Pius XII, Konrad Adenauer, and David Ben Gurion.\footnote{Nixson Denton, History of the Brotherhood of Railway & Steamship Clerks, Freight Handlers, Express and Station Employees (Cincinnati: George M. Harrison Biographical Committee, 1965), 107-109; 246-249.} The Railway Clerk is filled with encomia to the priorities of Democratic leaders – the Marshall Plan; the Kennedy tax cut – but the bulk of its pages concern the particular priorities of railroad workers alone, often discussed in intricate detail and without any sense of their connection to larger
policy priorities. They are filled with formulas about retirement security under the Railroad Retirement Act, updates on National Mediation Board findings, proposed abandonments to be considered by the Interstate Commerce Commission, payment formulas for railway mail. All of these come from the “state within a state,” devoid of connection to the national issues discussed elsewhere in its pages.

If it engaged in interest-group rather than majoritarian politics and lacked deep ideological affinities with the Rooseveltian project, why did railroad labor play the game of Democratic party politics, instead of simply serving as another non-partisan interest group lobbying Congress and doling out campaign contributions? The standard unions’ political heritage, finally, militated in this direction: by virtue of having turned early on to politics, and using electoral politics, one that did not disappear with the 1924 campaign, and so lacked the classical voluntarist tradition of many AF of L conservatives. Nor, of course, did the Standard Railroad Labor Organizations entertain notions of a labor party, or even a full realignment of the two extant parties along ideological lines, the chimera of which long vexed the CIO.

Harrison’s crosscutting ties point the way to an answer, embedded in the position of labor issues writ large in the axes of party competition. The Railway Labor Executives’ Association tied together all of standard railroad union, ops and non-ops, and then the non-ops joined with the rest of labor through the AF of L. These dual sets of ties linked the unions into a political alignment, and, through logrolls, insured support when necessary from other unions for industry-specific priorities such as strengthening the Railroad Retirement Act. Indeed, as the operating brotherhoods’ numbers and prestige declined such that they needed these logrolls, they finally entered the federation in the
1950s. Several unions – the Machinists and Sheet Metal Workers, for instance – had substantial membership bargaining under both labor regimes.

Because the national debate about labor politics was dominated by the Wagner Act framework emphasizing workers’ self-organization, a sustained attack on labor raised the possibility of further attacks that conceivably could have – although they never did – pierce the citadel of the Amended Railway Labor Act.54 “Leaders of the Republican party not only take pride of authorship of the [Taft-Hartley] law, but threaten to amend it to put further curbs on the free exercise of labor’s bargaining power,” warned the Railway Clerks’ leadership portentously in 1948.55 Even when engaging in interest-group politics, orientations toward labor – a defining partisan cleavage – loomed on the horizon.

Using electoral strategies made sense for a group with substantial nationwide representation among the kinds of “grasstop” local elites likely to interact with elected officials, a situation far different from concentrated interests for whom targeted money or expertise would serve as the most effective weapons of persuasion. Unlike the CIO, whose membership was concentrated in a few states and districts, railway labor could target broadly. Labor, the rail unions’ weekly, was often a key instrument; Keating notes a 1942 mailing that “plastered Missouri with a special edition of Labor urging Truman’s nomination. Of course, it didn’t cost him a cent.”56

Furthermore, because the captured administrative agencies – the NMB and the NRAB – required only minimal ongoing legislative supervision but ran the risk of

54 Indeed, the anti-racketeering – although not the secondary-boycott – provisions of the 1959 Landrum-Griffin Act were applied to the railroads.
55 TRC, October 1948, 572.
56 Keating, Gentleman from Colorado, 504. Italics original.
changes in the underlying statute, maintaining friendly relations with Congress as a whole took precedence over targeting particular legislators and committees at the corner of an iron triangle. To take the example of their old allies, railway labor, dependent on the administrative state, had no parallel to agriculture policy and the farm bill.\textsuperscript{57}

\textbf{State-Sanctioned Racial Exclusion: Railway Labor and Race}

Yet stable subgovernment only sets up the third great puzzle in the politics of railway labor: whether it could have survived so long had African-Americans or industrial unions found a place inside it. The “state within a state” buttressed wholesale racial exclusion all the way until the civil rights era. That exclusion allowed them to escape the clutches of the conservative coalition that passed Taft-Hartley. If the left-leaning Transport Workers Union of America had found a foothold on the railroads, then Congress would have counterattacked, and the settlement of 1934 would have been replaced with one far less friendly to railway labor unions.

The standard railroad unions made up the bulk of formally racially discriminatory unions in the United States; a 1941 survey indicated that railway unions comprised nineteen of the thirty-one internationals excluding African-American workers. Ten of them, including all four of the operating brotherhoods, did so via provisions in union constitutions.\textsuperscript{58} In 1944, “Approximately 97 per cent of these Negro workers were in the following job classifications: janitors and cleaners, extra gang, section and maintenance-of-way men, laborers and helpers, baggage room and station attendants, cooks, waiters

\textsuperscript{58} Herbert R. Northrup, \textit{Organized Labor and the Negro} (New York: Harper and Brothers, 1944), 5. Otherwise, only the tiny Wire Weavers included a constitutional ban.
and train attendants. In all the 111 other classifications of employees recognized by the Interstate Commerce Commission, there are only 4,015 Negro workers or 3/10 of 1 percent out of a total of 1,297,563."

Although Eastman was friendly to the Pullman porters and explicitly included them under the 1934 RLA amendments (a necessary clarification since the Pullman Company was not itself a “carrier by railroad”), by accepting the jurisdictional claims of the standard unions without any language obliging them to open up their membership or represent all covered employees, the 1934 amendments to the Railway Labor Act sabotaged for a generation racial progress on the roads. Because the National Mediation Board defined “the bargaining unit to suit the jurisdictional claims of the standard railway unions,” every employee was subject to a mutually exclusive and exhaustive schema of representation. On the “kangaroo court” of the National Railroad Adjustment Board, unions showed no sympathy to any outsiders’ claims for grievance.


adjustment. Even routine grievance resolution became a tool for the standard unions and their white members.\textsuperscript{62}

Two small black-led unions ultimately gained representation on the NRAB. In 1935, the Brotherhood of Sleeping Car Porters, led from 1925 to 1969 by A. Philip Randolph, defeated a company union in an NMB election; the Porters finally signed a contract two years later. The union won a AFL charter, but joined the Railway Labor Executives’ Association only in 1949, under threat of legal action.\textsuperscript{63} In 1942, the red caps’ union, the United Transport Service Employees Association, led by Willard Townsend, affiliated with the CIO, where Townsend served as the only African-American on the executive board. Nevertheless, it faced severe jurisdictional fights with the Railway Clerks (alongside skirmishes with the BSCP). Efforts to cover the red caps under minimum-wage laws won more support from the Labor Department than from the railway state.\textsuperscript{64} As the UTSEA monthly explained, “while the UTSEA leadership has led the fight against racial intolerance and job discrimination in the railroad field, the porters’ leadership has waged a similar fight along a larger front.”\textsuperscript{65}

The Pullman porters Randolph led, although never numerous – about thirty thousand members at the peak, and less than ten thousand by the AFL-CIO merger – comprised the only black union in the AF of L. While Randolph wished the CIO well, he worried about Communist influence and kept the Brotherhood among other craft unions.


\textsuperscript{65} \textit{BB}, Feb. 1942, 5.
Like many old Socialists, Randolph combined implacable anti-Communism with commitment even in the Cold War years to basic change in American national priorities. Unlike many ex-Socialists as they moved into ADA liberalism, Randolph retained his scruples against cooperating with a capitalistic party and until 1964, had never supported a major-party candidate for president. Instead, he organized from outside, first in the March on Washington Movement that forced Franklin Roosevelt to adopt the wartime Fair Employment Practices Commission, and then alongside Reuther, Martin Luther King, Jr., and his protégé, Bayard Rustin, in the March on Washington for Jobs and Freedom in August, 1963. Yet as important as these unions were in the struggle for civil rights, they held representation rights only over their tiny memberships, and routinely lost on the NMB and NRAB when they tried to pry open opportunities for African-Americans working in other crafts or classes, and to eliminate craft or class distinctions based not on actual duties but on the color of the workers assigned to them.

The standard railroad unions had a higher proportion of members from the South and from rural areas than did other unions, and remained close to their fraternal roots. Under nationalized bargaining, racial conservatives exercised an effective veto. The most infamous case took place in 1941. “With the assistance of two members of the

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National Mediation Board,” the Southeastern Carriers Association and the Brotherhood of Locomotive Firemen & Engineers signed an agreement that banned the hiring of so-called nonpromotable firemen from Southern railroads. Because firemen could not be promoted to engineer given the color bar enforced by the Brotherhood of Locomotive Engineers, this provision constituted an absolute ban on hiring African-Americans. In 1944, the Supreme Court ruled in *Steele v. Louisville & Nashville R.R.* that, while the BLF&E had a “duty of fair representation” to all those under its jurisdiction, which the agreement violated, it had no legal responsibility to open its membership to all firemen regardless of color.

While the Solicitor General filed a brief on behalf of the plaintiffs, the defendants’ position emerged entirely from the politics of the “state within a state.” The “duty of fair representation” looms especially large in a system that divorces representation and membership. African-American railroaders repeatedly sued in federal court to force the NMB and NRAB to apply the duty of fair representation. Under the Wagner Act, decertification and rival union election takes place within the bargaining unit. Under

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the Railway Labor Act, however, unions cover an entire “craft or class,” – whether or not those members on a given jobsite have approved that union or hold representation inside it, or not. As Charles Hamilton Houston, counsel to the African-American trainmen in *Steele*, explained, “the unions which are in the majority in any craft or class completely dictate the conditions and terms of employment.”72 Hence, black railroaders’ legal activism aimed not just at the unions or roads, but the railway-labor state itself.

The federal wartime Fair Employment Practices Commission, which had no independent enforcement powers, failed to integrate the railroads, as unions threatened strikes and refused even to attend FEPC hearings. In testimony on Adam Clayton Powell’s 1949 proposal for a permanent FEPC, and under cross-examination from Houston, the Big Four remained intransigent, with union functionaries (the presidents refused to attend) defending their color bars as consistent with the wishes of membership.73 Fitful progress began in the states. Armed with a state FEPC statute, the New York State Commission against Discrimination in 1947 launched a series of suits to allow African-Americans into all occupations. They met with some success in the non-ops, including among the Clerks, although occupational stratification remained and African-Americans were often relegated to segregated lodges and their jobs classified

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73 *Federal Fair Employment Practice Act*. See, e.g., Powell’s exchange with W.D. Johnson of the Order of Railway Conductors, at 275-76.
below those of whites. The Big Four, however, still controlled hiring, with blackballs replacing now-invalid color barriers; data from 1967 show that blacks in New York comprised 622 of 1135 common laborers, but only 62 of 20099 workers in the operating brotherhoods.\footnote{Howard W. Risher, Jr., with the assistance of Marjorie C. Denison, \textit{The Negro in the Railroad Industry} (Philadelphia: Industrial Research Unit, Wharton School of Finance and Commerce, 1971), 80.} Only the 1964 Civil Rights Act opened up those jobs.

The standard railroad unions were far from the only bastions of racism in organized labor. Skilled white workers in other long-established craft unions also sought control over labor supply in order to keep wages high, protect their “manly” work, and prevent African-Americans from breaking strikes.\footnote{Edna Bonacich, “A Theory of Ethnic Antagonism: The Split Labor Market,” \textit{American Sociological Review} 37 (1972): 547-559.} The skilled building trades – Carpenters, Operating Engineers, Electrical Workers – looked until the 1960s nearly as monochromatic as the Big Four. The Machinists straddled both categories. Yet ongoing discrimination among labor’s other aristocrats emerged more from Gompersian exclusivity than from labor law or political action. No substantial building-trade union without representation on the railroads had a color bar in its constitution, nor did the federal government enforce their jurisdictional claims or try to squeeze African-Americans from their jobs. Instead, local hiring halls and apprenticeship programs recruited extremely narrowly – typically within members’ own families, neighborhoods, and ethnic niches – and sometimes allowed members to blackball proposed candidates. Internationals whose lower-skilled membership included African-Americans, notably the Bricklayers and Laborers, advocated for FEPC at the national level, but rarely attacked discrimination in their own ranks. And their higher-skilled brethren sometimes asserted
jurisdictional rights, adjudicated in construction industry Joint Boards, against integrated unions. The hard hats and the railroad boys reached relatively similar outcomes through very different political and legal means.\textsuperscript{76}

As the rail unions show, racial liberalism was no prerequisite of support for the Democratic Party, even after the rise of the conservative coalition. In Karen Orren and Stephen Skowronek’s terms, the racially liberal FEPC and Department of Justice collided and abraded against the captured NMB and NRAB – but, because the captured agencies had successfully limited outside review, the subgovernment prevailed over the broader claims of liberalism.\textsuperscript{77}

The “craft or class” distinctions made by the NMB in racially discriminatory ways dovetails with Ira Katznelson’s exposition of other segregated programs, from the GI Bill to crop supports, in the mid-twentieth century, but with a critical difference.\textsuperscript{78} As in those programs, the state intervened in the free market, with all the benefits going to whites, and racial neutrality arriving only in relatively leaner times. Yet railway labor breaks with the usual pattern of federalism in which states’ rights served as cover for racial exclusion. Indeed, the requirement for membership on the NRAB that unions be \textit{national} in scope proved an immense obstacle to black unions. Paradoxically, state-level


\textsuperscript{78} Ira Katznelson, \textit{When Affirmative Action Was White}: \textit{An Untold Story of Racial Inequality in Twentieth-Century America} (New York: W.W. Norton, 2005).
anti-discrimination statutes, especially in New York, helped to integrate unions with whose color bar the federal bureaucracy evinced no concern. And so the Amended Railway Labor Act, drawn in the interests of a “labor peace” that maintained Jim Crow, has survived into an age when it protects black workers.

A What-If: the Transport Workers and Mike Quill

If labor law had somehow allowed industrial unions among railroad workers, the left-leaning Transport Workers Union of America would assuredly have organized them – and then Taft-Hartley or parallel legislation would have triggered a commensurate backlash, applying rigorous rules to union organization, and dismantling national-level certification procedures. The historical counterfactual, imagining a different relationship among labor, state, and party, leads quickly to Michael J. Quill, president of the Transport Workers Union of America from 1934 until his death in 1966. “Quill,” wrote the columnist Pete Hamill, “is the last union leader we have who will go to his grave cursing employers.”

A small, regional union in a decade managed to link powerful issues of race and class inside and outside the process of collective bargaining, and to win a strike against the largest and arguably the most intransigent railroad in the land. Quill, quite as much as the La Follette supporters when they railed against monopoly and allied farmers and laborers, turned the process of railroad collective bargaining into an ideological struggle over the central issues of national life. Its counterexample shows how powerfully the

Amended Railway Labor Act constricted the vision of political unionism – and, in turn, indicates the way that unions, like other actors with roots in social-movement activity, can both politicize day-to-day activity in civil society, and also exert pressure away from the median voter by offering electoral inducements to politicians as well as threatening action up to a debilitating strike.

While Irish-Americans may bring to mind issueless machines handing out tangible, divisible benefits, “Red Mike” came from a different strand in the Irish tradition. Before emigrating to New York, where he worked as an IRT ticket collector, Quill fought for the Irish Republican Army, and saw inspiration in James Connolly, the trade unionist who led the Easter Rising. Quill won election to the New York City Council representing the American Labor Party, and worked to cement Fiorello La Guardia’s support among Tammany’s Irish bulwark.

The transport workers began as, essentially, a one-local international, with Local 100 representing New York City transit workers. In 1944, the TWU expanded to Philadelphia’s transit system. It prevailed against the AFL’s Amalgamated Association in a representation election, and then endured a bitter strike led by the AA’s office workers once the union countenanced hiring – at the behest of the FEPC – eight African-American streetcar drivers. After the war, the union expanded into airlines, also regulated under the RLA, and organized ground crews and mechanics at American and

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Pan Am. A 1971 study concluded that the TWU was the only union actively supporting African-American employment in air transport.\textsuperscript{82}

“Red Mike” was sympathetic to the Communist Party, but dramatically broke with it in 1948 and stuck with the CIO, both because he needed allies in government and because he was unwilling to sacrifice his independence and toe Moscow’s line. Alone in the CIO leadership, Quill opposed merger with an AFL afflicted by “three R’s,” racism, racketeering, and raiding.” He resisted “playing footsie,” as he termed it, with the Democrats, and preferred an option that would allow for independent action “in states where it is not possible for CIO to work side by side with the Democratic bosses.”\textsuperscript{83} Yet his bark was often worse than his bite; in fact, the union strongly backed Democratic presidential candidates, and routinely encouraged members to give their “Buck for COPE” to support the federation’s political work. In Houston, where the TWUA represented bus drivers, the union devoted its political energies to electing Ralph Yarborough, the only Southern senator to vote for the Civil Rights Act of 1964. In Philadelphia, it strongly supported the reform Democratic administrations in Philadelphia of Joseph Clark and Richardson Dilworth.

\textsuperscript{82} Herbert R. Northrup, Armand J. Thieblot, Jr., and William N. Chernish, \textit{The Negro in the Air Transport Industry} (Philadelphia: Industrial Research Unit, Wharton School of Finance and Commerce, 1971), 71. Some unions – including pilots and flight attendants – are unique to the airlines. Others – the machinists, for example – migrated from the railways. There is no equivalent to the NRAB for the airlines, so independent unions are more common, although “craft or class” distinctions have often impeded promotions that would cross jurisdictional lines, and perpetuated class and racial stratification. See Katherine Van Wezel Stone, “Labor Relations on the Airlines: The Railway Labor Act in the Era of Deregulation,” \textit{Stanford Law Review} 42 (1990): 1485-1547.

\textsuperscript{83} TWUE December 1954, 12; TWUE April 1960, 4. The TWU kept its distance from the Liberal Party, which Quill deemed too stridently anti-Communist and too much in the pocket of the Jewish-led needletrade unions, in contrast to the ALP in its heyday.
Like his sometime rival, Walter Reuther, Quill was a determined racial liberal whose internal support of minority employees, many of them sequestered in lower-level occupations, failed always to match his public statements. Yet Quill vocally supported the civil rights movement; the TWU was the first white union to support the Freedom Riders in 1961.\textsuperscript{84} Labor militancy has remained amid ethnic succession: Local 100 in New York, led by its Trinidadian-born president, walked off the job in 2005 in a successful strike over pensions.

In 1947, the CIO’s abortive United Railroad Workers Organizing Committee had won from a rump company union the right to organize shopcraft workers on the Pennsylvania Railroad. The Pennsy system ran through the heartland of industrial unionism, from New York and Washington west to Chicago and St. Louis. Before the 1934 amendments, it was the largest redoubt of company unionism, and so its workers were some of the few unaffiliated with a standard railroad union by the time the CIO began to organize the unorganized.\textsuperscript{85} In 1954, a year before the CIO’s merger into the AFL, the URWOC joined the Transport Workers as their Railroad Division; about three-quarters of the URWOC’s forty thousand members worked on the Pennsylvania Railroad, and many of the others for allied short-line roads.\textsuperscript{86} The NRAB deemed the Transport Workers not “national in scope,” and denied the union a seat on the board. The Railway Labor Executives’ Association similarly turned Quill away.\textsuperscript{87} The union had instead to rely on outside pressure rather than the usual state-sponsored resolution procedures.

\textsuperscript{84} TWUE June 1961, 7.
\textsuperscript{86} TWUE, October 1954, 10
Quill regularly blasted the Railway Labor Act both for the restrictions imposed by bargaining on the basis of craft or class, and for limiting the possibilities for labor militancy under the elaborate structure of dispute resolution, mediation, and NMB cooling-off periods, which Quill summarized as “talking to death every legitimate grievance of the worker.” As a party to the AFL-CIO non-raiding agreement, his words on craft organization were milder, urging “one strong industrial union” and (not entirely correctly, since the history in fact emerges from the state smashing industrial unionism) linking the existing structure with “outmoded company unionism.”

Although the comparisons seem less sharp after the collapse of systemwide rail bargaining in 1964 and Quill’s death in 1966, the TWUA’s first decade in railroad labor shows an alternative model for railway labor, one that both injected politics into work and contract issues and pushed labor’s demands on the state into the realm of broad-scale conflict. In the early 1960s – long after the Plumb Plan had faded into memory – Quill urged “public operation of subways, buses, trains and airlines by city, state and federal governments” as a response to railroads’ deteriorating finances. In 1958, Quill fired off a blistering note to the Pennsylvania Railroad for stamping “Colored” on pass privileges to black employees – a demarcation clearly borne of the standard railroad unions’ exclusionary policies. “It is incredible,” he wrote, “that the largest railroad in the United States, an essential public carrier of the mails of the United States government, should stoop to the hateful practices typified by the Ku Klux Klan.” In 1960, he led the non-ops in a successful twelve-day strike against the Pennsy, the first in the road’s 114-year

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88 TWUE May 1961, 5.
history, over outsourcing and severance. It jawboned other unions in the St. Louis yards to allow the first black fireman ever on the property – trained, the *TWU Express* reported, by white firemen on their own time. And it consistently opposed Pan Am’s attempts to segregate workers in Miami.

Alongside other sectors, such as New England textiles, built up in the early waves of American industrial development, railroading suffered decline and deindustrialization decades before the same structural forces hit many of the mass-production industries central to the CIO. The TWU spoke up, especially, on behalf of workers at the Pennsy’s massive engine shops in Altoona, Penn. – both the city’s economic base and the largest concentration of TWU Railroad Division employees. The PRR controlled the city’s water rights, and refused to allow into town any other businesses that might compete with the shops for male workers. Although emphasizing the responsibility of federal and state government, and conspicuously denouncing the road for failing to appeal for their help, Quill demanded that the Pennsy consider the effects of job cuts on a depressed, post-industrial community, and worked with the Kennedy administration’s urban-renewal efforts to promote job training.

After the formation of the Railroad Division, the TWU, like other railroad unions, had a question-and-answer column designed to explain union rules and practices. In sharp contrast to the standard railroad unions, however, the column cued labor militancy rather than knowledge of railroadiana. The Locomotive Engineers, the most elite union

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91 Firemen in the yards were deemed non-ops, while those outside the yard fell under the BLF&E, one of the Big Four operating brotherhoods; *TWUE* September 1960, 7.
92 *TWUE* May 1957, 12; *TWUE* December 1957, 7; *TWUE* July 1961, 9; *TWUE* October 1961, 7.
even among the Big Four, ran a column every month called “Train Rules” educating its members on the arcana of arbitration rules, shop agreements, and railroad lingo. For outsiders, the questions appear indecipherable. One, from September 1947 – in an issue that says next to nothing about Taft-Hartley – asks “Question: Eng 1009 runs extra A to C. No. 1 Eng 1006 runs ten 10 hours late H to A. On arrival at C, if given an order to run extra H to C, could Extra 1009 East use the time in Order No. 32 to move against No. 2?” (The answer, for the record, was no.) The TWU also ran a q-and-a column, but one cueing labor militancy rather than technical knowledge. “After an accident hearing is held and I am called in to sign the testimony, can I refuse to sign?” asks one column. The answer, of course, was yes.

All of this deeply politicized activity stands in sharp contrast to the standard railroad unions and suggests that, although railroad workers’ pre-existing nationwide distribution and occupational segmentation would probably have limited its reach, the 1934 amendments had a significant causal role in blocking the space for agitation from the Left along the lines of the TWUA’s activity. Without two specific changes instituted in the 1934 amendments – the strict “craft or class” rules required for certifying a union as a bargaining agent by functional lines, and for an entire carrier regardless of geographic station; and the monopoly on grievance resolution through the NRAB held by railroads “national in scope” – the TWUA could have achieved much more substantial membership among American railroad workers.

The counterfactual, therefore, seems inescapable: if left unions with racially liberal policies had exercised substantial influence on the rails, something like Taft-

93 LEJ September 1947, 608.
Hartley would inevitably have arisen to stop them, whether inside or outside of a distinct legal framework for rail and air transport. That new legal framework would have made organizing workers more difficult, whether by changing the rules for election, the definition of bargaining units, or the scope of collective bargaining, with important downstream consequences, especially in the conservative era augured by Ronald Reagan’s election. In railroads and air transport, the Amended Railway Labor Act prevails, and it is 1934 and not 1947. The secrets to high union concentration on today’s railroads may lie, paradoxically, in their conservatism and racial exclusion seven decades ago. By creating an administrative infrastructure that reflected specific favors rather than an ideological realignment, the Amended Railway Labor Act remained impregnable when the New Deal surge abated.

“One of the noteworthy things about the Act is the simple fact that it has survived,” wrote Charles Rehmus in 1976. “Only one significant set of amendments to it has ever been deemed essential, and this over 40 years ago. This is remarkable.”

Railway labor’s political story fades out more than it can be said to end in any kind of grand finale. The industry now employs a scant 246,000 workers, a figure down six-fold in eighty years. The standard railroad unions have become shells of their former selves. The Clerks have merged into the Machinists, the Engineers, once the tiptop labor aristocrats, into the Teamsters, and the other operating brotherhoods with the Sheet Metal Workers. The track may be rusted – but the switch could long ago have run the train in an altogether different direction.