

**Charles W. Romney.** *Rights Delayed: The American State and the Defeat of Progressive Unions, 1935-1950.* Oxford: Oxford University Press, 2016. 271 pp. \$74.00, cloth, ISBN 978-0-19-025029-4.

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In *Rights Delayed*, Charles W. Romney uses a case study approach to explain the failure of New Deal era federal labor policy. The study examines labor organizing in West Coast canneries during the 1930s and 1940s and makes broad claims about the reasons for the demise of progressive unions. While these progressive unions found some success from 1935 through 1945, the very administrative state apparently empowered to protect labor inevitably most benefited the conservative unions that were allied with large corporations.

The author focuses on the conflict in the Pacific canneries principally involving unions from the American Federation of Labor (AFL) and the Congress of Industrial Organizations (CIO, originally Committee for Industrial Organizations) as well as the National Labor Relations Board (NLRB), created under the Wagner Act in 1935 (officially known as the National Labor Relations Act), which was originally enacted in large part to protect workers' rights to organize. Ultimately, Romney argues that it was not the typically identified left-leaning politics, Communist affiliations, or southern anti-labor reactionaries that ended the hopeful promise of labor rights but the administrative state's slow, plodding, and legalistic processes that ensured defeat for smaller unions and their organizing efforts.

*Rights Delayed* is organized into three thematic parts. Part 1, "The Progressive Union Victory, 1935-1945," examines the ten-year period beginning with the Wagner Act. It was during this episode, Romney argues, that progressive unions adopted new federal labor policy in their own by-laws and contracts as a means to ensure legal validation. In particular, the AFL's Teamsters Union and the CIO's Food, Tobacco, Agriculture, and Allied Workers (FTA) competed for membership. Romney shows how in some instances during this period labor rights were in fact protected; in the case of CIO Local 78, for example, the NLRB could and did support local organizing efforts. Strikes in Sacramento and Portland led the NLRB to call for new union elections in 1945. The CIO-FTA won the election and seemed to be poised to control the regional canneries. Not so fast.

In contrast, part 2, "The Teamster Restoration, 1945-1946," describes how the AFL's strong-arm tactics began to reverse the CIO's earlier gains. Not accepting the 1945 vote that they lost, the Teamsters alleged voting irregularities, including forgery, while also engaging in a tortuous legal process designed to challenge and then overturn the 1945 election defended by the NLRB. The AFL not only defeated the NLRB in court but, as Romney explains, also used all means at its disposal to diminish the CIO's power while intimidating and

"blacklisting" its supporters. The NLRB, using its tedious legalistic process to seek a resolution, ultimately lost along with the CIO.

The final part, "The End of Progressive Unions, 1946-1950," is self-explanatory. As the NLRB increasingly supported industrial stability over local organizing efforts and the Taft-Hartley Act (1947), which among other provisions prohibited union leaders from joining the Communist Party, the CIO-FTA was increasingly marginalized. In the end, as Romney's narrative shows, "progressive unions and their supporters had learned that the procedural state favored conservative unions that cooperated with companies" (p. 6).

This particular study explains how Pacific canneries tried but failed to benefit from progressive unions in the New Deal era labor movement. While there are several reasons for this failure, Romney argues that "the greatest barrier to progressive unions came from the architecture, culture, and pace of the procedural state" (p. 209). While this is essentially an analysis and critique of progressive organizing in Pacific canneries, in the conclusion Romney does suggest broader implications. For example, he notes that when in the 1970s California farmworkers sought help from unions, California established "a labor board ... with former NLRB employees" who were essentially committed to a long legalistic process that ultimately worked against the farmworkers (p. 211).

This book raises important questions—both specific and more general. Was the experience of progressive labor organizing in Pacific canneries unique to this western industry? Were there other industry-wide cases where the NLRB more successfully protected local progressive unions? This book's theme is clear and strongly stated, and it has a curious resonance with modern politics. It suggests that the procedural state—and we might logically extend Romney's perspective to the concept of the regulatory state—does not work and actually never did. Consequently, while this feder-

al procedural state is in charge, it is not clear how long labor rights will be delayed, if not stymied, by a legal system that can be co-opted by those with the most resources.

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