

Atonement for the Unions: The True Story of How the US Got Its Minimum Wage and What It Means Now

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Dedicated to the untapped potential of the American worker.

Abstract: This paper examines the crucial role national labor unions played in the implementation of a minimum wage in the United States. During the late 19th and early 20th centuries, union membership was widespread and deeply influential. Vastly exceeding today's numbers, unionized workers organized effectively to challenge exploitative labor conditions. The Fair Labor Standards Act of 1938 (FLSA) established a federal minimum wage in response to these conditions. While contemporary scholarship often credits President Franklin D. Roosevelt and the New Deal, such focus overlooks the sustained pressure of organized labor. Strikes, sit-ins, and collective actions—including the Haymarket Affair (1886) and Pullman Strike (1894)—generated public and political urgency. This paper highlights how national unions like the American Federation of Labor and the Congress of Industrial Organizations amplified these local movements, coordinated lobbying efforts, and helped secure legislative action. Their influence shaped the FLSA and redefined labor standards for future generations of American workers.

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Introduction

American culture has experienced the extinction of labor unions, and with their loss, so went the wages of the American worker. Today, wages being earned to the ratio of profits collected have reached a state of disparity not seen since the Great Depression.¹ As collectivism in the workplace has faded, income inequality has become a bold threat to the livelihoods of millions in the United States.² A pivotal piece of legislation, that serves as the backbone of labor standards in the US, took root in federal policy in 1938 to protect American livelihoods. The Fair Labor Standards Act (FLSA) was created on behalf of suffering Americans to protect laborers from their profit-maximizing employers. The requirement of a minimum wage—one of the few safeguards in the exploitative structure of wage labor—plays the lead role in the FLSA’s multiple policy regulations. While in dire need of adjustment to accommodate today’s extensive wage gap, it is imperative to acknowledge that this protective piece of legislation came from a culmination of unionized efforts, both local and national. Efforts, which put a check on the power of business owners and have since become a forgotten technique in the utilization of workers’ rights. Revitalization of the activism and advocacy of labor unions, as well as the conditions in which they were under in the lead up to the FLSA’s passage, is imperative to the lost importance of unionization as a means for justice in the workplace, and even further, for a more equitable labor market.

Overshadowing the success of labor organizers in pressuring the government to pass the Fair Labor Standards Act in 1938, academic scholarship has handed the credit for policy change

¹ Loukas Karabarbounis, “Perspectives on the Labor Share,” *Journal of Economic Perspectives* 38, no. 2 (2024): 107–36.

² Emmanuel Saez and Gabriel Zucman, “Wealth Inequality in the United States Since 1913: Evidence from Capitalized Income Tax Data,” *Quarterly Journal of Economics* 131, no. 2 (2016): 519–78.

off to President Franklin D. Roosevelt's Administration. With a deeper understanding of the necessity of the FLSA, it becomes clear that labor unions' voices were muted in regard to influencing the FLSA. The misattribution of credit for FLSA to Roosevelt has hindered the growth of the ongoing labor movement. Through a thorough review of the history of the FLSA, exploring who contributed to its implementation and paying specific attention to the active role of labor unions, this narrative is one that I hope will serve as a potent inspiration to the dwindling union bodies and those still non-unionized, in realizing their previous organizing power.

The Fable of the Minimum Wage

Academic coverage of the FLSA makes clear the necessity of the labor policy. What scholarship does not make clear is where this legislation came from, or better yet, who. Generally, the achievement of the FLSA is tied closely to sitting President in 1938, Franklin D. Roosevelt. FDR serves as the perfect face for the responsibility of the policy for reasons that include the fact that he personally signed off on the bill and because of the positive social implications of the government passing progressive legislation. FDR's presumed credit for the FLSA is an easy and uncontested conclusion for academics to make. To understand why the claim of credit of the FLSA is important to the labor movement, it must first be understood why the Fair Labor Standards Act was so monumental.

Due to the lack of federal regulation, American workers, made up of adults and children, were exploited regularly. A 1945 review of the Fair Labor Standards Act remarks that a shocking 42 percent of families in the US lived below the poverty line in 1929, and describes that "thousands, even millions of citizens of the US live and have lived for generations on a bare

subsistence level.”³ A severe state of economic inequality for American workers compared to their employers, which is quickly being replicated again today. Conditions prior to the FLSA were rampant with abuse. A 1933 report describes women facing sexual harassment and factory employees being regularly subject to unsanitary conditions.⁴ As mentioned, children made up a substantial amount of the worker population up until the early twentieth century, it was even upheld under the 1918 Supreme Court case, *Hammer v. Dagenhart*, ruling any law prohibiting child labor unconstitutional.⁵ The labor market prior to the FLSA was a malleable toy in the hands of business owners, who had taken over the means of production by making American workers dependent upon salaries that equated to just a few cents per hour.⁶

FDR’s prominence while in office and his progressive New Deal Programs made him a natural attributor of the very legislation he signed. The Fair Labor Standards Act addresses several ethical and social dilemmas like child labor, eight-hour workdays, and minimum wage; the policy fits snugly under the New Deal umbrella of policies catered to social welfare, poverty, and job creation. Scholarship surrounding FLSA tends to focus on the litigation process and lead up to FDR passing the bill. Scholarly work surrounding FLSA overlooks the massive amount of social pressure applied to the government by the labor movement. The oversight of labor unions by academics undermines the representation of successful organizations in US history, both uplifting the perception of the government and drawing memory away from accomplishments achieved when union membership was at its highest.⁷

³ John W. Tait, “The Fair Labor Standards Act of 1938,” *University of Toronto Law Journal* 6, no. 1 (1945): 192–233.

⁴ “INDUSTRIAL AND LABOR CONDITIONS.” *Monthly Labor Review* 37, no. 5 (1933): 1086–94.

⁵ *Hammer v. Dagenhart*, 247 U.S. 251 (1918).

⁶ Jonathan Grossman, “Fair Labor Standards Act of 1938: Maximum Struggle for a Minimum Wage,” *Monthly Labor Review* (1978): 22.

⁷ Leo Wolman, *The Growth of American Trade Unions, 1880–1923* (New York: National Bureau of Economic Research, 1924).

A handful of states had instituted their own constitutional minimum wages privy to Roosevelt's signing of the FLSA, both feeling the pressure from the bottom up from labor organizers.⁸ The bottom-to-top pressure could likewise be applied to the Federal government in its decision to litigate the FLSA, but is often ignored. Popularly cited and even implored by the US Department of Labor is a 1978 article by Jonathan Grossman, detailing an 'accurate' history of the FLSA. Grossman begins the timeline of the FLSA with the controversial *Hammer v. Dagenhart* case in 1918.⁹ Grossman's history narrows the scope to legal litigation and employs the spillovers of social pressure – such as the organized strikes to be discussed – as the build-up to the FLSA passing, rather than the source of the legislation. Grossman identifies Supreme Court case decisions up until 1938 as barriers to the FLSA passing, which he (and the US Department of Labor) claims was a bill Roosevelt had "tucked away".¹⁰ By establishing this idea that FDR had the bill for the FLSA ready-to-go and grouping it in with his "New Deal Promises", Grossman directly attributes the policy to the Roosevelt Administration.¹¹ An accepted scholastic narrative that completely ignores the lobbying done by Amalgamated Clothing Workers of America (ACWA) head and key founder of the Congress of Industrial Organizations (CIO), Sidney Hillman. Hillman presented Frances Perkins, US Secretary of Labor under FDR, with a memorandum in 1932 demanding that the government implement labor standards for hours and wages.¹² Without questioning where grievances towards poor wages and conditions were stemming from (labor union strikes across the country), Grossman neglects to mention Hillman's

⁸ Florence Kelley, "Minimum-Wage Boards," *American Journal of Sociology* 17, no. 3 (1911): 303–14.

⁹ Jonathan Grossman, "Fair Labor Standards Act of 1938: Maximum Struggle for a Minimum Wage," *Monthly Labor Review* (1978): 22.

¹⁰ Grossman, 22

¹¹ Grossman, "Fair Labor Standards Act," 24.

¹² Howard D. Samuel, "Troubled Passage: The Labor Movement and the Fair Labor Standards Act," *Monthly Labor Review* 123, no. 12 (2000): 32–37.

involvement. Recognition of Sidney Hillman, a national labor union leader, as working with and having direct influence on policy proposals within the Roosevelt administration would speak to the influence of labor unions on the government's agenda during the early twentieth century.

A general consensus exists that the "FLSA had a beneficial effect on industry and upon the living standards of workmen in the lower-paid brackets."¹³ While praising the resolution, Jonathan Grossman and another scholar, John Tait, whose findings have been cited thoroughly throughout this article, continue to ignore organized labor during their discussions; instead, they focus on the struggle between the Court and Congress. Tait's perception of the American Federation of Labor (AFL) in the FLSA's passing details how William Green's endorsements prolonged the cycle of the policy.¹⁴ And Grossman describes the involvement of the AFL and CIO in the litigation process as a "war raging" between the two despite having a shared goal for national minimum wage.¹⁵ Unions are made out to be a burden to the process despite their power bringing the FLSA into fruition in more ways than one.

A political review on the FLSA by Andrew J. Seltzer outlines the policy and its implementation, establishing a concrete connection of social pressure on legislators via voter records to support the FLSA. Seltzer's data ultimately found that "the closer an individual Senator was to facing an election, the more likely that he would vote in favor of the FLSA", which Seltzer also points out to be "unequivocally supported" by advocates for low-wage workers.¹⁶ Taking into consideration the knowledge that millions of Americans were card-carrying members of a union

¹³ John W. Tait, "The Fair Labor Standards Act of 1938." *The University of Toronto Law Journal* 6, no. 1 (1945): 208.

¹⁴ Tait, 198.

¹⁵ Jonathan Grossman, "Fair Labor Standards Act of 1938: Maximum Struggle for a Minimum Wage," *Monthly Labor Review* (1978): 26.

¹⁶ Andrew J. Seltzer, "The Political Economy of the Fair Labor Standards Act of 1938," *Journal of Political Economy* 103, no. 6 (1995): 1302–42.

within this period, reveals a connection between the social power of unions and the likelihood of representatives to support the FLSA.¹⁷ Thanks to Andrew Seltzer's historical contribution, a framework is created that empirically displays the ability of voters at this time to sway legislators' decisions on political issues due to their social and civil mobility created through mass union membership. A more recent article published in 2000 better documents the role of the AFL and CIO legislative lobbying for a federal minimum wage. Unlike the works by Tait and Grossman, this article focuses on personal influences that the AFL and CIO had on forcing legislators to amend FLSA, writing that during the final vote in Congress, “a new bill was introduced as a substitute” which came at the request of the AFL.¹⁸ With the power to prolong the policy process through union disagreement and reshape legislation through endorsement, it becomes undeniable that the organizational power of the AFL and CIO had governmental reach. The recognition of the American Federation of Labor and the Congress of Industrial Organizations, are beginnings of the FLSA, much different than what is told by the popularly cited Jonathan Grossman and John Tait.

Grossman and Tait both do an exceptional job of examining the legal history of the FLSA at the administrative level, but miss the centerpiece of the story. Focus on FDR ignores the social pressure put on the President and Congress by strikes, sit-ins, and other events organized by local labor unions. Seltzer's political review provokes the reader to weave together the relationship of representatives' votes in support of the FLSA to voices from the labor movement. The following three key organized labor movements are impactful evidence and examples of American workers' ability to socially sway the government into making progressive change.

¹⁷ Leo Wolman, *The Growth of American Trade Unions, 1880–1923* (New York: National Bureau of Economic Research, 1924).

¹⁸ Howard D. Samuel, “Troubled Passage: The Labor Movement and the Fair Labor Standards Act.” *Monthly Labor Review* 123, no. 12 (2000): 36.

The Element of Worker Organization: Sources of Social Pressure

During the nineteenth and twentieth centuries, the American worker played a crucial role in the rapid industrialization of the nation. Populating factories, mills, and mines, US adults and, cruelly enough, children, were subject to sickening work environments. Workers dealt with unlivable wages, long hours, and unsanitary conditions in order to make ends meet. The replacement of individualized artisan work with mass-producing factories shifted the control of the individuals' labor into the hands of the hierarchical management system of the industrial workplace. During this shift of control, the unregulated US labor market created the perfect conditions for exploitation.

American workers joined unions rapidly to check employer power and organize for better labor standards. Driven not only by the idea of a healthier work environment, but also by the nature of the abusive labor market. The lack of social mobility at the time meant families and individuals were spun in a never-ending cycle of subpar living conditions due to inadequate wages. As American workers gained perspective on their exploitation, they began joining unions to exert power as a collective. Over two decades, total union membership for American Trade Unions exploded from roughly 440,000 in 1897 to over 3,500,000 by 1923.¹⁹ Both national and local labor unions experienced growth during this time.

Union existence alone was not enough to push employers to meet basic labor standards. Union leaders and their members frequently engaged in different forms of collective action, especially strikes, to levy more pressure on factory and business owners for higher wages and shorter workdays. The Homestead Strike of 1892, the Pullman Railroad Strike of 1894, and the

¹⁹ Leo Wolman, *The Growth of American Trade Unions, 1880–1923* (New York: National Bureau of Economic Research, 1924).

Ludlow Massacre in 1914 stand as three well-studied results of organized labor that exemplify the influence of labor unions during the early twentieth century on the government to pass the FLSA. The aforementioned strikes' shared points of advocacy, specifically regarding better wages. More broadly however, the strikes made the public aware of poor working conditions, strengthening the position of national labor unions like the AFL and CIO.

A critical catalyst in turning social and political attention towards labor conditions was the bloodshed during the Homestead strike in 1892. The Homestead strike set a powerful example of the ability of local labor unions to organize and expose the abusive labor system. The Homestead Strike fueled rampant public discourse and disapproval and brought some of the first serious consideration of labor regulations to the floor of Congress. The strikers at Homestead served as an iconic reminder of why the FLSA was necessary and what labor unions can do.

Steel workers at the Carnegie Company in Pennsylvania were subject to a sliding scale of pay, forced to compromise their needs according to their inconsistent income. Exploitative conditions made it so the steel workers' pay could be based on the demand for steel, allowing the Carnegie company to short employees to maintain profit maximization. Under management of Henry Clay Frick, a union crushing boss as recognized by testimonies from workers at the Homestead, the men of the factory held an organized effort to gain attention from their community and employers.²⁰ The strike, advocating for better wages and work conditions, was led by the Amalgamated Association of Iron and Steel Workers and turned into a violent clash between strikers and private Pinkerton agents hired to break the strike. The resulting deaths and injuries drew national attention to the struggles of the working class. In July of 1892, the story was picked up immediately by *The Washington Post*. *The Post* dispersed the news of the Carnegie strike to

²⁰ Steven R. Cohen, "Steelworkers Rethink the Homestead Strike of 1892," *Pennsylvania History* 48, no. 2 (1981): 155–77.

the public. By reporting that organized worker efforts were an “engrossing topic in Washington”, and that the House had “lost no time” in launching a formal investigation into the Pinkertons, *The Washington Post* underscored the idea that local strikes resulted in political action.²¹ *The Post* also cited a proposal for an investigation of the workers’ conditions submitted by Democratic Senator from New Hampshire within the same report.²² The confrontation at Carnegie Company galvanized public support for labor unions and prompted an immediate response by the Capitol. The Homestead Strike of 1892 also exposed the lengths to which industrial magnates would go to suppress worker solidarity: it planted the seeds for future labor reforms and strengthened the resolve of workers to fight for fair treatment, better wages, and safer working conditions.

Sprouting from the social and political awareness brought upon Americans after the Homestead Strike was the Pullman Strike of 1894, echoing similar goals to the Homestead strikers and spreading word of the vastly unequal workplace conditions. The strikers at Pullman were protesting against severe wage cuts imposed by the Pullman Company without a corresponding reduction in rents and living costs in the company-owned town of Pullman, Illinois.²³ These unfair practices left workers struggling to make ends meet, and following the lead of the Homesteaders, they began their demand for fair wages, better living conditions, and the right to unionize. Led by the American Railway Union (ARU) and its charismatic leader Eugene V. Debs, the Pullman Strike of 1894 had a profound social impact. The strike’s escalation, which disrupted rail traffic nationwide and prompted the federal government to intervene with troops, revealed the extent to which the government would go to protect corporate interests. This intervention and the violent suppression of the strike, like the actions of the Pinkertons in Pennsylvania, invigorated the labor

²¹ *The Washington Post*, “As Statesmen View It,” July 7, 1892, 1.

²² *The Washington Post*, 1.

²³ Richard Schneirov, “To the Ragged Edge of Anarchy: The 1894 Pullman Boycott,” *OAH Magazine of History* 13, no. 3 (1999): 26–30.

movement, illustrating the need for systemic change and stronger labor protections. *The New York Times* reported on the strike in June of 1894 as, “expected to be the greatest struggle between capital and labor ever inaugurated in the United States.”²⁴ The Pullman strike led to increased public sympathy for workers that fueled the rise of the Progressive Era of the 1930s, including the enactment of the FLSA. The stark injustice and the strike’s disruption of nationwide railways resonated deeply with the American public, bringing widespread attention to the plight of industrial workers, including Samuel Gompers, founder and President of the AFL at the time.²⁵ The Pullman Strike played a crucial role in shaping the national dialogue on workers’ rights and the balance of power between labor and management following Homestead in 1892. Receiving attention from established papers of the time, including *The New Yorker* and *The New York Times*, is evidence of the ability of Pullman’s local union to go national in its advocacy, and ultimately added an immovable responsibility of the federal government to respond.

American labor unions' influence on the government was expanded by another bloody spillover in the eyes of the public. Following the Homestead Strike in 1892 and the Pullman Strike in 1894, the need for regulated wages, work hours, and restrictions on corporate power resulted in trade union membership climbing to almost three million by 1914 (an increase from less than 450,000 members in 1897).²⁶ The federal government was rapidly becoming one that represented the body of a population of organized workers and the needs of the corporate sector. The Ludlow Massacre of 1914 was a gross display of violence by the government towards workers, akin to the effects of Homestead in 1892, spurred labor protests across the US. The massacre occurred when

²⁴ *New York Times*, “Pullman Car Strike Begun,” June 27, 1894, 8.

²⁵ Richard Schneirov, “To the Ragged Edge of Anarchy: The 1894 Pullman Boycott,” *OAH Magazine of History* 13, no. 3 (1999): 26–30.

²⁶ Leo Wolman, *The Growth of American Trade Unions, 1880–1923* (New York: National Bureau of Economic Research, 1924).

striking coal miners and their families, protesting for better wages, safer working conditions, and the right to unionize, were attacked by company guards and the Colorado National Guard employed by the Colorado Fuel and Iron Company, owned by John D. Rockefeller Jr.²⁷ Deaths of numerous miners, women, and children were the result, and once reported, horrified the nation and drew widespread condemnation. The incident was vital in highlighting the severe exploitation and hazardous conditions in the coal mining industry, garnering public support for labor reforms. It also led to increased scrutiny of corporate practices and the role of government in labor disputes. The tragedy of Ludlow became a rallying point for the labor movement, spurring efforts to improve worker rights on a systemic level, promote fair labor practices, and ensure better living and working conditions.

The Homestead Strike of 1892, the Pullman Strike of 1894, and the Ludlow Massacre of 1914 are examples in American labor history that collectively highlighted the dire need for comprehensive labor reform, ultimately contributing to the passage of FLSA in 1938. By showcasing the severe exploitation, hazardous working conditions, and harsh responses faced by workers, these events built momentum for the labor movement and galvanized public support. Localized and organized worker protests, exemplified by strikes at Homestead, Pullman, and Ludlow, three standout examples of the period, served as an essential wrench in the toolbox of the national labor unions during litigation of the FLSA and laid the groundwork for legislative action. The cumulative impact of these strikes and tragedies underscored the necessity of establishing federal standards to protect workers. Leaders of national labor unions like Samuel Gompers and William Green of the AFL and Sidney Hillman of the CIO were able to employ the cumulative impact of the strikes in their lobbying for the FLSA. Without the sacrifices made by local unions

²⁷ Mark Walker, "The Ludlow Massacre: Class, Warfare, and Historical Memory in Southern Colorado," *Historical Archaeology* 37, no. 3 (2003): 66–80.

during the late nineteenth and early twentieth century, the AFL and CIO would not have had the public support in numbers and sympathy to pressure the government into regulating the standards of labor as they are today.

Epilogue: American Workers and Looking Towards the Future

Reflecting on the historical trajectory of labor unions and their irreplaceable role in shaping US labor standards, it is crucial to recognize the profound impact these movements have had on the American workforce. The late nineteenth and early twentieth centuries were marked by intense struggle, sacrifice, and solidarity among workers who faced appalling conditions and fought for their rights through collective action. The Homestead Strike, the Pullman Strike, and the Ludlow Massacre are not just episodes of violence and conflict; they are testimonies to the relentless pursuit of justice by ordinary workers against extraordinary odds.

The Fair Labor Standards Act of 1938 stands as a landmark achievement in labor history, a testament to the power of organized labor to effect meaningful change. While President Franklin D. Roosevelt's New Deal is often credited with the enactment of the FLSA, it is imperative to remember that the groundwork for this legislation was laid by the tireless efforts of labor unions and their leaders. Sidney Hillman, Samuel Gompers, and William Green, among others, utilized the momentum generated by local and national strikes to push for federal labor protections. Their advocacy and lobbying were instrumental in bringing about reforms that transformed the American labor landscape.

The narrative that attributes the success of the FLSA solely to the Roosevelt administration neglects the critical role of the labor movement. The oversight of labor unions diminishes the

contributions of millions of unionized workers whose collective actions pressured the government to address the exploitation and inequities rampant in the labor market. The strikes and protests, often met with brutal repression, highlighted the urgent need for regulation and brought the plight of workers to the forefront of national consciousness.

Today, as we witness a resurgence of income inequality and a decline in union membership, the lessons from this era are more relevant than ever. The story of the FLSA and the labor movement's role in its passage is a potent source of inspiration for contemporary workers and organizers. The continuing erosion of labor unions has coincided with a widening wage gap, a bright red flag to workers for the need for collective action in advocating for fair wages and a more equitable labor market. Revitalizing union activism with the history of the Fair Labor Standards Act of 1938 is essential for protecting workers' rights and a reminder to Americans that progress is achieved through solidarity, perseverance, and the unwavering commitment to justice.

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