POLICE BRUTALITY MAKES HEADLINES: RETELLING
THE STORY OF THE 1938 PECAN SHELLERS’ STRIKE

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ABSTRACT

The 1938 San Antonio pecan shellers’ strike was a unique labor event. It involved conflicts between a dominant white power elite and workers who were culturally, ethnically, linguistically, and religiously different. The power elite separated and suppressed Tejano workers, who were seen as inferior. The five-week strike was an attempt to shake off that suppression. As newspaper reports from the period showed, the power elite responded to picketers with brutal police tactics, but nightsticks, ax handles and tear gas failed to curb worker resistance. The strike was important, therefore, because unlike other Southern labor actions, workers in San Antonio succeeded, with the help of external actors, in getting pecan plant operators to agree to some demands. National union bosses learned that augmenting local leadership, intentionally refuting red-baiting tactics by local officials, enlisting support from sympathetic state and federal officials, and nimbly responding to local actions could lead to success. Those lessons served the Congress of Industrial Organizations well in later Texas strikes.

The narrative of the five-week strike is long and complicated. Doug McAdam’s political process model provides a helpful means of interpreting the significance of events. His theory explains insurgency in terms of how internal and external factors work together. San Antonio’s Latino pecan shellers, an excluded group, mobilized sufficient political leverage to advance their collective interests through noninstitutionalized means.

In 1938 San Antonio, expanding political opportunities and indigenous organizing, as detailed by Matthew Keyworth, were important, but striking pecan shellers would not have achieved their objectives without help from external actors. Intervention by outside agents – especially national labor leaders such as Donald Henderson and J. Austin Beasley, state officials such as Texas Governor James V. Allred, and federal officials such as U.S. Representative F. Maury Maverick – made the San
Antonio walkout one of the only CIO strike success stories in the South. Local union leaders quickly realized that they did not have the resources necessary to overcome San Antonio’s white power elite. Shellers’ early connection with Emma Tenayuca Brooks, a well-known communist, had weakened their position. San Antonio Police Chief Owen W. Kilday had capitalized on the communist connections. He had used them to justify harsh police tactics against picketing strikers. Kilday had contended he was dealing with a communist revolution, not a strike. The CIO countered those local tactics by sending Henderson, international president of the cannery union, to San Antonio to run the strike. He initially gave the local union added credibility. When the local power elite successfully made an issue of Henderson’s suspected ties to communism, the union brought in another leader, Beasley. Kilday’s efforts to paint Beasley as a communist eventually failed. That deprived the local elite of its primary anti-union tactic: red baiting. Once the communist connections were overcome, strike leaders could pressure pecan producers to negotiate. Shellers won collective-bargaining recognition for their union, a closed shop, improved working conditions and a slight wage increase.

The union’s success in San Antonio was short-lived. The Fair Labor Standards Act, passed just two month after the walkout ended, eventually cost most San Antonio pecan shellers their jobs. But that was not the intended consequence. The act was meant to establish a fair wage for CIO members and all other workers. Instead, it led in San Antonio to the mechanization of the pecan shelling industry and the disappearance of shelling jobs. Pecan shellers were the only major labor group displaced as a direct result of the minimum wage law. Nevertheless, the 1938 labor action showed that minority agricultural workers could prevail in a strike despite stiff opposition from the local power elite. The key factor was the aid of outside agents.
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CHAPTER 1

INTRODUCTION

The weather was warm and muggy February 14, 1938, but Felix Ferdin would not have to worry about the weather that Monday. Ferdin was one of the many pecan strikers chosen by his union to leave the picket lines to testify before the Texas Industrial Commission. He entered the 57th District Courtroom and waited for his turn on the stand. He knew it was important to tell the truth about how the police had been treating strikers. Texas Governor James V. Allred had ordered the commission to investigate possible civil liberties violations by San Antonio police. Commission Chairman Everett Looney led the questioning. Ferdin listened to his fellow strikers tell of their low wages, long hours, and horrible living conditions. They testified about police beatings and about being arrested for picketing. When Ferdin took the stand, he told the commission that San Antonio police had lined up about forty picketers, including him, in front of a West Side pecan factory. Then officers shot tear gas at them. “We were in front of a factory and not bothering anybody,” he said. “We started walking, and the police ran after us and beat us with clubs and put tear gas on us.” Ferdin said the incident was the second time he had been teargassed in the two weeks since the strike began. All strikers told the commission they did not want to work for the lower wages instituted at the end of January. That was why they had gone on strike. Most testified they had joined the Congress of Industrial Organization-affiliated pecan shellers’ union during the previous two months without solicitation. Their claims of police brutality piqued the governor’s interest in the San Antonio strike. He was one of the many
external actors who helped San Antonio pecan shellers eventually reverse their wage cuts.¹

From 6,000 to 12,000 workers in San Antonio’s largest industry walked off the job for higher wages January 31, 1938. For the next five weeks, the city’s four daily newspapers, La Prensa, San Antonio Express, San Antonio Light and San Antonio Evening News, covered the strike extensively. It was the city’s first major labor-management dispute. During that time, state, national, and international forces intervened in the San Antonio strike on behalf of workers. The 1938 pecan shellers’ strike was important because, unlike other Southern labor actions, workers in San Antonio succeeded, with the help of external actors, in getting plant operators to agree to some demands. National labor leaders, state and national politicians, and local community actors all intervened on behalf of workers to make the strike a success. Furthermore, union actions negated public concern about communist involvement in the strike. Police and city officials had repeatedly cited fear of communists taking over San Antonio’s Latino West Side as justification for their strike crackdown.

This thesis builds on Doug McAdam’s theoretical framework for analyzing social movements. This work explores how San Antonio’s Latino pecan shellers, an excluded group, mobilized sufficient political leverage to advance their collective interests through noninstitutionalized means. Pecan shellers gained initial leverage by striking. They expanded their power when external political actors intervened in the strike on their behalf.²

Many scholars have cited the San Antonio strike as one example in larger works investigating Mexican-American activism. Those who focus on the strike directly tend to emphasize racial relations between Tejanos and Anglos, the role of unions, the impact of mechanization on agricultural industries, or the political circumstances in San Antonio before and after the walkout. Only one work frames the strike as a success. Matthew Jerrid Keyworth analyzed political opportunities available to shellers in

San Antonio in 1938. He determined that the Tejano community’s solidarity allowed shellers to continue the strike for so long despite severe poverty. This thesis builds on concepts introduced by Keyworth. But the analysis goes one step further. It argues that the long-term socio-economic forces and shared Tejano consciousness could not alone have made the 1938 strike a success. The intervention of external actors made the San Antonio walkout one of the only Congress of Industrial Organizations (CIO) strike success stories in the South.

Pecan shellers challenged the political status quo by going on strike. San Antonio Mayor C.K. Quin and Chief of Police Owen W. Kilday sought to maintain the power of the city’s Anglo political elite. They tried to undermine the strike by calling shellers and union leaders communists. City officials hoped to capitalize on white residents’ fears of a red menace. Kilday declared the strike illegal and subjected strikers to violent repression. Strikers and union leaders nevertheless continued the walkout. Despite the ongoing police violence, they hoped they could still reach their goals. Support from federal officials, the state government, and community leaders countered Quin and Kilday’s influence. This support allowed strikers to advance their interests. Police could not repress the strike without consequences. Even though the union failed to get a court injunction against police tactics, support from external actors introduced other countervailing forces. The Texas Industrial Commission and the National Labor Relations Board (NLRB) both investigated the strike. The governor helped push pecan plant operators into arbitration with the union.

Local, state, and federal forces provided opportunities for Latino strikers to act and succeed. When the pecan shellers’ strike began, the United States was in the midst of the Great Depression. High unemployment and low wages typically did not provide a good context for labor actions. However, in San Antonio recent federal legislation, pro-labor politicians, and a powerful new union enabled pecan shellers to strike and achieve their objective. The altered political environment reduced the power discrepancy between strikers and San Antonio’s elite.

In 1935, a piece of the Second New Deal legislation, the Wagner Act (or National Labor
Relations Act) established a comprehensive set of workers’ rights. Workers took full advantage of the legal openings offered by the act’s Section 7. It allowed them to self-organize; form, join, or assist labor organizations; bargain collectively; and engage in activities for the purpose of collective bargaining or other mutual aid and protection. The legislation provided for enforcement of collective bargaining through the NLRB. Workers pressed employers and the government to honor the full meaning of the law. After the Wagner Act was passed, several strikes were staged around the nation. Police and other local officials commonly used red-baiting as one tactic to counter these strikes. That tactic became even more common after the CIO emerged. The union provided the structure for reshaping the national labor scene after the 1935 legislation. The CIO was labeled one of the most radical organizations in the nation because communists were involved. The industrial unionism of the CIO was extremely different from the racially and culturally exclusive and craft-oriented American Federation of Labor (AFL). The CIO organized semiskilled workers. Membership was ethnically diverse. That diversity reflected the reorganization of the working class. The CIO had some initial success in organizing the automobile industry, the rubber industry, most of the steel industry, and large portions of other industries. It retreated somewhat after these initial victories. After 1936 the New Deal’s declining political fortunes and the stubbornness of many employers, particularly in the South, forced the CIO to rely increasingly on federal arbitration of key national contracts. The CIO began lobbying for federal and state governments to play more aggressive roles in protecting basic citizenship rights. While that allowed the CIO to continue its organizing campaigns, it narrowed the previously expansive social and political vision of the union.  

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The CIO brought its attitudes about involving state and federal governments in labor disputes to the 1938 strike in San Antonio. Union leaders appealed to state and federal officials to counter opposition from the local power structure. The social and labor context was different in San Antonio from what the CIO had encountered in the rest of the Old Confederacy. In San Antonio and South Texas, race was not the only concern dividing the community. Racial categories, in fact, were ambiguous. Tejanos claimed to be white. Differences in language, class, ethnicity, religion, and culture were more significant. As Neil Foley pointed out, East Texas cotton culture resembled the racialized relations of the Deep South because white landowners employed former slaves as well as Tejanos. But San Antonio was to the west of the cotton region and never had slave-based plantation agriculture. San Antonio was not an Old Southern city like Atlanta or Charleston. San Antonio was founded by Canary Islanders and grew as a New World colonial settlement and then a Mexican city. Without a large pool of former slaves to use as cheap labor, San Antonio industries depended on Mexican and Tejano workers.

Heavy industry was slow to come to the South, including South Texas. As a result, South Texas labor problems involved agricultural industries, not heavy industry. In 1938, the economy across the

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South, including San Antonio, was based on military spending, tourism, agriculture, and light industry. San Antonio, for instance, was home to six U.S. Army installations. A good portion of light industry in the South manufactured food products.⁸

Tejanos and Mexicans in Texas sometimes faced similar discrimination to blacks in the Deep South. Jim Crow laws segregated all non-whites from whites in every aspect of Deep Southern society.⁹ Tejanos in Texas and blacks looking for industrial work in the Deep South were often excluded from skilled trades and hired only as a last resort. They had few work options, usually only those unskilled jobs that whites did not want. Because blacks could not find work in factories, most were left to work in the fields. These sharecroppers were some of the hardest hit by the Great Depression. Cotton production fell, and boll weevils ravaged the land, leaving sharecroppers unable to pay their debts to landowners. Tenants who could not pay were forced off the land. Some blacks in the Deep South and Tejano women in Texas were able to find work as domestic servants. Tejano women in Texas also worked in light industry or took up piece work as seamstresses and cigar rollers. Like Tejanos in South Texas, blacks in the Deep South who found jobs in factories faced harsh working conditions and low wages. Tejanos also worked for railroads, at lumberyards, and in construction. They always earned low wages and faced intimidation by employers. Most Southern politicians felt no need to address hardships blacks or other minorities experienced. Labor legislation in Southern states covered only child labor and factory working conditions for whites. No matter the work in South Texas, blacks, Tejanos, and Mexicans often lived in poor and unsanitary conditions. San Antonio’s West Side, home to more than 100,000 Tejanos, was called the worst slum in the nation. The four-

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square-mile area was the site of rampant disease, malnutrition, and high tuberculosis and infant mortality rates.\(^\text{10}\)

The CIO moved to organize impoverished and underrepresented workers from this neighborhood. In 1937 the CIO-affiliated San Antonio chapter of the International Ladies Garment Workers Union (ILGWU) struck the Shirlee Frock Company. The union won contracts favorable to both home-based and factory workers. The agreement set a twenty-cent-an-hour wage and established a forty-hour workweek. Also in 1937, the Texas State Industrial Union Council (TSIUC) was founded in Beaumont. It was affiliated with the CIO and helped unionize coastal steel plants and refineries. In the 1940s, the CIO had an even greater organizing role in Texas. In 1945, several locals of the International Typographical Union struck the Valley Publishing Company, which published newspapers in McAllen, Harlingen, and Brownsville. McAllen city officials moved to disallow picketing, and Texas Rangers were sent in to control the situation. The same year members of the Oil Workers’ International Union shut down several major Texas oil refineries. That strike ended when the U.S. Navy took control of the refineries.\(^\text{11}\)


Because the Deep South was the least industrialized and least unionized part of the country, communists saw the region as a place for expanding their influence. If the nine million blacks in the region became communists, they could lead a revolution against American capitalism. Consequently, communists worked hard to organize black sharecroppers. In Alabama, communists thought sharecroppers did not have the leadership skills necessary to organize themselves. Sharecroppers lacked the collective experience of industrial labor. Tenants and sharecroppers had been kept isolated. As a result, they had not worked together before. But after the 1931 Arkansas sharecroppers’ rebellion, communists began to take the rural poor more seriously. Pitiable living conditions, high debt, and unfavorable crop markets plagued sharecroppers during the Great Depression. The tenant farming system seemed on the verge of collapse. Blacks began to see the logic of Communist Party rhetoric. It called for economic, political and social equality, and self-determination. Communists helped organize the Croppers’ and Farm Workers’ Union, later the Sharecroppers Union (SCU). It demanded food advancements, the right of sharecroppers to sell their own crops, small gardens for resident wage hands, cash rather than wages in kind, a minimum wage of $1 per day, a three-hour midday rest for all laborers, and free school for blacks available nine months of the year. SCU organizing was met with extreme violence. In court cases that followed, communists worked to defend blacks and draw attention to the racism and discrimination in the South. The union led several strikes in Alabama and had some successes, including wage increases and debt reduction. National Communist Party leaders regarded the SCU as the finest contemporary example of black revolutionary traditions. It seemed to justify the communist slogan demanding self-determination in the black belt. But most black farmers were

organizing only to help themselves survive and to get a greater claim to cotton-crop profits.

Communists also worked in Winston-Salem, North Carolina, to organize black tobacco workers.

Unlike blacks in isolated communities on plantations, urban blacks who worked in the tobacco plants had a rich community life. It fostered self-confidence and organizational experience and leadership skills. However, these attempts to organize black workers eventually failed.\(^\text{12}\)

While Communists influenced the labor movement in the South, their involvement in the 1931 Scottsboro trial blunted their effectiveness. Communists worked during the case to publicize the plight of the eight young men accused of raping two white women. Party members saw the case as an opportunity to educate, add to their ranks, and encourage the mass protest necessary to bring about revolution. Communists organized meetings, rallies, marches, defense committees, petition drives, and postcard and letter-writing campaigns. Party members spoke and recruited at churches, political clubs, booster clubs, fraternal organizations and labor unions. These actions infuriated Southern white power elites. Communists’ reputation for courtroom defense followed them into the workplace. This reputation generated hatred among whites and respect among blacks. Communist ranks included unskilled industrial workers, sharecroppers, domestics, and housewives. In fact, communists became known in the South as the “nigger party.”\(^\text{13}\) That label became even more accurate as the communists attempted to organize sharecroppers and tenant farmers into the Southern Tenant Farmers Union (STFU). But communists were never able to gain a similar foothold in South Texas. Labor organizers Emma Tenayuca Brooks and her husband, Homer Brooks, brought communist ideas to Mexican and


Tejano workers in San Antonio, but those workers never joined the party in large numbers.\textsuperscript{14}

The organizing environment among Tejanos and Mexicans in South Texas paralleled that of white millhands in the Carolinas. Mill towns, like the Spanish-speaking communities in South Texas, had a distinctive culture based on kinship. Mill towns, made up of company-owned housing, were tight-knit entities linked by loyalty of workers to one another rather than to the mill. While working conditions were harsh and living conditions deplorable, people endured because of this sense of community and connection. In the Carolinas, workers were not passive. They were politically active. They voted regularly and influenced campaigns. Even though other whites considered them “good for nothing linheads,” millworkers were committed to the idea of white supremacy. Workers recognized the need for better working conditions. The tight-knit communities made labor organizing easier. Consequently, mill owners threatened to evict from company housing anyone who joined a union or went on strike. If a worker were evicted for union organizing or striking, it was unlikely he or she would find a job in another mill. Nevertheless, the AFL moved to organize southern textile workers. Many were eager to receive the fair wages and reasonable working hours promised by President Franklin D. Roosevelt’s National Industrial Recovery Act. It established the National Recovery Administration. Thousands of millhands joined the AFL’s United Textile Workers of America and went on strike in 1934 to improve mill conditions. Southern mill owners resisted the NRA guidelines for a minimum wage and collective bargaining. In September 1934, two-thirds of the South’s textile workers – around 170,000 people, most of them white – had joined the general textile strike. It stretched from Maine to Alabama. In North Carolina alone, 64,000 went on strike. Southern governors called out the National Guard to regain control of the situation. In Georgia, Governor Eugene Talmadge went a step further than other governors. He declared martial law and set up an internment

camp for strikers. Arrested strikers were charged in military courts. One-hundred-forty strikers were jailed without charges until the strike ended. That approach was very different from what Texas Governor James V. Allred did in response to the San Antonio pecan shellers’ strike in 1938. Despite the AFL involvement, the General Strike of 1934 failed to win the improvements in working conditions and wages strikers had sought. The strike lacked the external support needed to overcome the power structure in the textile industry.\textsuperscript{15}

The following chapters explain how the San Antonio pecan shellers used the opportunity available to them to unionize and how external forces shaped events during the 1938 strike. Chapter two analyzes the working conditions strikers faced and the shifting political climate that eventually helped them win higher wages. Chapter three examines strike activities under the leadership of Donald Henderson, who fought for strikers against police oppression. Henderson enlisted the Texas governor, the Mexican consulate, and community organizations to support striking pecan shellers. Chapter four explores the strike under the leadership of J. Austin Beasley. He continued to bring in external forces to help strikers. Chapter five considers the aftermath of the strike and the lessons the 1938 labor action might teach.

CHAPTER 2

SAN ANTONIO IN THE 1930S

The 1938 San Antonio pecan shellers' strike was a unique labor event. It involved conflicts between a dominant white power elite and workers who were culturally, ethnically, linguistically, and religiously different. This chapter explains the unique context for the strike. That environment allowed pecan shellers to capitalize on the shifting political opportunities of the 1930s to stage a successful walkout and win their demands.

The 1938 labor dispute played out against a backdrop of nativism not found elsewhere in the Deep South.1 San Antonio, population 250,000, differed from medium-to-large cities in the North and the South. It was home to the largest Mexican and Tejano population in the country for a city its size. It also had a large population of white European immigrants.2 Unlike Northern cities, San Antonio maintained segregation through Jim Crow laws, and unlike other Southern cities, these Jim Crow laws could often apply to Mexicans and Tejanos as well as blacks.3 Mexicans generally filled the lowest,

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1 Zaragosa Vargas, Labor Rights are Civil Rights: Mexican American Workers in Twentieth-Century America (Princeton: Princeton University Press, 2005), 44.


most menial jobs in the local economy.\textsuperscript{4} In other Southern cities blacks held those jobs. Neither blacks nor Mexicans could realistically hope to acquire middle-class status. The white population had marked them as inferior based on real or imagined distinctions of color.\textsuperscript{5} Many Tejanos were Caucasians but did not look like Northern Europeans. Many Mexicans were of mixed Spanish and American Indian heritage. As a result, they did not look “white.”\textsuperscript{6} Tensions between whites and Mexicans had roots in bitter experiences during the Texas war for independence in 1836 and the U.S. war with Mexico from 1846 to 1848.\textsuperscript{7}

Many Tejano families had lived in Texas for generations before empresarios like Stephen F. Austin brought white immigrants to the region. Despite their long history and claim to the land, Tejanos were soon dominated by white immigrants. Anglos took over the region and considered Tejanos temporary outsiders who would – and should – go back to their Mexican homes.\textsuperscript{8} Emma Neil Foley, \textit{The White Scourge: Mexicans, Blacks, and Poor Whites in Texas Cotton Culture} (Berkeley: University of California Press, 1997), 10.


Tenayuca Brooks and her husband, Homer Brooks, analyzed this dynamic in “The Mexican Question in the Southwest.” They called Mexicans and Tejanos in Texas a conquered people. Tenayuca and Brooks argued that Mexican Americans fit the Marxist concept of a national minority. They represented an oppressed working class with a shared history, culture and language within the United States. Mexican Americans were distinct from Mexican nationals. As such, Mexican Americans were a separate ethnic community, linked to Mexicans and Americans by a shared economic life. This community was a partner with Anglo working-class populations in the region, Tenayuca and Brooks contended.9

At the beginning of the twentieth century, Spanish, English, and German were the prevailing languages in San Antonio. After World War I, English became the primary language of politics and commerce.10 Spanish was the dominant language of Mexicans and Tejanos. Middle-class Tejanos also read and spoke English.11 The language difference furthered the cultural divide between Tejanos/Mexicans and the white power structure in San Antonio.12 In addition, the white elites of San Antonio were predominantly Protestant. Pecan shellers were Roman Catholic.13 The North Side of San Antonio was considered the “white” neighborhood. The West Side was where Tejanos and Mexicans lived. And the East Side was primarily home to African Americans.14 Therefore, whites, Tejanos, and

9 Emma Tenayuca and Homer Brooks, “The Mexican Question in the Southwest,” The Communist, March 1939, 257-268; Vargas, 143-146.


11 Tenayuca interview; Cotera, “Jovita Gonzalez Mireles,” 158-162; Vargas, Labor Rights are Civil Rights, 124-127; Garcia, Rise of the Mexican American Middle Class, 176.


13 Guerra, Henry Guerra’s San Antonio, 13; Vargas, Labor Rights are Civil Rights, 137-138, 146; Woods, Mexican Ethnic Leadership, 92-96.

14 Blackwelder, Women of the Depression,” 48; Patricia E. Gower, “Unintended Consequences: The
blacks were separated by class, color, creed, and residential living space.

A powerful Democratic Party political machine called the “People’s Ticket” ran San Antonio’s city government during the 1930s. Much of the Anglo population lived outside the city limits, so the machine relied heavily on the minority vote. San Antonio had always been heavily Latino, with a much smaller African-American population. Political and social upheavals south of the Rio Grande following the 1910-1920 Mexican Revolution swelled the Latino population further. Tejanos lacked effective organization and political influence. Many Tejanos voted, but their votes were often purchased by the political machine. Mayor C.K. Quin was the part of the People’s Ticket. He had the power to give out government jobs and influence local elections. The machine used the police to enforce its rule. When police force failed, red baiting was a common tactic used to undermine any opposition.  

However, U.S. Representative F. Maury Maverick, a liberal Democrat, used Tejano support from San Antonio’s West Side to defeat the local machine and win his congressional seat. Maverick ran against Quin, who was backed by the local machine. Maverick came from a well-established Texas ranching family that was well-known in San Antonio. Maverick promised to represent all San Antonians. That won him the support of the West Side and the election. Maverick was pro-labor and pro-Mexican. He repeatedly expressed his support for the Tejano workers. He quickly earned a reputation as a New Deal Democrat. He made waves by being the only Southern representative to support anti-lynching legislation. He went out of his way to support free speech. That meant Maverick backed the rights of communists to speak out. Consequently, opponents tried to connect him to the Communist Party. Maverick’s support of free speech eventually led to his political downfall. He left Congress and succeeded Quin as mayor. Maverick allowed Tenayuca and the San Antonio branch of San Antonio Pecan Shellers' Strike of 1938,” *Journal of South Texas* 17 (Fall 2004): 94.

the Communist Party to meet in Municipal Auditorium in 1939. A riot ensued. The fallout ruined Maverick’s political career. He retired from politics soon after.¹⁶

Texas Governor James V. Allred, another liberal Democrat, was also sympathetic to the plight of underpaid workers. In 1934, when local San Antonio politicians questioned if Texas’ new white-primary system would apply to Tejanos, Allred, who was state attorney general at the time, intervened. He ruled that “white” included people who were commonly designated as “Mexicans.” Allred was supported by labor groups and Tejanos. His actions foreshadowed his later political sympathy for striking pecan shellers. But on the local scene, the “People’s Ticket” machine ruled all political decisions.¹⁷

The Great Depression brought power differences between San Antonio’s ethnic groups into sharp economic focus. Before the downturn, whites, Tejanos and Mexicans had generally coexisted – as long as Tejanos and Mexicans took the most menial jobs for low wages. After whites started losing jobs, Mexicans became scapegoats.¹⁸ The American Federation of Labor (AFL) said Mexicans were taking jobs that Americans needed. The union urged employers to fire anyone who could not prove U.S. citizenship. Even citizens of Mexican descent usually did not have the documents required to prove their legal status and could not afford to obtain them. Many Texas employers refused to hire Mexicans and Tejanos. Many whites swallowed their pride to take “Mexican” jobs.¹⁹ Texas state government and several cities established rules preventing Mexican and Tejano employment in certain jobs. The AFL pressured the U.S. Immigration Bureau to apprehend and deport anyone who could not prove citizenship. The Immigration Bureau used provisions of the Immigration Act of 1929, which

¹⁶ Keyworth, “Poverty, Solidarity, and Opportunity,” 98.

¹⁷ Keyworth, “Poverty, Solidarity, and Opportunity,” 100-111.


¹⁹ Ibid.
made illegal entry into the United States a misdemeanor, to deport 345,000 people. Seventy percent of those were from Texas, and many were American citizens. Strike leaders, picketers, and communist organizers were more likely to be rounded up by immigration agents and Texas Rangers.\textsuperscript{20} The Communist Party called the federal deportations “gigantic, wholesale, illegal kidnappings.”\textsuperscript{21}

Indigent Mexicans and Tejanos went onto welfare rolls. Whites thought welfare payments removed all incentives for Mexicans to look for work. The many Mexicans on welfare became a conspicuous social problem. Voters complained. Government officials began to deny public relief to all Mexicans, even American citizens of Mexican descent who lacked documents to prove their legal status. Seasonal agricultural workers were removed from welfare rolls during planting and harvesting times to ensure they would return to the fields. Afterward, they could not get back onto welfare rolls. In San Antonio, pecan shelling qualified as seasonal agricultural work.\textsuperscript{22}

Until the late 1920s the pecan industry had been moving toward mechanization. Although shelling plants in St. Louis and other Northern cities continued to use and improve pecan-shelling machinery throughout the Great Depression, San Antonio operators gradually eliminated machines in favor of hand labor. San Antonio had two things Northern cities did not: thousands of Mexican and Tejano laborers willing to work for as low as $1 or $2 a week during the depth of the Depression and an intensely competitive shelling market. Those factors made hand labor less expensive than installing and maintaining machinery. That was true in cotton and other agricultural industries as well.\textsuperscript{23} In San

\textsuperscript{20} Takaki, \textit{Double Victory}, 91-93; Vargas, \textit{Labor Rights are Civil Rights}, 43-51.

\textsuperscript{21} Vargas, \textit{Labor Rights are Civil Rights}, 54.


\textsuperscript{23} Foley, \textit{The White Scourge}, 12.
Antonio, hundreds of pecan-shelling factories dotted the West Side. When the largest of these – the Southern Pecan Shelling Company owned by Julius Seligmann – switched to hand labor in 1926, the rest had to follow suit to stay competitive.²⁴

Most workers in the pecan-shelling plants were Mexican or Tejano. The only exceptions were a few Anglo foremen and superintendents in larger shelling facilities. Mexicans and Tejanos did all the cracking and picking. That work was their major source of winter employment. Nevertheless, they looked upon pecan shelling as a last resort and worked at it only when other work was not available. The San Antonio pecan industry employed 10,000 to 20,000 shellers, depending on annual crop size. They typically worked in old buildings with only the simplest equipment. Workers would sit at long tables and shell pecans for hours. The light was low. The only ventilation was through open doors and windows in warm weather. The air was full of a fine, brown dust from pecans. Several plants had no bathroom facilities or running water.²⁵

The industry was run on a contract system. Pecan shelling by hand required more workers and more space than was available in principal shelling plants. Therefore, large operators like the Southern Pecan Shelling Company gave most of their pecans to contractors. They were financed and controlled by the larger companies. Contractors worked with only one large company, buying whole pecans and selling back pecan meats. The difference between the buying and selling prices gave contractors a margin of forty to sixty cents per 100 pounds in the shell. Many contractors had subcontractors. Many of those were families who shelled pecans in their homes.²⁶

Under this contract system, the workforce was disorganized. Workers would sometimes leave a plant where nuts were small to go to another plant where nuts were reported to be better. Women

²⁴ Menefee, *The Pecan Shellers of San Antonio*, xvii.

²⁵ Ibid., 1, 7-8, 9-11.

²⁶ Ibid.
would leave work for hours at a time to cook lunch and dinner for their families. Old men, women, and even children worked in plants to help their families earn enough to buy food or pay rent.  

Figure 1 – Women shelling nuts at a pecan factory. Workers routinely cut and bruised their fingers while shelling. Although this factory has several windows for ventilation, it was one of the few. Many workers developed respiratory problems from inhaling pecan dust. Picture from the San Antonio Light.

The first pecan shellers’ union in San Antonio was organized in 1933. San Antonio pecan shellers carried out strikes in 1934 and 1935, when wages were cut from six cents per pound of pecan halves and five cents for pieces to five and four cents respectively. In 1935 wages were cut again to four and three cents. Both strikes failed to raise wages. In 1936 talk of wage and hour legislation emerged. It would restrict working hours and set a minimum wage.  

27 Ibid.

plant operators to oppose the legislation. Shellers realized that if the legislation passed, they would be replaced by machines. After working against a wage-and-hour law, the union lost strength and eventually disappeared. In 1936 operators raised wages to six cents per pound and five cents for pieces following a good pecan crop the previous year. In late 1937, pecan operators raised wages to seven and six cents per pound. Despite earlier failures at influencing the wage scale, shellers remained committed to resisting future pay cuts. New interest in a union surfaced during 1937. When wages were lowered to the six- and five-cent levels January 31, 1938, shellers walked out. Operations were partially shut down until union leaders and plant operators agreed to arbitration March 8.

Other San Antonio industries saw attempts at unionization during the late 1930s. Skilled workers in San Antonio were already organized along craft lines and affiliated with the AFL. These AFL locals, which included Anglos and Tejanos, were not interested in organizing unskilled industrial workers. Like the national union, skilled workers in San Antonio saw immigrants as competition for local jobs. In the San Antonio garment industry, most workers were Mexican women. The International Ladies’ Garment Workers Union (ILGWU) – led by San Antonio native Rebecca Taylor – sought to raise wages and improve working conditions for garment workers. As was the case in Los Angeles, the ILGWU became involved in San Antonio because organized workers in the Northeast could not compete with the low wages of Texas workers. The ILGWU and garment workers were involved in a number of San Antonio strikes during the 1930s but made no real gains for their efforts.

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San Antonio Mexican and Tejano women were involved in a major protest at the Finck Cigar Company in 1934. Factory workers were among the lowest paid in the city.\(^\text{33}\) Workers – mostly women – had to endure unsanitary conditions, unfair firing practices, and steep fines for work deemed unsatisfactory. Workers went on strike in 1934 to improve these conditions. But strikers were unsuccessful. Finck managers accused strikers of being communists. Managers hired strikebreakers to keep the factory in business.\(^\text{34}\)

All these cultural, ethnic, linguistic, religious and labor factors set the stage for the 1938 pecan shellers’ strike. The city’s white power elite continued to separate and suppress Tejano workers, who were seen as different and inferior to them. The strike was an attempt to shake off this suppression. Without the new political climate afforded by the election of Allred and Maverick, strikers would not have had as many allies during their walkout.

\[\text{\footnotesize\textsuperscript{33} Blackwelder, } \textit{Women of the Depression}, \text{ 103-104, 132-135; Vargas, } \textit{Labor Rights are Civil Rights}, \text{ 80-81.}\]

\[\text{\footnotesize\textsuperscript{34} Blackwelder, } \textit{Women of the Depression}, \text{ 103-104, 135; Vargas, } \textit{Labor Rights are Civil Rights}, \text{ 127-128.}\]
CHAPTER 3

VIVA LA HUEGLA!

The narrative of the five-week San Antonio pecan shellers’ strike is long and complicated. Doug McAdam’s political process model provides a helpful means of interpreting the significance of events. His theory explains insurgency in terms of how internal and external factors work together. In 1938 San Antonio, expanding political opportunities and indigenous organizing, as detailed by Matthew Keyworth, were important, but striking pecan shellers would not have achieved their objectives without help from external actors. This chapter looks at how United Cannery, Agricultural, Packing and Allied Workers of America (UCAPAWA) carried out the initial weeks of the strike under the on-site leadership of international president Donald Henderson. The chapter highlights the intervention of other external actors as well. Information in this chapter relies primarily on reporting by San Antonio’s four daily newspapers, not secondary sources. The newspapers are the only surviving record of daily strike activities. Secondary sources generally reflect each author’s interpretation of information originally reported by San Antonio dailies.

Henderson arrived from New York City to take charge of the San Antonio labor action from local leaders February 6, one week into the strike. Local leaders did not have the power to challenge San Antonio’s white power elite effectively. Under Henderson, the local UCAPAWA affiliate was able to counter Police Chief Owen W. Kilday’s initial claims that no strike was under way and that picketing was illegal. Henderson contacted the Texas governor and Mexican consulate on behalf of

jailed strikers. Because of Henderson’s action, the Governor James Allred ordered the Texas State Industrial Commission to investigate police actions during the strike. Without these measures, striking pecan shellers would not have been able to put enough pressure on plant operators to get them to negotiate.

When the strike began, Tejanos and Mexicans were working as contract laborers under sweatshop conditions to shell pecans in sheds across San Antonio’s West Side. These sheds had poor ventilation, dim lighting and no indoor plumbing. The annual pecan-shelling season ran from November to March. During that time, an average pecan sheller earned $2 per week. One male worker claimed he worked thirty hours a week and received $1.31 in pay. His rent was $1 a week, and insurance was thirty cents, leaving him with one cent to feed his family for the week. Representatives of the Southern Pecan Shelling Company said that five cents per pound was a sufficient pay rate for workers because “they ate a good many pecans while they worked. Since no limit was set on the amount they could eat, money incomes could be used for any additional wants that the shellers might wish to satisfy.”

Another company representative said:

“If the shellers made 75 cents by 3:00, they would go home, for they did not care to make much money. They were satisfied to earn little, and besides, they had a nice warm place to work and could visit with their friends while they earned.”

Compared to other occupations, pecan-shelling wages were some of the lowest in San Antonio in 1938. An uneducated clerk at a Chinese grocery could make $10 to $12 a week. Mexicans working for the San Antonio Public Service Company (the electric utility) made a minimum wage of $2.50 a day. That was the same amount “efficient” pecan shellers could expect for an entire week of work.

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2 *San Antonio Light*, “2 Pecan Striker Protests Filed,” February 1, 1938.


4 Ibid.

5 *San Antonio Light*, “Reasons for Low Pay Revealed as Survey Shows Pecans Pack Cost,” February
Shellers endured some of the city’s poorest living conditions because of low pay. Shellers could hardly afford to buy food for their families. One local businessman observed that pecan shellers were not living but “existing” on the wages paid by shelling companies.

Julius Seligmann, owner of the Southern Pecan Shelling Company, who was referred to as the “Pecan King,” said the industry had raised shellers’ wages in 1937 but planned to maintain the increase only if the market allowed for it. The 1938 market had taken a downturn, he said. Competition from foreign products like cashews and Brazil nuts was hurting U.S. pecan sales. Furthermore, the cost of putting pecans on the market had increased. Seligmann said his company paid 30.6 cents to put one pound of pecans on the market. That cost included wages for shellers, crackers, and cleaners; marketing expenses; payment to pecan contractors; shipping and freight charges; and overhead. In the current market, one pound of pecans would bring in thirty-one cents, leaving the company with a 0.4 cent profit. As a result, Seligmann said the industry could not afford to pay higher wages to shellers.

Shellers knew that a pay cut was likely in 1938 and that they could not accept it. Leaders of Local No. 172 of the International Pecan Shellers Union prepared to walk out if wages were cut.

Factory owners cut pecan-shelling wages by one cent per pound January 31, 1938. At the end of that workday, Local No. 172 called for a walkout. During the next few days, several other unions debated the validity and leadership of the strike. It was clear that external actors would get involved. The American Civil Liberties Union sent a telegram to San Antonio Police Chief Owen W. Kilday supporting the strike, the strikers, and their right to picket peacefully. James Sager, local representative of the UCAPAWA – a CIO affiliate – assumed initial leadership of the strike along with Emma

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7 Ibid.
Tenayuca Brooks, a popular labor figure on San Antonio’s West Side and an avowed communist. Workers named Tenayuca, who was married to Henry Brooks, a former Communist Party candidate for Texas governor, honorary strike chairman. While Sager claimed the pecan shellers’ strike had Henderson’s endorsement, Barney Eagan, a CIO organizer from Houston, claimed the strike was unauthorized because it involved communists. Local No. 172, affiliated with the CIO through the UCAPAWA, attempted to obtain a charter directly from the CIO to bypass the UCAPAWA and, therefore, assume direct control of the labor action. That move was reportedly made to expel the communist leadership of Sager and Tenayuca. Shellers knew communist involvement could hurt their cause. Eventually, the CIO sanctioned the strike and gave the UCAPAWA jurisdiction.

Immediately after becoming involved in the strike, Tenayuca was arrested by Kilday and held “for investigation.” Six hundred people gathered outside the jail to protest her arrest. By the strike’s third day, Kilday was calling the labor action a communist revolution. On the fourth day, he declared the strike illegal because it was set in motion by communists. Kilday claimed communists were recruiting “strong arms” from Houston to work on strike picket lines. The police chief said he was prepared to do whatever was necessary to fight them. Furthermore, Kilday claimed the communist element was harassing the poor people of San Antonio’s West Side. He could not allow any actions that involved communists. To stop the “revolution,” he planned to break all picket lines that police

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11 *San Antonio Express*, “Pecan Shellers to Push Strike,” February 1, 1938; *San Antonio Light*, “2 Pecan Strike Protests Filed,” February 1, 1938; *San Antonio Evening News*, “Civil Liberties Union Backs Pecan Shellers in Wire to Kilday Protesting Arrests,” February 1, 1938.

found on the West Side. Police, armed with night sticks and tear gas, began to “snatch and smash”
picket signs.\textsuperscript{13}

Ironically, a plant operator instigated the first strike violence. E.M. Zerr “forcibly ejected”
Miguela E. Garza from his plant for handing out strike pamphlets and talking to other workers about
the walkout. She refused to stop these activities after shop foreman J.H. McBride told her to do so.
McBride summoned Zerr, and he threw Garza out of the shop. Immediately, 150 workers walked off
the job, and “a dispute” ensued, leading to Zerr’s arrest. Zerr was charged with aggravated assault.\textsuperscript{14}

To justify police actions to block picketing, Kilday surveyed operations at several pecan-
shelling plants. He determined the industry was working at nearly full capacity. Therefore, he declared,
workers could not be on strike. He ordered all picketers dispersed and their signs seized.\textsuperscript{15} In the
meantime, Mayor C.K. Quin, who was recovering from appendicitis, visited West Side shelling plants
to speak to pecan workers. Quin said that as long as known communists were involved with the strike,
workers would get no sympathy from San Antonio citizens.\textsuperscript{16} Quin said the strike would be
“universally condemned” if the strikers continued to follow “agitators and self-appointed leaders” who
were communists. He said the general public would be prejudiced against any merits in workers’

\textsuperscript{13} San Antonio Evening News, “Police Disperse Pecan-Strike Pickets Without Trouble,” February 3,
1938; San Antonio Evening News, “Mayor Warns Pecan Shellers ‘Red’ Tactics Prejudice Case,”
February 4, 1938; San Antonio Light, “Quin Urges Pecan Strike Arbitration,” February 4, 1938; San
Antonio Light, “Pecan Striker Situation Clouded,” February 5, 1938; San Antonio Express, “Strike
Outlawed Pickets Dispersed,” February 4, 1938; San Antonio Express, “Mayor Implores Pecan Shellers
to Oust Reds,” February 5, 1938.
\textsuperscript{14} San Antonio Light, “First Violence in S.A. Pecan Strike,” February 4, 1938.
\textsuperscript{15} San Antonio Express, “Strike Outlawed Pickets Dispersed,” February 4, 1938; San Antonio Express,
“Police, Strikers report Opposites,” February 8, 1938; San Antonio Light, “Pecan Striker Situation
Clouded,” February 5, 1938.
\textsuperscript{16} San Antonio Express, “Mayor Implores Pecan Shellers to Oust Reds,” February 5, 1938; San Antonio
Light, “Quin Urges Pecan Strike Arbitration,” February 4, 1938; San Antonio Evening News, “Mayor
claims as long as strikers followed “red leaders.”

At this point, Tenayuca recognized that her leadership was undermining union authority and the strikers’ message. To help the strike, Tenayuca offered to step down as honorary strike chairman if the workers wanted her to. Tenayuca resigned February 6, 1938, as chairman of the strike committee. While she continued to support the struggle, she had no more direct influence on strike decisions or direction.

Henderson arrived in San Antonio February 5 and assumed strike leadership. He immediately began to stress that the labor action was a “trade union ordeal.” Therefore, he said, religious and political discussions should be left out of the dispute. Henderson said that Sager – whom Kilday had labeled as a communist – was an elected strike leader and that his politics were inconsequential.

Henderson committed himself to achieving the San Antonio strike goals of increased wages and said he would file charges with the National Labor Relations Board (NLRB), if necessary, to advance the strike cause. He spoke to a mass meeting of 1,500 shellers February 5. He called on the members of the Pecan Shellers Union local to hold a membership drive in case negotiations with plant operators failed to resolve the strike. Though most workers at the rally could not understand his English, the crowd cheered when he mentioned “Roosevelt” and “CIO.”

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The union sent a telegram to Governor Allred asking the state to investigate violations of civil liberties by the San Antonio police. Strikers publicly listed their five demands February 7:

1) Wages should be raised to sixty cents per 100 pounds for crackers and to eight cents per pound for whole nuts or seven cents per pound for pieces for shellers.

2) A union shop steward would supervise all weighing.

3) Plant operators would recognize the union as the collective-bargaining agent for workers.

4) A closed-shop policy would be adopted.

5) Employers would pay for examinations required for employees to obtain a city health card that allowed them to work in shelling plants.\(^2\)

Contrary to Kilday’s claims that the industry was working at almost full capacity, Henderson emphasized the number of workers joining the strike and the union. One week into the strike, Henderson claimed that the walkout had affected half the 120-to-200 pecan plants in San Antonio. Sager reported that 4,000 shellers had joined the union. Henderson continued to note that all “objectionable elements” had been expelled from the strike’s leadership.\(^2\)

After strike demands were made public, plant operators said they would be glad to cooperate with Henderson to end the strike. However, operators remained emphatic that shellers understood that wages were cut because of market flux. Operators said they would open their books to Henderson and the union to prove they could not afford to pay higher wages. Operators maintained that most shellers wanted to return to work but were being influenced by strike leaders and outsiders to stay off the job. At one plant, newspapers reported only 25 of 250 shellers at work. Another had only 80 of 200 on the


job. Yet another had only 18 of the normal 110 working. Despite a dwindling number of workers, plant operators continued to claim that paying the previous wage scale would cause them to lose money. The Southern Pecan Shelling Company, largest pecan firm in San Antonio, said all its 250 workers were on the job – even at the lower wage – because there was no strike. Rumors began to circulate that if the current labor troubles continued, the pecan industry would leave San Antonio for towns where pay and taxes were lower.

Continuing to act on strikers’ behalf, Henderson accepted the anti-picketing “gauntlet laid down by police.” Knowing that picketing would trigger a response, Henderson called for strikers to disobey Kilday’s orders. He and other strike leaders conferred on a “battle plan.” Picketers were to stand outside a plant in groups of eight to ten. When police ordered them to disperse, strikers were to move to another plant to picket.

In response, Kilday ramped up police patrols on the West Side. He ordered all available officers to active duty and called in two extra shifts of police to prepare for trouble on the strike front. Mayor Quin pledged that he would swear in as many new deputies as Kilday needed. Quin guaranteed his support for Kilday’s actions, saying it was Kilday’s duty to maintain order in the city. At least one officer was stationed at each pecan-shelling plant on the West Side to disperse picketers. Soon 125 firemen armed with clubs “the size and shape of baseball bats” joined police patrols of the West Side.

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28 San Antonio Express, “Business Unit Balks at Supporting Strikers Conferees Deadlocked,” February
The first confrontation between police and strikers came February 7, just two days after Henderson’s arrival. More than 300 pecan shellers and sympathizers gathered in front of the La Fe Pecan Company. Police Sergeant William Christoph said he heard “muttered threats” when officers approached the group. Shellers “sullenly” ignored orders to disperse, so police drew clubs and cleared the street. Some strikers suffered bruises, but none were seriously injured. Three were arrested. A dozen other plants saw minor disturbances that day. The February 7 clashes were only the beginning. Still asserting that no strike was in effect and that picketing was not allowed, police began arresting picketers for unlawful assembly and leading unauthorized marches.

Police used tear gas against pecan shellers for the first time February 10. Maintaining that a “mob” of strikers was threatening violence, police said they were “forced” to fire tear gas to maintain order. Other reports said that about 50 picketers were gathered around a pecan plant and did not immediately comply with police orders to disperse. When the police began to spray them with the gas, picketers offered no resistance. They ran away “choking and crying.” One five-month-old infant was injured in the attack.

Kilday may have thought the community supported police actions, but several local groups showed concern for strikers. The Women’s International League for Peace and Freedom opened a soup kitchen to feed pecan shellers. The group opened a coffee and doughnut stand for police as well. In

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29 San Antonio Light, “Police Clubs Rout Pecan Strikers,” February 7, 1938; San Antonio Express, “Police Disperse Pecan Pickets,” February 8, 1938.


32 San Antonio Evening News, “Pecan Shellers Defy Police and Begin Movement,” February 8, 1938; San Antonio Light, “Peace Parleys Slated in Pecan Strike,” February 8, 1938; San Antonio Express,
response to violence on the strike front, the San Antonio Ministers Alliance began an independent investigation of conditions leading to the walkout. The Protestant clergymen offered to act as a conciliation group for the owners and strikers. Ministers said they wanted the rights of both shellers and owners respected. Pastors called for a quick settlement that excluded communist involvement.33

A Bexar County grand jury in San Antonio began examining the validity of the strike February 10. Five strike leaders and Tenayuca were subpoenaed to testify. The grand jury delayed questioning leaders. That prompted J.E. Crossland, a union organizer and state CIO secretary, to claim the jury was plotting to deprive the pecan shellers of their leaders.34

To build more external support for strikers, Henderson asked the U.S. Senate Committee on Civil Liberties, the NLRB, U.S. Secretary of Labor Francis Perkins, Mexican President Lazaro Cardenas, the National Workers of Mexico Union, and Texas Governor Allred to investigate the pecan industry in San Antonio.35 And these external actors began to act. Joseph S. Meyers, a commissioner with the Conciliation Service in the Department of Labor, denounced San Antonio police actions and said local officers had no power to determine if a strike was in progress or not. Meyers said no one could doubt a strike was in progress because a union was in the city leading it. Meyers met with operators to suggest a three-member arbitration board. It would consist of one representative for

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“Police Disperse Pecan Strikers,” February 8, 1938.


shellers, one representative for operators, and a neutral member chosen by the two sides.\textsuperscript{36} It was rumored that Perkins was on her way to San Antonio to mediate the strike.\textsuperscript{37} The Mexican consul contacted the governor and mayor on behalf of the Mexican government to protest the arrest of sixty-three Mexican citizens. Vice Consul R.S. Urrea claimed that the Mexican citizens needed to be tried immediately.\textsuperscript{38} U.S. Representative Maury Maverick of San Antonio held a conference in Washington calling for support of the strikers and the union. The National Negro Congress sent telegrams of support to the union and against police brutality to Kilday.\textsuperscript{39}

All the public attention increased pressure on plant operators and city officials to end the labor dispute. City officials called for the union to arbitrate the strike. Henderson refused to negotiate with members of the current city administration. He said the union would negotiate with plant operators but not city officials. He claimed city officials and police were collaborating with plant operators to intimidate shellers into working.\textsuperscript{40}

In response, Kilday said he did not need help from Henderson “of New York City” to understand the situation in San Antonio. Kilday said no strike was in effect, so he would not allow

\begin{itemize}
\item \textit{San Antonio Light}, “Pecan Strike Open Hearings Ordered,” February 12, 1938.
\item \textit{San Antonio Evening News}, “State to Open San Antonio Strike Hearing on Monday,” February 12, 1938.
\end{itemize}
picketing to continue and risk the safety of his officers and the city.\textsuperscript{41} And so the battle between the police and strikers continued as Kilday was determined to use force against them.

Police again used tear gas against strikers February 11. The city health department had closed a soup kitchen feeding strikers for health-code violations. More than 300 strikers gathered to protest the closing. Police fired tear gas to disperse the “angry mob.” One-hundred-twenty-five picketers were taken into custody on charges of unlawful assembly and blocking the sidewalk. Four of those arrested were minors. Supporting union claims that police were attempting to break the strike, Kilday was quoted as saying, “I’ve got to break this up. The people don’t realize the consequences if this thing is settled and a closed shop granted the workers.”\textsuperscript{42} The next day Kilday said he feared a communist takeover of the 25,000 pecan shellers and their families if the CIO was successful in organizing the industry. The chief maintained that after Henderson left, known communists would seize leadership of the shellers. In the closed shop the union was seeking, Kilday said, up to 15,000 workers – at the peak of the season – would be under communist domination. They would be forced into the Communist Party if they wanted to continue working.\textsuperscript{43}

Not all local Latino groups supported Henderson. Following Kilday’s statements about a possible communist takeover of the pecan-shelling union, several groups accused Henderson of communist affiliations. The Mexican Chamber of Commerce, the League of United Latin American Citizens, and the League of Loyal Americans proposed that Henderson sign a statement affirming that he was not a Communist Party member, that he believed in the present form of American government and American institutions, and that he stood ready to defend the United States. If Henderson did not sign the statement, the Mexican business groups would not support the strike. Since support from these


\textsuperscript{42} San Antonio Light, “Police Tear Gas Routs 300 Strikers,” February 11, 1938.

community groups was important to the strike effort, Henderson signed the prepared statement “reluctantly.” However, because of his reluctance and “very apparent inclination for the Communist Party,” the Mexican business groups called for his removal as strike leader. Other community groups followed suit.

The Ministers’ Alliance called for an end to the strike and Henderson’s exclusion from the settlement process. The Protestant clergymen reported that their investigation of strike conditions found the weekly wages of shellers to be anywhere from $1.08 to $5.27. The alliance noted that pastors had seen police harassing peaceful picketers.

Roman Catholic Archbishop Arthur J. Drossaerts publicly congratulated Kilday on his firm stance against communism. The archbishop said police had made mistakes in dealings with strikers, but it was “better to kill a rattlesnake before it is allowed to do harm.” Drossaerts said he did not believe Henderson’s claims that he was not a communist and urged strikers to remove him as their leader.

The United Spanish War Veterans praised Kilday’s actions to secure the rights of all American citizens. The veterans said no improvements in living or working conditions could justify the involvement of communists in the current labor struggle.

In response, Henderson noted that since Kilday could not break the strike with tear gas, he was

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using the fear of communism to destroy community support for strikers. The people of San Antonio should have supported the strike from the beginning, Henderson said, because the “starvation wages” the shellers earned and actions of police against women and children made the city look bad. Furthermore, he said the Mexican Chamber of Commerce and the League of Loyal Americans were perpetuating a red scare while city police were beating their people.48

In the midst of these charges and counter-charges, a state hearing – ordered February 12 by Governor Allred – began investigating possible San Antonio police violations of workers’ civil liberties. The Texas Industrial Commission, led by Everett Looney, arrived in San Antonio February 14 to begin the inquiry. But trouble finding a site for the hearing complicated the scheduled start of proceedings. Looney had sent a telegram to Quin and Parks Commissioner Jacob Rubiola asking for space in a city building. He did not hear from either the mayor or commissioner. He said he was surprised that a city known for its hospitality could not find a place for a hearing by a state commission on something as important as a strike. State Senator Franklin Spears said the lack of response from city officials humiliated him. He said he would make sure the commission had a place to meet if it meant using his office. The hearing opened February 14 in the 57th District Courtroom in front of a packed gallery.49

Allred’s intervention in the strike was unprecedented in the South. When presented with similar calls for action, other Southern governors had reacted in very differently. For example, Georgia Governor Eugene Talmadge called out the National Guard, declared martial law, and set up an “internment camp” for strikers during the 1934 general strike.50


50 Glenda Elizabeth Gilmore, Defying Dixie: The Radical Roots of Civil Rights, 1919-1950 (New York:
During the state hearing in San Antonio, the extent to which the city administration was committed to breaking the strike came to light. Mayor Quin, Chief Kilday, and Police and Fire Commissioner Wright were among the first to testify. Kilday used his testimony to reaffirm his suspicions that Henderson and other known communists were trying to take over the West Side. During his heated testimony, Kilday referred to Henderson as “cattle.” While his comment received applause from the audience, two members of the strike-probe commission demanded he retract it and apologize. Kilday complied. Kilday maintained that no strike was in effect because only “between 500 and 600” of the city’s 12,000 pecan workers had walked out. That was not a majority, and for the walkout to constitute a strike, a majority of workers needed to participate. Looney asked Kilday to define communism. Kilday replied, “A communist is a person who believes in living in a community on the government and tearing down all religion.”

Quin and Wright both supported police use of tear gas. Quin said he favored it for crowd control. Wright said tear gas was a humane means of rendering unruly people incapable of fighting. The commissioner said that there was “no such thing” as peaceful picketing and that it was the police’s duty to keep order, just as officers had in previous labor disputes.

Other police offers echoed Kilday’s statements about communist involvement in the strike. One officer testified that Tenayuca was still working with the union. He said he had overheard her saying that once the communists got control, they were going to “burn the churches and murder the priests like they do in Russia.” Another officer testified that he had heard Tenayuca exclaim at a mass meeting that the police could stand her up against the wall and shoot her down but that her blood would still protect


51 San Antonio Express, “‘Red Plot’ to Control West Side Charged at Strike Probe,” February 15, 1938.

Officer Barry, a police-appointed bodyguard for Henderson, testified that he had overheard at least six different threats on the strike leader’s life. Barry said he heard someone in a crowd say, “Let’s take that --- - - ----- [sic] out and hang him to a rope.” The officer said he had not tried to find out who had made the threat.54

Representatives of San Antonio ministers who investigated the strike testified on living and working conditions on the West Side. Ministers called those conditions very poor in terms of both health and sanitation. Wages were extremely low. The ministers were some of the many community leaders who showed sympathy for strikers and their circumstances. One pastor testified that he had heard Henderson tell strikers at a rally that there should be two picketers at each plant and that all their actions should be peaceful. The pastor said Henderson had told picketers not to test police but to move on to another plant if they saw an officer.55

Meanwhile on the strike front, 200 police officers and firemen were patrolling the West Side armed with clubs and tear gas. At a mass meeting of strikers February 13, Henderson had called for every pecan plant to be closed by February 14. Picketers had run-ins with police at several plants. Police claimed picketers fled when they saw officers. Strikers claimed they were beaten with clubs as they ran away. Picketers went by automobile from plant to plant.56

The state strike probe brought Dr. Edwin A. Elliot, regional NLRB director, to San Antonio. He observed the hearings and expected charges to be filed with him against plant operators “momentarily.”

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53 San Antonio Express, “‘Red Plot’ to Control West Side Charged at Strike Probe,” February 15, 1938.

54 San Antonio Express, “‘Red Plot’ to Control West Side Charged at Strike Probe,” February 15, 1938.

55 San Antonio Express, “‘Red Plot’ to Control West Side Charged at Strike Probe,” February 15, 1938; San Antonio Express, “Pecan Operator Sees High Tariff on Nuts as Wage Booster,” February 16, 1938; San Antonio Light, “Quin Summoned to S.A. Strike Hearing,” February 14, 1938.

Elliot met with Quin and Wright to tell them the NLRB would move forward with an investigation if satisfactory efforts to comply with federal law were not made.\textsuperscript{57}

Strikers and union leaders testified during the state hearing February 15. One striker said he was the target of tear gas attacks twice. The first time, he said, he was in a group of picketers that police lined up in front of a factory and barraged with tear gas. The second time, he said, picketers were standing outside a factory not bothering anyone when the police ran up with clubs drawn and beat them before letting loose the tear gas. Another worker told the commission he was picketing a plant when police told him to “move on.” As he did, the police “turned on the gas” and temporarily blinded him. Several other strikers testified they were beaten by police and arrested for carrying signs. One claimed a plant operator had turned a gun on him while he was picketing a plant.\textsuperscript{58}

Other pecan shellers testified about working conditions and wages. They all said they went on strike because of a wage cut and had joined the union without solicitation. Some testified they worked twelve-to-thirteen-hour days but received only $1.50 to $2 a week.\textsuperscript{59}

Henderson defended himself before the state commission against Kilday’s accusations of communist affiliations. Henderson claimed he had two reasons for coming to San Antonio: to reorganize the union leadership and to “get the thing settled.” He said that he had “honest-to-God” pecan shellers in charge of the union and that police had tried to break the strike. But when that did not work, police changed the issue to communism. Henderson denied ever being a communist or wanting

\textsuperscript{57} San Antonio Evening News, “Strike Developments,” February 14, 1938; San Antonio Express, “‘Red Plot’ to Control West Side Charged at Strike Probe,” February 15, 1938; San Antonio Light, Quin Summoned to S.A. Strike Hearing.” February 14, 1938; San Antonio Light, “Elliot Opens Pecan Strike Study,” February 14, 1938.


to substitute communism for the current American government. He explained he had not immediately
signed the Mexican Chamber of Commerce’s statement because it would lead to discrimination based
on political beliefs. That, he said, was against CIO policy. He admitted being a member of Friends of
the Soviet Union, a group that reportedly urged the United States to recognize the communist state. But
he said he understood the group wanted the United States to trade with the Soviet Union. He said he
was not aware his wife had run for Congress on the Communist Party ticket and admitted he had left
his faculty position at Columbia University in New York. But he said his departure had nothing to do
with communist sympathies. Despite these many denials, Henderson’s attempts to sidestep
communist ties did not convince everyone at the hearing.

Pablo Meza, president of the League of Loyal Americans, renewed charges of Henderson’s
communist connections when he took the stand. He based his views on conferences involving
Henderson, his organization, and the Mexican Chamber of Commerce the previous weekend. Meza
said the League of Loyal Americans opposed Henderson because of his obvious communist
sympathies.

Throughout the state hearings, the number of shellers on strike was disputed. Henderson and
Crossland testified that contrary to Kilday’s claim of only 500 to 600 workers on strike, the number
was closer to 5,000. Barney Egan, Southwest Regional CIO organizer, put the number closer to 3,000.
Elliot declared that if one man was dissatisfied with his working conditions and began picketing, that
constituted a strike, so the number in San Antonio was inconsequential.

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60 *San Antonio Light*, “Quin Summoned to S.A. Strike Hearing,” February 14, 1938; *San Antonio Light*,
“Striker Says Pickets Lined Up, Tear-Gassed,” February 15, 1938; *San Antonio Express*, “’Red Plot’ to
Control West Side Charged at Strike Probe,” February 15, 1938; *San Antonio Evening News*, “Pecan
Strike Branded CIO Fractional Fight,” February 15, 1938.

61 *San Antonio Express*, “Pecan Operator Sees High Tariff on Nuts as Wage Booster,” February 16,

62 *San Antonio Express*, “Pecan Operator Sees High Tariff on Nuts as Wage Booster,” February 15,
1938; *San Antonio Light*, “Striker Says Pickets Lined Up, Tear-Gassed,” February 15, 1938; *San
Rebecca Taylor, an International Ladies Garment Workers Union organizer, told the commission she had “never heard” of a peaceful picket line. Her remarks “brought a grin to Kilday’s face” and made Elliot storm out of the hearing in a huff. He later called her a traitor to organized labor. “I can’t understand why she made this statement,” Elliot said, “for last year the police were striking the girls of her union over the heads with clubs.”

Figure 2 – Police rout pecan workers with clubs. The governor called for a hearing by the Texas State Industrial Commission to investigate claims of police brutality and harassment made by the union and strikers. Picture from the San Antonio Light.

“Pecan King” Julius Seligmann testified before the commission for more than an hour February 15. Seligmann came armed with a briefcase filled with notes, reports, financial statements and other data to reiterate what plant owners had already told newspaper reporters about market conditions.

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63 San Antonio Express, “NLRB Officer Attacks Mayor,” February 16, 1938; San Antonio Light, “Rebecca Taylor Called Traitor to Union Labor,” February 18, 1938.

64 San Antonio Evening News, “Seligmann Lets Contract for Pecan Shelling to Laredo but Says Strike
Seligmann attempted to show the commission that he could not afford to restore wages to pre-strike levels. He said putting a pound of pecans on the market cost thirty-three cents. Pecans were currently selling for twenty-seven cents a pound. He said the current five- and six-cent-per-pound wages were double what shellers had previously received. He explained that the January 31 wage “cut” meant only that worker pay had returned to what it had been in August before plant operators had voluntarily raised the scale to six and seven cents a pound. He denied claims that shellers worked twelve-to-thirteen hours a day and said that on the five- and six-cent-per-pound wage scale, a good worker could earn $5 a week. He was adamant that any minimum wage legislation would put every pecan sheller in the South out of a job. When asked how to better conditions for workers, Seligmann called for a protective tariff against cashews. That, he said, might boost prices for pecans and allow him to pay better wages.65

Police and Fire Commissioner Wright issued a statement February 15 calling strike leaders Henderson, Sager, and Tenayuca all communists. Wright said 10,000 pecan workers were still working, and 2,000 more wanted to work but were afraid of what might happen to them if they returned to their jobs. He asserted that the current labor struggle was brought on by the Workers’ Alliance of America, a communist organization. He detailed the “trouble” Tenayuca and the Workers’ Alliance had caused in the past.66

The strike front was quiet February 15, the second day of the state hearing. While more than


170 officers patrolled the West Side, picketers were notably absent. Many strikers, all strike leaders, and most high-ranking police officers were at the hearing.\textsuperscript{67}

The hearing adjourned at 5:30 p.m. February 15. Strikers eagerly awaited the commission’s ruling on whether the police’s actions were defensible. After listening to more than fifty witnesses, the commission determined that police had no justification to interfere with picketing or other worker assemblies. The commission declared that wages paid to shellers were abnormally low and living conditions were “insupportable.” Chairman Looney said the commission’s findings would be given to the governor shortly. He said the provisional findings released in San Antonio were much milder than the final report he would give to Allred.\textsuperscript{68} It was not yet clear what Allred would do with this information.

In response to the state commission’s findings, Kilday continued his tirade about communist influences in the strike. He said Looney had done everything in his power to assist the red element involved in the strike. The chief pointed out that Looney was Tenayuca’s lawyer when she was on trial for disturbing the peace in 1937. If the commission had known about Tenayuca’s previous attempts to organize the city under a communist banner, Kilday said, that might have swayed its final decisions. Kilday repeated his claim that he was fighting communists and said he would not change police policy regarding picketing. No matter what the commission found to be true about the strike, Kilday said he would not give the city over to communists. Quin backed up Kilday. The mayor said the state probe was simply a trial of the police department. Investigators spent more time on extraneous subjects than on violations of civil liberties.\textsuperscript{69}


\textsuperscript{68} San Antonio Express, “Commission Finds Against Police,” February 16, 1938; San Antonio Evening News, “City Refuses to Give Reds Control as Strike Inquiry is Brought to Close Here,” February 16, 1938.

\textsuperscript{69} San Antonio Light, “Kilday Flays Pecan Inquiry,” February 15, 1938; San Antonio Express, “Mayor Sees Hearing as Trial of Kilday,” February 16, 1938; San Antonio Evening News, “City Refuses to
Henderson called the commission’s findings satisfactory. He said its report confirmed that police had violated strikers’ rights with no provocation. The report provided conclusive evidence that police interference was illegal and aimed solely at breaking the strike. Henderson said he hoped the commission’s report would sway Governor Allred to send Texas Rangers to San Antonio to stop police interference and brutality.  

As both union and plant owners attempted to arrange negotiations, picketers and police continued to clash on the West Side. The day after the commission announced its findings, “someone” scattered several pounds of carpet tacks over a West Side parking lot that police had been using as a subheadquarters. That led to several flat tires, hours of cleanup, but no arrests. Officers then began arresting picketers on new charges. In addition to citing picketers for unlawful assembly, blocking sidewalks, and disturbing the peace, police charged them with displaying an advertisement without a permit from the city marshal – a position that no longer existed. To avoid arrest, strikers gathered on porches of private residences near pecan-shelling plants.

By February 18 union leaders realized that the governor would not be sending Texas Rangers to San Antonio to protect strikers from local police. Therefore, the union adopted a new style of picketing.

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Give Reds Control as Strike Inquiry is Brought to Close Here,” February 16, 1938; San Antonio Evening News, “Police Kept Ready to Halt Picketing in Pecan Strike,” February 16, 1938; San Antonio Light, “Police Drive on Pickets Continues,” February 17, 1938; San Antonio Light, “Chief Kilday Announces His Stand,” February 17, 1938.


Striking workers formed active picket lines at shelling plants so police would arrest them. In addition, the union filed for a court injunction against the police and other city officials to halt interference with strikers. Harry Freeman, a Houston attorney for the ACLU, represented strikers in the legal action. The ACLU was not the only outside organization aiding strikers. One-hundred-nine West Side business representatives signed a petition backing the strike and protesting inhumane actions by police using clubs and tear gas against “half-starved workers.”

While strikers appeared to be picking up community support, continuing suspicion about Henderson’s communist ties were hindering local union actions. In response, Henderson called in J. Austin Beasley from Denver to over the strike. Beasley would continue to bring outside pressure to bear on behalf of strikers. He would press for a court injunction against police, ramp up picketing, take a hard line in negotiations with plant operators, and call on the governor to help with arbitration. His leadership would bring the second wave of external influence as the strikers and union attempted to overcome the local power elite.

CHAPTER 4

WINNING THE STRIKE

After Donald Henderson transferred leadership of the San Antonio pecan shellers’ strike to J. Austin Beasley, a second wave of external influence began. Beasley, who took charge February 18, would ride that wave to overwhelm efforts by the local power elite to stop the union. An UCAPAWA organizer from Denver, Beasley would successfully bring the strike to arbitration and get pecan shellers back to work.

When Henderson turned control of the labor action over to Beasley, the union president assured strikers and San Antonio residents that he was not stepping down because of pressure from Kilday or civic leaders. Rather, as international president of the UCAPAWA, he had other duties to address. He said it was rare for the president of such a large union to take personal control of a strike for such an extended period. Henderson said he did not know when he would be leaving town but was sure he would remain until conclusion of the injunction hearing. It was set to open February 21.¹

Beasley immediately announced he was not a communist, citing his service on the governor’s advisory committee in Colorado as evidence. That did not, however, stop Kilday from investigating Beasley. The chief said he had received a telegram from Denver Police Chief A. Hanebuth confirming that Beasley was listed as secretary of the Colorado Workers’ Alliance, a communist organization.²


² San Antonio Light, “New C.I.O. Leader Takes Over Strike,” February 19, 1938; San Antonio Evening
The injunction hearing began February 21 in the 45th District Courtroom before Judge S.G. Tayloe. The proceeding was not Tayloe’s first strike injunction hearing. In 1936, during a strike by the International Ladies’ Garment Workers’ Union against Dorothy Frocks in San Antonio, plant operators filed an injunction against picketers. Tayloe limited picketing to three people without signs or banners and determined those conditions would allow for peaceful protests. Later the Court of Civil Appeals upheld Tayloe’s restrictions.3 In the pecan-shellers’ case, workers charged that police had been arresting picketers on trumped-up complaints merely to break up the union organization. The union asked the court to enjoin officers from arresting, molesting, harassing, and interfering with members of peaceful union activities.4

Harry Freeman, the ACLU attorney representing strikers, began the February 21 hearing by moving to grant the injunction without hearing evidence. He said an answer filed by the city to his original injunction petition recognized strikers’ right to picket peacefully. The answer was a ten-page single-spaced typed document. It declared in part that the city administration denied the intention of any intimidation or coercion, directly or indirectly, in permitting plaintiffs from exercising their lawful rights. The answer said that defendants would not arrest, harass, or interfere with those strikers exercising lawful acts and that police would only interfere if someone were engaging in or about to commit unlawful acts. Freeman claimed the city’s answer should be enough for the judge to rule in the


strikers’ favor. Tayloe overruled the motion.\textsuperscript{5} City attorney T.D. Cobbs Jr. then moved to dismiss the suit altogether. Tayloe overruled that motion as well.\textsuperscript{6}

Testimony began February 22 in front of a packed courtroom. Three strikers – who had each been arrested at least once for blocking the sidewalk while carrying a sign – testified about their experiences. Jesus Cardenas, former employee of a plant on Vera Cruz Street, said he was arrested February 11 while carrying a banner. At the time, he was two blocks from any pecan factory and was on his way to join a picket line. He said police kicked him and hit him on the shoulder and back with a club. He said he made between $3 and $3.50 a week and was a union member.\textsuperscript{7}

Florinda Moreno, who also had worked at the Vera Cruz Street plant, testified that police told her it was bad to be in the union because it might lead to her going to prison. She said a police officer had hit her in the stomach with his club. Moreno added that she earned between $1 and $1.50 a week and had gone on strike because of the January 31 pay cut. Ester Hernandez, who had worked at a La Roja plant, said she had been arrested twice, once by a policeman and once by a fireman. Each time she was picketing at a pecan plant.\textsuperscript{8}

Two people who observed the strike were put on the stand: \textit{San Antonio Express} photographer Richard MacAllister and Cassie Jane Winfree, state labor chairman of the Women’s International League for Peace and Freedom. MacAllister testified for more than an hour, identifying thirty-six pictures he took of action on the strike front and describing the circumstances surrounding each scene. In response to questions by Freeman, MacAllister said he had seen little evidence of picketers blocking


sidewalks but knew police had made numerous arrests for that charge.\(^9\)

Winfree was the day’s final witness. City attorney Cobbs objected to her taking the stand because she had been in the courtroom during previous testimony. Tayloe overruled his objection. Winfree said she was sitting in her parked car near 730 Sabinal Street when a group of men, women, and children strikers came there to eat lunch. Strikers were standing on private property with their hands in their pockets as police simultaneously shouted “Get out of here” and shot tear gas into the group. As strikers scattered and ran down the street, another group of policemen met them with clubs. Strikers were driven into houses and yards to escape the gas and clubs. Winfree said she had gone to police headquarters once during the strike to see Kilday about the arrest of Tenayuca and Minnie Rendon. Winfree said the chief told her he would arrest communists when he wanted to and could hold them as long as he wanted to. When Winfree asked what Tenayuca and Rendon had done to be arrested, Kilday said they had not done anything but that he was afraid they might do something.\(^{10}\)

While the injunction hearing was taking place, eight picketers standing in the rain near a pecan plant were arrested for either unlawfully displaying signs or blocking the sidewalk. They were among the 200 arrests already made during the twenty-one-day-old strike. Kilday continued to have police arrest picketers while the injunction hearing continued. He announced he had not changed his mind about prohibiting picketing at pecan plants. Police and firemen continued to patrol the West Side. The police chief said he doubted that the union could reorganize picket lines. It had only 250 picketers to cover 128 pecan plants. Beasley encouraged union members to engage in peaceful and active picketing


After learning the afternoon of February 21 that Beasley was wanted by postal authorities in El Paso and that an arrest warrant was coming to San Antonio, Kilday ordered the CIO representative arrested. When contacted by newspaper reporters, U.S. Postal Inspector Renkin said the usual procedure in such a case was for his office to file a fugitive complaint in federal court, secure a warrant, and then make the arrest. That had not been done because his office did not want Beasley. Upon hearing of the arrest, Henderson criticized the police “frame-up.” He called the action “an attempt to discredit and harass Beasley,” and “plain persecution of strike leaders by the city administration.”\footnote{San Antonio Light, “C.I.O. Leader Freed, Tells Picketing Plans,” February 22, 1938; San Antonio Evening News, “Beasley is Released When No Charge is Made Against Him,” February 22, 1938.} E.P. Lipscomb, a local attorney representing strikers, filed a writ of habeas corpus with Tayloe within an hour of Beasley’s arrest. The habeas corpus hearing was set for 9:30 a.m. February 22. Beasley was held in jail overnight.\footnote{San Antonio Evening News, “Beasley is Released When No Charge is Made Against Him,” February 22, 1938; San Antonio Express, “New Leader of Pecan Shellers Under Arrest,” February 22, 1938; San Antonio Light, “C.I.O Leader Freed, tells Picketing Plans,” February 22, 1938.}

After no warrant arrived from El Paso, police released Beasley from custody at 9 a.m. February 22. Kilday said that was standard procedure for people in custody without charge. As a result, Beasley was not present at 9:30 a.m. when the court hearing began. Tayloe reprimanded Kilday for not producing the defendant as ordered in the court’s February 21 summons. The judge dismissed the writ of habeas corpus because Beasley’s release had made it moot. Kilday said he had investigated Beasley


\footnote{San Antonio Light, “C.I.O. Leader Freed, Tells Picketing Plans,” February 22, 1938; San Antonio Evening News, “Beasley is Released When No Charge is Made Against Him,” February 22, 1938.}

and was satisfied that the labor leader was not a communist.\textsuperscript{14}

Beasley later told newspaper reporters Kilday must have been mistaken about the postal authorities wanting him. He said the situation seemed fishy to him because he was not guilty of any criminal offense and had not been in El Paso for more than a year. He said it would be unusual for a man wanted by postal authorities to come into a city and permit his name and picture to be put into newspapers that were going all over the country. He said that if he had committed a federal offense, federal officials would have arrested him long ago, not a city policeman who did not even know who he was until Beasley identified himself. He said he thought Kilday was trying to keep him off the strike front.\textsuperscript{15}

The arrest did not, however, keep Beasley from the second day of the strike injunction hearing as the courts continued to consider police actions during the walkout. Ten more witnesses testified February 23 about beatings, arrests, tear-gassing, harassment, and other actions by police. Refugia Garcia said Kilday had threatened to split her head open if she continued working with the CIO. Jose Lopez said no officer protested when a 60-year-old man was kicked in police headquarters. Another striker said she and a friend had been arrested in a store because they were holding strike signs. She said she and her friend had permission from the store owner to be on the premises. Two witnesses claimed they had been arrested even though they were not involved with the strike. Maria Rodriguez said she and another woman were walking along the sidewalk when police shouted curses at her in Spanish and arrested her, tearing her coat and dress in the process. Maria Hernandez was arrested when she tried to prevent police from arresting her two daughters. They were sitting on a bench in front of


her house. Police took all three to headquarters, where they were told they could leave if they were not strikers. Neither Hernandez nor her daughters were pecan workers. Kilday told journalists he intended to charge Refugia Garcia with perjury because her testimony was full of lies.16

On the third day of the hearing, February 24, Beasley testified that his union had 3,500 local members and that membership was growing by 150 daily. He said that 6,000 workers were on strike in San Antonio and that number continued to increase. Beasley said the strike was a democratic expression of protest by pecan workers against what they thought was an unwarranted wage cut. After the hearing ended for the day, Beasley told reporters he would gladly offer his services as a labor organizer to San Antonio’s police and firemen whom he had just learned were working twelve-hour shifts patrolling the strike front.17

Sixteen other witnesses testified February 24 that police had clubbed and gassed strikers and discouraged them from belonging to the union. One striker, Eulalio Lopez, said he was beaten and kicked by police before they arrested him. After the police took him to headquarters, they charged Lopez with drunkenness and vagrancy. He was fined $10. Lopez said he could not have been drunk because he did not have enough money to buy bread, let alone liquor. Dora Reyes said she had been working in pecan-shelling plants since she was ten years old. She said she and her father made from $2.50 to $3 a week between them. She said she had been gassed and hit by police officers. City attorney Cobbs attempted to discredit the testimony of several witnesses. He claimed they had spoken


to Cassie Jane Winfree before taking the stand and that Winfree had coached them on what to say. These allegations were challenged by witnesses and stopped by Tayloe. After the third day of testimony was finished, Freeman rested his case. He said he thought he had brought the best case he could against police. But police were not about to let union charges of brutality go unrefuted. The following day, the city’s defense of police actions began.  

Several police officers took the stand February 25 to deny claims that they were trying to injure or intimidate strikers. Throughout their testimony, policemen avoided using the word “strike.” They referred to the labor troubles as an “alleged strike” or a “disturbance.” Sergeant William Christoph, who headed the West Side police detail, said Kilday had instructed officers to be as nice as possible and to prevent people from ganging up on corners. Christoph said Kilday told officers not to use clubs, an instruction the sergeant said had not been broken. When asked about tear gas, Christoph said it was the most peaceful and safe way to disperse crowds. Gas caused no bodily harm or permanent injuries. Christoph denied that Kilday had instructed officers to break the strike or the union. Arrests on the West Side, Christoph said, were simply the result of officers enforcing city ordinances against carrying signs and blocking traffic.  

Other officers repeated the same reasons for making arrests and using tear gas. Each one said Kilday specifically ordered subordinates to use no violence in dispersing crowds that assembled in the “disturbance” area. Witnesses testified that the chief told officers not to arrest picketers unless they were violating city ordinances. Freeman asked Officer Mike Livo who instructed him to say there was no strike. Livo said no one. He said he knew there was no strike because people picketing plants on the

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West Side were not workers and that all plants were operating at full force. Livo said he had never carried a club while on the West Side but had used tear gas once to break up a crowd that refused to disperse on his orders. Livo corroborated previous testimony that police had never been told to try to break up the strike. E.J. Gonzales, a motorcycle officer, told of hearing strikers outside pecan factories calling to workers inside the plants and urging them to join the strike. Gonzales said he saw two young women weeping in a San Fernando Street pecan factory. The women told him they had been abused and threatened by a woman striker. Gonzales said he then questioned the striker, who told him she had attended a communist meeting and had then joined the strike. Gonzales said he had been with other officers who used tear gas on crowds that refused to disperse. He said his orders were to preserve the peace but not to hurt “those poor people, as they are about the poorest people in town.”

While police in the courtroom testified about their orders and use of tear gas, officers on the West Side arrested more than 100 pecan picketers. In a roundup at Julius Seligmann’s Southern Pecan Shelling Company plant, thirty-five picketers were charged with violating city sign ordinances. Sixty-five other picketers were arrested at various plants around the West Side. When he learned of the arrests, Beasley said the city might as well expand the jail. Picketing would continue, and the arrested picketers would soon be replaced on the streets by others. The sudden influx of prisoners into the city jail led to some trouble February 25. One hundred and eighty men were being held in the facility. It was designed to accommodate no more than sixty prisoners. City Jailer Alex Vidal called Kilday after a riot started. Prisoners banged on their cell bars with tin cups and threatened to tear out plumbing fixtures. Kilday arrived and pleaded with rioters to be quiet. His pleas were met with hisses and catcalls. On Kilday’s orders, County Jailer Ginder turned a fire hose on about thirty ringleaders who

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kept up their howling and banging for about five minutes before they were finally subdued.21

The city closed its defense with testimony from Kilday. On the stand for more than two hours, he vigorously defended police actions in arresting picketers and branded the strike a “revolution.” He claimed his actions were meant to prevent a communist takeover. He said that all San Antonio’s pecan plants were operating at normal capacity. The strike, he said, was a communist movement led by a few who claimed to speak for all pecan workers. When asked why he assigned two officers to act as bodyguards for former strike leader Donald Henderson, Kilday said he thought Henderson was a dangerous character, which implied he wanted to keep Henderson under police surveillance. Kilday said communists would do whatever they could to aggravate police and force them to resort to brutality—including putting women and children in the front lines. He said that when communists could not get evidence of police brutality, they would manufacture it, as they had done with previous testimony in the injunction hearing.22

In response to Kilday’s claims, Freeman called two rebuttal witnesses. The first was the Reverend J.G. Gill, pastor of the Church of Christ who worked among West Side residents. Gill said it was common practice for people in the strike area to walk in the streets and that he had witnessed the arrest of two men who were just walking down the street. Cassie Jane Winfree, the second rebuttal witness, said Kilday had told her he could not allow people on the West Side to be organized under communists.23


23 San Antonio Evening News, “Court Upholds Police; Civil Liberties Attorney Gives Notice of
After closing arguments by Freeman and Cobbs, Tayloe declined to restrict police activity on the pecan shellers’ strike front. Tayloe said that to grant the injunction would put every police officer in peril and would undermine police authority. Tayloe said he understood several hundred people were on strike and that more than a few had been arrested. He noted that Freeman had shown that police had used excessive force on a few occasions. But no incidents had sent anyone to the hospital. Tayloe agreed with police that tear gas was the most humane manner of compelling obedience. The judge ruled that picketing was lawful. But he recognized the city’s power to prevent disturbances. He said when a large number of picketers assembled in one place and was incited by a spirit of resentment, the situation tended to produce a menace to public peace and interfered with orderly traffic. Tayloe said he found no evidence of hostility on the part of the city toward the union or union members. As soon as the decision was handed down, Freeman gave notice of appeal.24

Union leadership acted quickly in response to Tayloe’s ruling. Beasley immediately told reporters that picketing would continue even though Tayloe had refused to enjoin police from arresting picketers and the city’s jail was already overcrowded. He said the strike in San Antonio had “just begun.” In response to Kilday’s claims of revolution, Beasley asked which was the real revolution: a peaceful demonstration of workers against unwarranted wage cuts or the dictatorial disregard of all democratic and civil rights by the police department? Beasley compared the brutality of police with what would be expected under a dictatorship. Beasley met with Kilday February 28 about police actions on the strike front, but, according to Kilday, nothing was accomplished.25


25 San Antonio Evening News, “Pecan Shellers to Resume Picketing Irrespective of Court Action,
The union tried to ramp up negotiations with pecan plant operators following the injunction denial. Julius Seligmann granted the League of Loyal Americans and the Mexican Chamber of Commerce permission to audit his books and accounts to see if a pay increase could be worked out. The two Latin-American organizations hoped their audit would lead to a strike settlement. The groups presented Seligmann’s offer to a mass meeting of strikers at Cassiano Park February 27. Beasley rejected the offer, saying the union was not interested in how efficiently Seligmann ran his business. The union was interested in getting better wages for the strikers. Beasley said Seligmann controlled the price of shelled pecans and could manipulate the pecan market so that his books would show insufficient profit margins. Beasley noted that Seligmann had made the audit offer to organizations outside the union. The strike leader said he wanted direct talks with plant operators about union demands.\textsuperscript{26}

Rumors circulated for the next few days that a settlement was imminent. A March 1 announcement by Beasley that he would have important news regarding negotiations fueled the speculation. While Beasley declined to elaborate, he did tell reporters he had received more external support in the form of a telegram from John Brophy, national CIO director. It said the pecan shellers’ demands were moderate and reasonable and that the strikers had the complete support of the CIO. Beasley also showed off a telegram from U.S. Representative F. Maury Maverick of San Antonio. It said he fully supported strikers’ right to picket peacefully and asserted that the best way to build up the

general level of prosperity in San Antonio was to raise living standards.\textsuperscript{27}

Figure 3 – Pecan workers continued to picket San Antonio pecan plants despite Judge S.G. Tayloe’s ruling.

Hopes that the strike was ending were dashed March 2. Beasley announced the union was filing charges against Seligmann and the Southern Pecan Shelling Company of violating the National Labor Relations Act. Beasley said he had conferred with officials of the labor relations board in Fort Worth and that Henderson had done the same in Washington. The union was seeking an immediate NLRB hearing. Beasley said Seligmann had refused to bargain collectively with the union members. Instead, Seligmann had been carrying on sham negotiations to escape penalties of federal labor laws while discriminating against union members and interfering with workers’ rights to organize. Beasley added

\textsuperscript{27} \textit{San Antonio Evening News}, “Pecan Strike Settlement Expected Within Two Days,” March 1, 1938; \textit{San Antonio Light}, “Pecan Strike Truce in 24 Hours Looms,” March 1, 1938; \textit{San Antonio Express}, “Strike Parley Hits Impasse,” March 2, 1938.
that he would be part of a group meeting in Austin with Governor Allred to ask for state protection of striking workers. The group would again ask Allred to send Texas Rangers to prevent San Antonio police from arresting picketers. Beasley hinted that he might ask the Federal Trade Commission to investigate San Antonio pecan operations.  

That same day police dispersed 100 strikers with tear gas. Officers arrested George Lambert, a Chicago labor writer, after he attempted to lead a parade of strikers to picket a pecan plant. When Lambert was taken into police custody, the group of picketers charged police. They were gassed and quickly drew back onto the empty lot where they had been gathering. The use of tear gas marked the thirtieth day of the strike.

A delegation led by Beasley met in Austin March 3 with Governor Allred, who sympathized with strikers, to discuss the San Antonio labor dispute. Beasley said San Antonio faced a critical situation and asked the governor to protect workers from brutal intimidation by San Antonio police. Beasley told Allred that the workers’ situation was grave and that they might lash out in desperation at any moment. Workers were hungry, and they were beginning to rebel against union efforts to hold them in check. The only way to settle the strike, the San Antonio delegation said, was to get wage concessions for workers or to “mow them down with machine guns.” Union leaders said they needed Allred’s help in getting arbitration. The governor moved to act on their behalf.

Allred arranged a meeting with San Antonio officials, including Kilday, Quin, Fire and Police

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Commissioner Wright, and Seligmann. In that meeting, Quin blamed CIO leaders for the failed attempts to arrange arbitration during the thirty-four-day strike. Allred refused to comment on the meeting, saying that any statement by him would serve only to push the city officials and CIO organizers farther away from settlement. He expressed sympathy for strikers and pledged to do whatever he could for them. That was again different from actions other Southern governors had taken when faced with labor strife. Allred sent telegrams to both sides of the strike asking leaders to arbitrate the dispute. After the governor’s efforts, Beasley told a mass meeting of union members that he expected the strike to be settled within two days. Henderson echoed that sentiment from Washington. He told the United Press that pecan operators and union leaders had reached an agreement on all except the “minor detail” of restoring wages to pre-strike levels. Henderson said he expected a contract to be signed soon. The contract would recognize the union as the bargaining agent for strikers and form a three-member arbitration board: one representative for the union, one representative for operators, and one neutral representative picked by the first two members.

As the two sides neared an arbitration agreement, police apprehended ninety more picketers on the West Side. The March 7 arrests were the first made in the week. Union members had agreed to renew picketing at a mass meeting the night before. Beasley said that added pressure from more picketing would prompt agreement on arbitration by the next morning. One union precondition for

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arbitration was the release of all jailed picketers.\textsuperscript{33}

The two sides agreed to arbitration March 8. The arbitration board would decide whether wages could be restored to pre-strike levels. Beasley ordered all picketing stopped in light of the arbitration agreement. Kilday, in turn, ordered all picketers in police custody released. The CIO hailed the arbitration agreement as a victory and pointed out that it was the first contract of its kind in the Southwest’s agricultural industry. Pecan shellers returned to work March 9. They would work at the reduced wage scale until the arbitration board decided if operators would have to raise wages.\textsuperscript{34}

Peace and quiet was restored to the West Side as union and operator representatives negotiated on who the third arbitrator would be.\textsuperscript{35} In April the arbitration board agreed to a .005 cent per pound wage increase. International Pecan Shellers’ Union Local No. 172 was recognized as the sole bargaining agent for workers. The local was granted a closed shop, a checkoff system, and a grievance committee.\textsuperscript{36}

\textsuperscript{33} San Antonio Evening News, “Ninety Pecan Pickets Rounded Up By Police,” March 7, 1938.


\textsuperscript{36} Zaragosa Vargas, Labor Rights are Civil Rights: Mexican American Workers in Twentieth-Century America (Princeton: Princeton University Press, 2005), 142; Selden C. Menfee and Orin C. Cassmore,
In June Congress passed the Fair Labor Standards Act. It required a minimum wage of twenty-five cents an hour and set a forty-hour workweek. That standard would yield an annual wage of $572. Because of the minimum-wage law, several smaller shelling plants in San Antonio closed. Larger plants reintroduced pecan-shelling machines. After the pecan industry in San Antonio failed to gain exemption from the Fair Labor Standards Act, demand for shellers dropped from 14,000 to less than 3,000. While the act was intended to establish a fair wage and improve living conditions for workers, it had an opposite effect for San Antonio’s pecan shellers. They were the only major labor group displaced as a direct result of the minimum wage law.

Nevertheless, the 1938 San Antonio pecan shellers’ strike itself was a success. With the critical help of outside actors, especially national labor leaders such as Henderson and Beasley and state officials such as Allred, shellers were able to assemble enough power to challenge the city’s local power elite. Backed by these outside agents, workers forced plant operators into arbitration. As a result, they won collective-bargaining recognition for their union, a closed shop, improved working conditions and a slight wage increase. As the CIO noted, the outcome was the first of its kind in the Southwest’s agricultural industry.

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CHAPTER 5

CONCLUSION

Analyzing the 1938 San Antonio pecan shellers’ strike with Doug McAdam’s political process model offers a new insight: While solidarity and political opportunity were important factors in the strike, the involvement of external actors was the critical factor in the labor action’s success. Local union leaders quickly realized that they did not have the resources necessary to overcome San Antonio’s white power elite. Shellers’ early connection with Emma Tenayuca Brooks, a well-known communist, had weakened their position. San Antonio Police Chief Owen W. Kilday had capitalized on the communist connections. He had used them to justify harsh police tactics against picketing strikers. Kilday had contended he was dealing with a communist revolution, not a strike.

The CIO countered those local tactics by sending Donald Henderson, international president of the UCAPAWA, to San Antonio to run the strike. He initially gave the local union added credibility. He launched a strategy of aggressive picketing and of appealing to state and federal officials, including Texas Governor James V. Allred, to stop police brutality. When the local power elite successfully made an issue of Henderson’s suspected ties to communism, the union brought in another leader, J. Austin Beasley. Kilday’s efforts to paint Beasley as a communist eventually failed. That deprived the local elite of its primary anti-union tactic: red baiting.

With a strong leader and great community support, the union was able to force plant operators to arbitrate. The arbitration board ruled that a pay scale of five and a half cents per pound of pecan pieces and six and a half cents per pound of pecan halves would go into effect May 1, 1938. New contracts were signed in the fall of 1938. They provided for a closed shop, a check-off system,
grievance machinery, and piece rates of seven and eight cents per pound. The wage increase was only to be secured if the industry could obtain an exemption from the minimum wage set by the Fair Labor Standards Act. Congress had passed that law in June of 1938. The union helped plant operators fight for industry exemption, but federal officials rejected the plea. In light of that decision, San Antonio pecan plants turned to mechanized pecan cracking and shelling, effectively leaving 12,000 people without jobs. This trend continued. In 1950, the Southern Pecan Shelling Company – which had employed 10,000 workers at the peak of the season in the 1930s – hired only 350 shellers during its busiest period. Since demand for pecan shellers had plummeted, Pecan Shellers Union Local No. 172 disappeared in 1948. Unemployed shellers were left to look for work in industries available to them before World War II, primarily agriculture, construction and domestic service. Pecan shellers were the only major labor group displaced as a direct result of the minimum wage law.\(^1\)

The CIO continued to grow and have success in Texas after the pecan shellers’ strike ended. In 1945, several locals of the International Typographical Union struck the Valley Publishing Company in McAllen. The firm published newspapers in McAllen, Harlingen, and Brownsville. McAllen officials moved to disallow picketing, and Texas Rangers were sent in to control the situation. Nevertheless, typographers won concessions. The same year members of the Oil Workers’ International Union shut down several major oil refineries along the Texas Gulf Coast. That strike ended when the U.S. Navy took control of the refineries.\(^2\) However, the New Deal’s declining political fortunes and the


stubbornness of many employers – particularly in the South – forced the CIO to rely increasingly on federal arbitration of key contracts. The CIO began lobbying for federal and state governments to play more aggressive roles in protecting basic citizenship rights. This tactic had worked well in the San Antonio strike.

The political opportunities that the shellers had capitalized on during the 1938 strike also changed. Liberal U.S. Representative F. Maury Maverick lost his renomination bid for the House to People’s Ticket candidate Paul Kilday, the police chief’s brother, in the 1938 Democratic Party primary. In response, Maverick took on the People’s Ticket in the 1939 race for San Antonio mayor. Maverick used support from San Antonio’s Latino West Side to defeat incumbent C.K. Quin, the People’s Ticket candidate. Maverick lost the job to Quin in 1941 after a 1939 riot at Municipal Auditorium, where the liberal mayor had allowed Communist Party members to meet. During World War II, Maverick worked with the Roosevelt administration. After the war ended, Maverick returned to San Antonio to practice law and continue to fight for civil liberties. He died in San Antonio in 1954 at age fifty-nine.  

Allred was nominated by President Franklin D. Roosevelt for a federal district judgeship in 1939. After completing his second gubernatorial term that year, he assumed his position on the bench of the U.S. District Court for the Southern District of Texas. He stepped down in 1942 to seek the Democratic nomination for U.S. Senate but lost. He returned to private law practice in Houston until President Harry S. Truman returned him to the federal bench in the Southern District in 1949. Allred


remained on the bench until his death in 1959 at age sixty.  

After the San Antonio strike, J. Austin Beasley was offered a job as Texas state director of the CIO but refused the position. Instead he became general organizer for the UCAPAWA. He moved to Washington, D.C., with his wife when the San Antonio strike was settled. Further information on Beasley is unavailable.

Henderson, the former Columbia University economics professor, continued leading the UCAPAWA for 12 years after the San Antonio strike. He went to Colorado in October 1938 to help the union avoid a strike by beet workers and work out a “statement of policy” with growers. Henderson worked with the Southern Tenant Farmers Union (STFU) until 1939, when the group broke with the UCAPAWA. In a report on the breakup, *Time* magazine said Henderson had been a Communist Party central committeeman. The magazine continued:

> If Mr. Henderson is no longer a Communist, as he tells his C. I. 0. superiors, he smells like one to Socialists Butler & Mitchell. Last week they accused him of deliberately wrecking their union to subordinate it to the Communist Party. They declared that he confused simple Southern Negroes and "poor whites" with red tape, refused to support S. T. F. U.’s roadside sit-down in Missouri, finally suspended all its officers without a hearing and called a reorganization convention in St. Louis this week.

In 1944 the UCAPAWA became the Food, Tobacco, Agricultural and Allied Workers (FTA), a CIO affiliate with Henderson still as president. *Life* magazine ran his picture in 1947 as part of a story headlined, “Labor’s Communists Come Under Fire.” The picture caption said he had “conceded being Communist Party member at one time.” In October 1948 Henderson testified as FTA president before the Senate Judiciary Committee. It was considering House Bill 5882, An Act to Protect the United States Against Un-American and Subversive Activities. The CIO expelled the FTA in 1949 for being dominated by communists. In 1950 Henderson resigned as president so the FTA could comply with

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Taft-Hartley Act provisions and resist membership raids by other unions.⁶

Previous historians have often linked the 1938 San Antonio strike to the communist movement because of Emma Tenayuca Brooks’ early involvement. But newspaper reports corroborate Tenayuca’s own statements that she was not part of the strike leadership after the first day.⁷ Historians appear to have confused Tenayuca’s activities in earlier labor actions or in the August 25, 1939, anti-Communist riot at the San Antonio Municipal Auditorium with events during the 1938 strike. She had helped organize the 1934 Finck Cigar Company strike. In 1939 she was scheduled to address a Communist Party meeting in San Antonio as state party secretary. World War I veterans and Ku Klux Klan members reportedly stormed the building and attacked party members.⁸ Historical accounts of the pecan strike often include pictures of Tenayuca from these two unrelated events.

Following the Municipal Auditorium riot, Tenayuca continued labor organizing in San Antonio for 10 years. But she received repeated death threats and could not find steady employment. Therefore, she moved to Houston and then to California. “I went to San Francisco and stayed there for twenty years, and to my surprise, I return [to San Antonio] and find myself some sort of heroine [for work


⁸ Ibid.
with pecan shellers],” she said. In 1968 she returned to San Antonio and began teaching English in the Harlendale Independent School District on the city’s West Side. She retired in 1982 and died in 1999 at age eighty-two.

Tenayuca recognized that the 1938 San Antonio labor front was different from what unions faced in the rest of the country. Unlike many other Southern states, Texas had a liberal Democratic governor. He was sympathetic to union actions. He had other liberals in his administration who viewed police actions against striking pecan shellers as wrong. Those state officials were willing to say that publicly and bring pressure to bear on San Antonio officials to stop it. The city was represented in Congress by a liberal New Deal Democrat. He opened doors to federal labor officials. They were dedicated to protecting workers’ rights.

San Antonio pecan shellers took the opportunity presented to them by Section 7 of the National Labor Relations Act. They organized a union. They affiliated with the CIO and capitalized on the tide of industrial organization that followed the Wagner Act. In San Antonio, the CIO finally won a Southern labor dispute. During the five-week strike, national union bosses learned that augmenting local leadership, intentionally refuting red-baiting tactics by local officials, enlisting support from sympathetic state and federal officials, and nimbly responding to local tactics could lead to success. Those lessons served the union well in later Texas strikes.

The CIO did indeed lobby for the Fair Labor Standards Act that eventually cost most San Antonio pecan shellers their jobs. But that was not the intended consequence. The act was meant to establish a fair wage for CIO members and all other workers. Instead, it led in San Antonio to the mechanization of the pecan shelling industry and the disappearance of shelling jobs just months after the shellers had won wage increases from producers. Nevertheless, the 1938 labor action showed that

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9 Ibid.
10 Ibid.
minority agricultural workers could prevail in a strike despite stiff opposition from the local power elite. The key factor was the aid of outside agents. This thesis adds to the body of knowledge by documenting how external actors influenced the 1938 pecan shellers strike in San Antonio.
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