

John M. Houston

Congressman and Labor Mediator

by R. Alton Lee

Scholars have neglected John M. Houston despite his having an interesting and most productive career, both as a congressman and as a policymaker on the National Labor Relations Board during an important phase of its development. Houston was especially remarkable because he was a businessman who became active in professional organizations that were overwhelmingly Republican in a Republican-dominated state. Yet he was a Democrat who was successful, in part, because he represented a basically Democratic congressional district during the Great Depression when Kansans were supporting Franklin D. Roosevelt and his New Deal programs. Houston was able to take advantage of the fact that his constituents predominantly supported the philosophy of the New Deal in assisting citizens in dire need while rejecting certain of its more revolutionary programs. His intellectual growth from a middle-class businessman to a distinguished public servant with a pronounced sympathy for the laboring man was almost unprecedented in the annals of Kansas labor history.

John Mills Houston was born at Formoso, Jewell County, Kansas, on September 15, 1890, to Samuel J. and Dora (Neives) Houston. The family farmed in Jewell County at the time, but Samuel Houston soon joined his brother in the lumber business, an important enterprise in small but growing towns on the Great Plains. In 1907 the elder Houston struck out on his own, and in 1914 the Houston–Doughty Lumber Company was chartered with yards scattered across Oklahoma and Kansas. Samuel Houston also was president of the Fox–Rigg Company, supplying oil companies in the Midcontinent Field with drilling equipment, and the Fleeger–Houston Oil and Gas Company in Wichita.

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Know the Man You Vote for!
JOHN M. (Jack) HOUSTON
for Congress - - 5th District of Kansas

A personal friend
of, and a worthy
successor to our
genuinely loved
"Bill" Ayres.

**ELECT
HOUSTON!**



If you favor
the continuation
of economic im-
provement under
The New Deal -

**ELECT
HOUSTON!**

An Acknowledged Leader - - Read This Record

Born forty-four years ago in Jewell County, Kansas.
Attended grade school, high school, Fairmount, Wichita Business College.
Served two years in the U. S. Marine Corps.
Is married and his family consists of a wife and two children.
Manager of the Houston-Doughty Lumber Co., Newton, Kan.
President of Kansas Lumbermen's Association.
Served as Mayor of Newton Two Terms.
President of Newton Chamber of Commerce.
Twice elected to the Board of Directors of the Kansas State Chamber of Commerce.
Elected President of the Lions Club of Newton.
Served as Exalted Ruler of B. P. O. Elks of Newton, Lodge No. 706 for Four Terms.
Served as president of Kansas State Elks Association.
Chairman of Harvey County Federal Relief Committee since its inception under Harry Woodring.
Commander Wayne G. Austin Post No. 2, American Legion.
Elected Secretary of the Kansas State Democratic Central Committee.

"I AM A DEMOCRAT - A ROOSEVELT DEMOCRAT"

A 1934 campaign advertisement urging voters to elect John M. Houston to the U.S. House of Representatives.

Educated in the Oklahoma City and Wichita public schools, John M. Houston enrolled at St. Johns Academy in Salina for two years, attended Fairmount College of Wichita, and spent two years in the Wichita Business College. During summer vacations he gained valuable experience working in the family business, which included sixteen lumberyards in Oklahoma and Kansas with headquarters in Wichita. Theatrics was his first love, however, and he joined a touring group, seeing much of the United States, Canada, and Alaska.

When America entered the World War in 1917, Houston was playing in a New York City theatre. He quit the company and joined the marines for two years, serving for a time as part of President Woodrow Wilson's honor guard but never experiencing military glory in Europe. Following the Armistice, Houston, a gregarious, well-built, ruggedly handsome fellow with an engaging personality, entered the family business. For some fifteen years he managed the Houston-Doughty lumberyard in Newton. This type of occupation entailed his belonging to the Masons, Shriners, Elks, and American Legion. He directed the state chamber of commerce for two terms, served as president of the state lumberman's association and the Newton Chamber of Commerce, and was able to parlay this modest, entrepreneurial background into a political career and a successful stint on the National Labor Relations Board.¹

Jack Houston became increasingly involved in politics, using his theatrical experience and communications skills for addressing gatherings of Young Democrats and rallies of Democratic county and state committees. In April 1927 he was elected mayor of Newton, and during his first term he and fellow commissioners modernized city ordinances, something that had not been undertaken for two decades. Meanwhile, Houston found himself increasingly involved on the speaking circuit in support of Democratic aspirants for political office. He was in continual demand as an orator throughout his congressional career. During his campaign for a fourth term in Congress in 1940, for example, the chairman of the Democratic National Congressional Committee noted Houston's "outstanding ability as a public speaker and as a defender of Democratic principles"

and inquired about his availability as a speaker "outside your Congressional district for the last few weeks of the campaign." Even James Farley, postmaster general and chairman of the Democratic National Committee, requested Houston's services to campaign that year "outside" his district.²

During the fall campaign of 1932 the president of the Sedgwick County Young Democrats invited Houston to Wichita to speak:

I can't tell you how much I enjoyed your talk at the banquet at Emporia. It was splendid! Altogether it was by far the most enjoyable political speech I have ever heard.

So thus my cry becomes Encore! Encore! And by all means you must favor us with the same speech, the same wit, humor and horse sense as that with which you overwhelmed Emporians and other benighted citizens of the Fourth District. More than that: I hope you are ambitious. With such a thought I implore you to visit us so that I may have a chat with you in regards to what is rather hopelessly known as the future (in this depression.)³

Houston was politically ambitious and decided in 1934 to employ his talents to further his political career by running for the Fifth District seat held by retiring Democrat William Ayers.

Ayers was a popular politician who represented this lone Kansas Democratic stronghold, which included Wichita and Sedgwick County for nearly twenty years, having lost the seat only once during the Republican sweep of 1920. Following the primary elections in August 1934, Franklin D. Roosevelt appointed Ayers to the important Federal Trade Commission. At the time the president was feuding with its Republican members and needed additional support. Wanting to retain control of the district and needing a winner who could run a campaign on short notice, Democrats chose Houston partially because he was an outstanding speaker. He had become well known by that time for his efforts on behalf of Democratic

1. William E. Connelley, *History of Kansas State and People*, vol. 5 (Chicago: American Historical Society, 1928): 2421–22; "Ex-Kansas 'New Dealer' is Dead," *Wichita Eagle*, May 1, 1975; *Official Congressional Directory*, 2d ed., 77th Cong., 2d sess., 1941 (Washington, D.C.: Government Printing Office, 1942), 37.

2. *Newton Journal*, April 21, 1927; Jed Johnson to John M. Houston, September 9, 1940, John M. Houston Papers, file 8, box 3, Special Collections, Ablah Library, Wichita State University, hereafter cited as Houston Papers; James Farley to John M. Houston, August 3, 1940, *ibid.*

3. Charles F. Swan to Jack Houston, October 6, 1932, file 24, box 1, Houston Papers.

candidates, and he had the important support of the popular incumbent. A full-page political ad noted that he endorsed “the entire New Deal Program” and would inherit the congressional files and blessings of Congressman Ayers. In early October the young Houston noted that since winning the approval of the Democratic Party, “I haven’t let any grass grow under my feet—or in the middle of the street as Hoover would put it.” Houston delivered from three to ten speeches daily.⁴

Republicans expected their candidate, Ira C. Watson, to win on a platform stressing “constitutional government,” as many Kansans were becoming concerned about Roosevelt’s unprecedented uses of power to alleviate depressed economic conditions. The previous year’s “Hundred Days” session of Congress had enacted far-reaching measures such as the National Recovery Act and the Agricultural Adjustment Act (AAA) to help business and farmers survive the devastating effects of twenty-five-cent wheat and an unprecedented 25 percent unemployment. While Kansans appreciated the work relief and price supports of these programs and other early New Deal laws, they were based on a broadly liberal interpretation of national powers that many Kansas conservatives resisted and that soon would be declared unconstitutional by the Supreme Court.⁵

Houston, nevertheless, ran as a New Dealer. At a huge Democratic rally in Wichita he spoke on national issues and praised the Roosevelt administration for its assistance to destitute citizens. He wound up his campaign in Newton, telling the crowd that he believed the office of congressman should be “a nonpartisan one.” Farmers, he noted, were entitled to “a reasonable return for their labor.” In addition,

our millions of workers in America can well afford to look into the future of [*sic*] hope because under the leadership of the real humanitarian in the White House the Democratic party will again take up its duties in the next Congress with a view to further improvement of the conditions of those who toil.

4. *Wichita Eagle*, October 2, 1934; *Wichita Beacon*, November 4, 1934.

5. James C. Durham, “Constitutional Conservatism: The Kansas Press and the New Deal Era as a Case Study,” *Kansas Historical Quarterly* 60 (Winter 1977): 432–47, is a good study of the constitutional thinking of Kansas editors of the time. James L. Forsythe, “Clifford Hope of Kansas: Practical Congressman and Agrarian Idealist,” *Agricultural History* 51 (April 1977): 406–20, presents the constitutional views of a congressman representing wheat farmers.

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Houston won handily with an eighteen-thousand-vote majority.⁶

Freshman Congressman Houston quickly became popular among his fellow Democrats in Congress and with the Roosevelt administration. During his first term he supported relief laws, the Soil Conservation Act, the Resettlement Administration, Rural Electrification, the Guffey–Snyder Bituminous Coal Stabilization Act, and the Soil Conservation and Domestic Allotment Act. In addition, in what was unusual for a new congressman, even in these unusual times, Houston introduced several bills. His old-age pension proposal would have reimbursed states up to 50 percent for pensions of a maximum of fifty dollars monthly for couples over age sixty-five or thirty-five dollars for elderly singles. This and similar concepts, such as the Lundeen Unemployment Insurance bill, were re-written and combined into the four programs of the Social Security Act of 1935. He introduced a House Joint Resolution to amend the Constitution to elect representatives every four years instead of every two, a utilitarian idea that went nowhere, and another amendment with language similar to the Sixteenth Amendment to empower states to levy income taxes, a proposal many deemed unnecessary because they already possessed that power. Most importantly for his future, Houston supported the Wagner Act of 1935 that

6. *Wichita Beacon*, November 6, 1934; Kansas Secretary of State, *Twenty-Ninth Biennial Report, 1933–1934* (Topeka: State Printer, 1934), 96.



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established the National Labor Relations Board (NLRB) to serve as a referee in labor management relations. The law guaranteed workers the right to organize and bargain collectively and empowered the NLRB to supervise union elections and mediate labor management disputes.⁷

Jack Houston proved to be an ideal congressman who placed his office at the service of his constituents, and this sound policy was rewarded. In fact, long after he was appointed to the NLRB, former supporters were still requesting his assistance, and he accommodated them whenever possible. He ran for re-election in 1936 on his record and won handily, this time with a majority of nearly twenty-one thousand votes. Near the end of his campaign Houston addressed a large rally in Wichita. In rebuttal of the Old Guard Republican charge that the New Deal was communistic, Houston observed that he was “surprised to learn that I am a Communist. If feeding the needy and clothing the naked is communism then I am a

7. File 12, box 2, Houston Papers. For the Lundeen bill, see Kenneth Casebeer, “The Workers’ Unemployment Insurance Bill: American Social Wage, Labor Organization, and Legal Ideology,” in *Labor Law in America*, ed. Christopher L. Tomlins and Andrew J. King (Baltimore: Johns Hopkins University Press, 1992). The two best sources on the early NLRB are James A. Gross, *The Making of the National Labor Relations Board* (Albany: State University of New York Press, 1974); Harry A. Millis and Emily Clark Brown, *From the Wagner Act to Taft–Hartley* (Chicago: University of Chicago Press, 1950).

Communist,” he declared, adding that “Franklin Delano Roosevelt will go down in history as the greatest humanitarian of this generation.” Several labor leaders addressed the gathering and Houston proudly displayed a gold card given him by the American Federation of Labor (AFL), observing that “only a few of these are owned by House members.”⁸ Again he wrapped up his campaign in the Newton auditorium.

In just one session Houston had made a real impression on Democratic congressional leaders. Thus, when he returned to Washington in 1937, they made him an assistant majority whip for his district that encompassed the states of North Dakota, South Dakota, Nebraska, Kansas, and Oklahoma, an unusual honor for a second-term congressman. More important politically, he traded seats on four other committees to obtain one on the powerful Appropriations Committee. In his second term he again supported the New Deal agenda by voting for the second AAA, which replaced the first AAA that the Supreme Court had struck down; the Guffey–Vinson Bituminous Coal Act; and the Fair Labor Standards Act (Wages and Hours Law) of 1938.

Houston broke with the administration, however, to follow his constituents’ isolationist thinking and support the Ludlow Amendment. During the emerging war crisis in Europe, Congressman Louis Ludlow of Indiana unsuccessfully proposed that a national referendum be required to declare war, except in cases of emergency, which Franklin Roosevelt declared would “cripple” the president in conducting foreign policy. Houston reportedly wrote an essay dated November 26, 1939, for the *Wichita Beacon* in which he concurred with Ludlow’s position that the only reason for not requiring such a referendum was the archaic notion that conducting such a vote would take too long—an argument nullified by modern communications. Ludlow gratefully had Houston’s article reprinted in the *Congressional Record* with a laudatory account of the Kansan’s World War I record.⁹

Houston had to make an important political decision before 1938: should he seek re-election in the Fifth District or should he challenge Democratic incumbent George McGill of Wichita for his Senate seat? After careful deliber-

8. *Wichita Eagle*, October 20, 1936; Kansas Secretary of State, *Thirteenth Biennial Report, 1935–1936* (Topeka: State Printer, 1936), 136.

9. *Congressional Record*, 75th Cong., 2d sess., 1938, 82, pt. 3: 331.

ation and consideration of the fact that a Republican trend was underway in Kansas, Houston wisely decided against the statewide Senate race. McGill thanked Houston for his decision and promised to help him in his Fifth District campaign. The senator needed all the help he could obtain that year, because he faced difficulties with a divided Democratic Party. McGill's supporters opposed the Guy Helvering–Harry Woodring faction and, among other factors, Helvering lusted for McGill's Senate seat. According to historian Donald R. McCoy, Randolph Carpenter, former Democratic congressman, "agreed with John Houston that some of their party's Kansas leaders had been trying to get McGill out of the senate." Houston reported that because of his membership on the Senate Judiciary Committee, McGill was "very upset and embarrassed by various independent moves to get another judgeship for Kansas" and to arrange McGill's nomination for the position. This would effectively remove McGill from Kansas Democratic politics. "He is in a tight spot and he knows it," asserted Houston. Ultimately, McGill went down to defeat at the hands of former Republican governor Clyde Reed, and Helvering and former Democratic governor Walter Huxman received appointments to federal judgeships in Kansas.¹⁰

Houston campaigned hard to retain his House seat, again endorsing the New Deal. National indebtedness had grown from twenty-two billion dollars under President Hoover to a current forty billion, he admitted, but this money "went to feed and rehabilitate Americans" and "into public works for which a dollar value was given for every dollar spent." In an appeal to constituents' isolationist sentiment, he noted that the national debt of twenty-two billion dollars was a carryover from the World War, which had resulted in "repudiated debts, ingratitude and disillusionment and—something more tragic still—thousands of little white crosses on the battlefields of France." The New Deal was spending money on Americans, he added, not for foreign wars. Houston won again in 1938, but this time by only a few hundred votes as the tide turned even more strongly for Republicans. He became the only Democrat in the Kansas delegation to Congress the next year.¹¹

10. Donald R. McCoy, "Senator George S. McGill and the Election of 1938," *Kansas History: A Journal of the Central Plains* 4 (Spring 1981): 5, 5 n. 9.

11. Campaign literature, file 9, box 2, Houston Papers; *Wichita Eagle*, November 7, 1938; Kansas Secretary of State, *Thirty-first Biennial Report, 1937–1938* (Topeka: State Printer, 1938), 116.

The coming of the Second World War in Europe strengthened the isolationist spirit in Kansas, but the flow of orders for war materials from Europe was altering the attitude of Wichitans and enhancing the importance of their aircraft industry. The *Wichita Eagle* headlined, "War Rains Dollars Into Wichita." As President Roosevelt phased his defense plans into operation, the nation's aircraft industry expanded. In 1939 Wichita's plants were operating at one-fourth capacity. Then the Army Appropriations Act, passed in 1940, called for an unprecedented national production of 2,566 planes, of which 2,200 were trainer models built in Wichita.

The city rapidly was becoming one of the nation's major centers of aircraft production. To assist his constituents and his home base in Wichita in May 1939, Houston introduced HR 6399, authorizing the expenditure of ten million dollars in the city for construction of an aeronautical research center. This laboratory would become one of the three recommended by Colonel Charles A. Lindbergh following his tour of Europe, where he inspected the effectiveness of air power there, especially Herman Goering's Nazi Luftwaffe. In defending his proposal, Houston praised Wichita as an ideal site for the project. Its 91.9 percent native white population made it a "minimum hazard" for sabotage and espionage; in 1938 weather limited air operations on only nine days; four aircraft plants currently operated there—Beech, Cessna, Swallow, and Stearman (later Boeing of Wichita); the "wholesome" city had five-cent bus fares and "unsurpassed schools"; the labor force was "progressive, patriotic, loyal, steady, reliable, and [had] a relatively high degree of education"; the mile-square municipal airport would be a good refueling base; and Wichita citizens were offering a seventy-five-thousand-dollar tract of land for a site. Martin Smith, a colleague, congratulated Houston on his "strong presentation" of HR 6399, but Congress and the administration were not yet ready to spend that much money to upgrade an air force of unproven worth in warfare.¹²

When he ran for re-election in 1940, Houston faced a dilemma. He wanted to stress his New Dealism, but Kansans had elected Republicans in 1938 to their other six congressional seats, and these men had campaigned vigor-

12. *Congressional Record*, 76th Cong., 1st sess., 1939, 84, pt. 5: 5768; *ibid.*, pt. 8: 8636; Miscellaneous documents, file 12, box 2, Houston Papers; *ibid.*, file 29, box 5; *Wichita Beacon*, June 25, 1939.

ously against the New Deal. Houston also did not help himself in September 1940 when, just before the election, he was the sole delegate from Kansas to vote for the first peacetime military conscription program in American history. "He remained conspicuously silent during the lengthy and well-publicized deliberations on the issue," noted historian Philip Grant, and the six Republicans who opposed the measure were "undoubtedly reflecting" Kansas sentiment.¹³

J. Earl Schaeffer, president of Stearman, added a "p.s." to Houston in a routine letter saying "This may or may not be worth a damn but it is given as a bit of conscientious sincere advice—DONT tie your campaign too closely with FDR—go on your own personality and record." Houston responded to Schaeffer's admonition that he "had reached the same conclusion as expressed by you, and will watch this closely."¹⁴

He continued to be in great demand as a speaker and could devote only one month during the congressional recess for his own "whirlwind campaign," working to gain the support especially of African Americans and labor. Raymond J. Reynolds, "colored attorney of Topeka," spoke at his Newton rally, and labor leaders again eagerly endorsed his candidacy. In June 1940 Houston persuaded John L. Lewis, who, with Sidney Hillman, had founded Labor's Nonpartisan League, to write Henry Allai of Pittsburg, chairman of the Kansas unit, that Houston deserved his endorsement. Lewis obligingly noted that the Kansas Democrat had voted for "the most important legislation" labor wanted during his career and "merits the wholehearted support of labor." He emphasized that in the current Congress Houston had worked diligently against establishing a committee to investigate the alleged "excesses" of the NLRB in 1939, with labor-hating Congressman Howard Smith of Virginia as its chair. He added that Houston also had voted against the "crippling Smith amendments" to the Wages and Hours Law changes in 1940. As usual he enjoyed the endorsement of the AFL.¹⁵

Houston's major newspaper supporter, the *Wichita Beacon*, earlier carried a full page ad and story on the con-

gressman's role in bringing the federal food stamp program to Wichita. Begun in May 1939 in Rochester, New York, the plan was in effect in thirty-five cities a year later and, although one hundred other cities had requested being involved, Houston was able to bring it to Wichita because of his membership on the powerful Appropriations Committee and his position as assistant whip. The election of 1940 resulted in a 5,585 vote margin of victory for Houston over Republican Stanley Taylor of Augusta.¹⁶

In the summer of 1940 France fell to the Nazis, and by the end of the year only Great Britain was left standing to meet the Axis challenge. Early in 1941 President Roosevelt asked Congress to enact the Lend-Lease program, which would place America's meagre but growing military arsenal at the Allies' disposal. British credit for purchases was exhausted, and this program would allow the president to lend, lease, sell, transfer, or exchange equipment and supplies to any country whose defense he deemed vital to American defense. Kansans strongly opposed this alarmingly interventionist concept, but Houston correctly saw the danger in the European situation, believed in the administration's initiative, and boldly supported its enactment. He noted that his Kansas colleagues in Congress said, "they favor defense measures, but; they favor a well trained Army and Navy, but; they favor aid to Great Britain, but. But they vote no." As a pragmatist Houston had to abandon some of his isolationist tendencies to support his constituents' interests. He faced a far greater problem than isolationism, however, in his bid for re-election in 1942.¹⁷

First, Houston had to decide whether to challenge Arthur Capper for his Senate seat. Houston had at least one strong supporter in Kansas for this effort. The assistant to Vice President Henry Wallace wrote him that he had received the following message from Charles F. Fox of Topeka:

Jack Houston of the Fifth Congressional district can beat any man in Kansas in the primary, the election as well. For United States Senator he will be a cinch—recall those words, should he run, if I am yet on earth, I will see to it. He is strong, very strong. I have been feeling around for some weeks.

13. Philip A. Grant Jr., "The Kansas Congressional Delegation and the Selective Service Act of 1940," *Kansas History: A Journal of the Central Plains* 2 (Autumn 1979): 198, 205.

14. J. Earl Schaeffer to John M. Houston, July 25, 1940, file 9, box 1, Houston Papers; Houston to J. Earl Schaeffer, July 26, 1940, *ibid.*

15. *Wichita Eagle*, November 3, 1940; file 9, box 2, Houston Papers.

16. *Wichita Beacon*, February 11, 1940; Kansas Secretary of State, *Thirty-Second Biennial Report, 1939–1940* (Topeka: State Printer, 1940), 104.

17. File 30, box 5, Houston Papers; Phillip A. Grant Jr., "The Kansas Congressional Delegation and the Lend Lease Act of 1941," *Kansas History: A Journal of the Central Plains* 14 (Summer 1991): 72–81.

In February 1942 Houston wrote retired congressman and current supporter Randolph Carpenter of Marion, calling attention to Capper's vote against the federal plan of a thirty-dollar monthly pension for those older than age sixty. "I am sure you can make some 'hay' out of this," he noted, "especially with the old age pension folks whom Capper has been kidding along for seven or eight years." Houston would have loved to challenge Capper but decided not to contend with the venerable Republican senator who appeared unbeatable.¹⁸

Republicans concluded they probably would be unable to field a candidate strong enough to defeat the popular Democrat, so they took advantage of an opportunity to redesign Houston's district. Kansas lost one seat because of the census of 1940 and the Republican-dominated state legislature redrew congressional boundaries before the election of 1942. They removed Sumner County from the Fifth District and added Chase, Coffey, Dickinson, Geary, Greenwood, Lyon, Marion, Morris, Osage, Wabaunsee, and Woodson Counties, a Republican area controlled by Ed Rees of Emporia, congressman of the Fourth District. This action caught the attention of columnists Drew Pearson and Jack Anderson, and their syndicated story announced that the state legislature had hit "the lone Kansas Democrat with everything but the water bucket in gerrymandering his district," adding that he takes it "philosophically." "When a salesman makes good on the job," Houston told the reporters with a grin, "his territory is increased." That summer Houston detailed his political dilemma to AFL president William Green to ensure his important support. Neither he nor Rees had any opposition in the primaries or the general election, and Houston's was the better labor record. Green agreed that "Congressman Rees has an exceptionally bad labor record covering three Congresses" while Houston's was "very good." Despite labor's endorsement, the enlarged territory was too much for the Democrat to handle, and the Republican trend was against him. Rees defeated Houston fifty-five thousand to forty-one thousand, and in 1943 the Kansas delegation was 100 percent Republican.¹⁹

18. Harold Young to John M. Houston, May 14, 1941, file 25, box 1, Houston Papers; Houston to Randolph Carpenter, February 20, 1942, file 5, box 2, *ibid.*

19. Newspaper clippings, file 30, box 5, *ibid.*; *Topeka Daily Capital*, November 3, 1942; John M. Houston to William Green, June 24, 1942, file 9, box 2, Houston Papers; Kansas Secretary of State, *Thirty-third Biennial Report, 1941-1942* (Topeka: State Printer, 1940), 89.

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*DONT tie your campaign too
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Houston had a remarkably successful, and for a Kansas Democrat relatively long, career as the people's representative. At a dinner in Newton in 1938, Dudley Doolittle of the Democratic National Committee, himself a former Kansas Democratic congressman from Strong City, commented that "the Congress of the United States could well contain more intelligent, hard-working, patriotic members with backbone like your fellow townsman Jack Houston." Doolittle's remarks were followed by "spontaneous cheering." Ten years after Houston's loss to Rees, Max Levand of the *Wichita Beacon* paid him high tribute:

You are responsible for a lot of good deeds that have been accomplished in Wichita over a period of many years just as much as the Levands. When you were in Congress you always worked for Wichita and this Congressional District and you did the best job that was ever done and nobody has ever done a better job since you left.

But what to do now? He was young—a month older than the current Allied commander in Europe, Dwight D. Eisenhower—and had many years of service to offer if the proper opportunity arose.²⁰

20. Dudley Doolittle to John M. Houston, April 9, 1938, file 9, box 2, Houston Papers; Max Levand to Houston, August 21, 1952, file 13, box 2, *ibid.*



John L. Lewis noted that the Kansas Democrat had voted for "the most important legislation labor wanted" and "merits the whole-hearted support of labor."

His chance came through a vacancy on the National Labor Relations Board (NLRB). The Wagner Act of 1935 gave government sanction for workers to organize unions. It listed a number of "unfair labor practices" that employers had been using to fight unionism and established the NLRB, an independent, regulatory commission of three members to govern the system, hear complaints, and rule on these practices. The early board members believed their function to be promoting the growth of unions, and their decisions often were radically antibusiness. They tended especially to favor the Congress of Industrial Organizations (CIO), causing the AFL to complain and Representative Howard W. Smith of Virginia to demand an investigation of the NLRB "excesses" in 1939. Despite the AFL support, Smith's proposal was blocked, but President Roosevelt thenceforth tended to appoint more "balanced" members to the NLRB.²¹

The president had appointed Harry Millis, a labor relations expert, to chair the NLRB in 1940 and Gerard Reilly, former solicitor for the Department of Labor, to the board in 1941. The following year Secretary of Labor Frances Perkins wrote Houston that her department was "very grateful to you for your consistent, forceful and effective help in the promotion of sound labor legislation and in the defense of well-established and proven labor legislation. You have always been a real friend of the de-

21. For the operation of the NLRB in its formative years, see Millis and Brown, *From Wagner to Taft-Hartley*, 30-94.

partment."²² Houston undoubtedly could obtain her important support in the confirmation process. In 1943 William Leiserson, a professional labor relations technician, decided to return to the National Railway Mediation Board, and Roosevelt named John Houston for an interim replacement, then to a permanent, five-year term as a reward for his votes in Congress.

James Rowe of the attorney general's office was in charge of vetting Houston's record before placing his name in nomination. Rowe wrote the president a revealing memo noting that it was necessary to "take care" of the "faithful" who were defeated in the last election, but it was "a pleasant necessity" when the person was "a capable man" such as John Houston. Rowe recommended Houston for the NLRB because

(1) He is one of the really intelligent men who have sat in Congress. He had great influence there, particularly on the Appropriations Committee.

(2) His voting record on labor issues was good. . . .

(3) If anything is to remain of New Deal domestic reforms, an intelligent rear guard action must be fought by the New Dealers. . . . Jerry Reilly, the newest member of the Board, understands this perfectly but he does need help. Houston who is "one of the boys" can give this help because he can save the Board's appropriations and also exert his influence with the leaders to bottle up anti-labor legislation.

(4) Houston comes from Kansas, the heart of the farm belt field. The farmers will be the spearhead of the organization against labor. The appointment of a sympathizer of the farmers will look to the public like retrenchment. That appearance must be given. Labor today is as blind as the utilities were in 1934 but there is no reason why this Administration, whose sincere friendliness toward labor has always been evident, should be equally blind. . . .

(5) The appointment of Houston would have excellent repercussions in the House where we need all the friends we can get.

Rowe noted that he and Attorney General Francis Biddle had hoped to entice Houston to join the Justice Department but found, "to our complete chagrin," that he was

22. Frances Perkins to John M. Houston, August 20, 1942, file 25, box 5, Houston Papers.

not a lawyer. He added that he knew Roosevelt did “not regard this failing as a bar sinister.” One did not need a law degree, the president believed, to become a successful administrator. Houston’s service on the NLRB far more than lived up to Rowe’s expectations except, perhaps, on points three and four of the memo, where Houston’s liberal voting record often left him in opposition to Reilly and the agrarian elements opposed his positions on labor issues. His record did not contribute to the New Deal “rear guard action” that Rowe had envisioned.²³

The president ordered Rowe to clear the appointment with Frances Perkins, who then added her support to Houston’s nomination:

He has had no experience in this field but has a good record in Congress and is a vigorous, active person (52 years old), a good mixer, extremely intelligent, not a lawyer. Has had 15 years experience in business but in Congress voted consistently for all labor legislation and all New Deal legislation His appointment would be *frankly political* and not professional, but he is a practical and able man. I have not mentioned him to Millis or Leiserson—both would hit the ceiling. Reilly thinks he would be good.

The Marine and Shipbuilders union opposed the nomination because “by experience and background Mr. Houston is not qualified to enforce laws which are intended to protect organized labor and the rights of employees.” Houston proceeded to surprise most observers, including organized labor, when his votes on the board often supported the pro-labor position of Millis in opposition to Reilly’s conservative stances.²⁴

A short time after his confirmation to the NLRB, Houston sent the president an editorial written by “our part-time friend, William Allen White” with the notation that Roosevelt “might get a laugh out of it.” White’s editorial is worth quoting in full:

Hon. Jack Houston, former congressman from the Eighth [*sic*] Kansas district, has been appointed to

23. James Rowe Jr., “Memorandum for the President,” December 29, 1942, President’s Secretary’s file, box 136, Franklin D. Roosevelt Library, Hyde Park, N.Y.

24. Franklin D. Roosevelt to Grace Tully, January 9, 1943, box 156, *ibid.*; Secretary of Labor, “Memorandum for the President,” February 3, 1943, OF 716, box 5, *ibid.*; Philip H. Van Gelder to the President, June 7, 1943, *ibid.*

the National Labor Relations Board. The appointment is a good one. Jack Houston is what the President is looking for—an eminent sociologist. Jack represented his district in congress for a decade. His profound knowledge of industrial sociology was revealed to Republicans every biennium by his scientific campaigns. He was the best hand-shaking, baby-kissing, side-stepping, charming, gracious, amiable and non-committal politician this state has ever seen. He has two eminent qualifications aside from his sociological talents: he is a staunch Democrat. And during the campaign, his friends emphasized the fact among the Republicans that “Jack was no New Dealer.”

We congratulate Jack. We are sorry to lose him from Kansas. He was unique and peculiar—no violet from a mossy stone, by any means, but a husky Kansas sunflower who always turned his face toward the sun, the same being, for the last 10 years, none other than our own beloved President, whom he supported consistently with his vote in Washington. Jack is the only man we know who can outsmile FDR and eat a pickle and a green persimmon at the same time!

—William Allen White in *Emporia Gazette*.²⁵

Business Week viewed the appointment as both a reward for Houston’s support of New Deal legislation and secondly as “an administrative bow to the strongly antilabor sentiment” in Congress. The business journal noted approvingly that Houston was a Kansas businessman who had headed his state chamber of commerce for two years and was “a striking contrast to every other member who has sat on the NLRB since its creation in 1935.” The journal further noted that chairman Millis had supported Robert Watts, the board’s general counsel, for the nomination. Watts wanted to retire, and this would soon give Roosevelt an opportunity to appoint “another business-minded member for a new NLRB majority.”²⁶

Houston, of course, had absolutely no labor-management relations experience and tended at first to rely on his staff for advice. He also was prone early on to support Millis rather than Reilly, because the latter was the more conservative of the two. In 1945 the new president, Harry S. Truman, named Paul Herzog to replace Millis as chairman. Herzog had a significant labor relations background, both

25. Jack Houston to Marvin H. McEntyre, March 23, 1943, OF 716, box 5, *ibid.*; White editorial, undated clipping, *ibid.*

26. *Business Week* 706 (March 13, 1943): 38; Frances Perkins to John M. Houston, August 20, 1942, file 25, box 5, Houston Papers.

with Senator Wagner's National Labor Board and New York State's Labor Relations Board. As NLRB chairman, Herzog attempted to mend the poor public relations image of the early NLRB, and his board "deliberately" became "less militant" in enforcing the Wagner Act against business abuses. It was during this period of flux on the board that Houston became "the most consistent pro-labor member," often forming a majority with Chairman Herzog. Reilly tended to oppose the pro-labor slant of the early board and was thus the most consistent conservative, anti-labor vote on the three-member board. If *Business Week* believed Roosevelt had appointed a pro-business member when he tabbed Houston, then the journal had to be badly disappointed.²⁷

In 1946 Truman replaced Reilly with James J. Reynolds, whose experience in labor relations work had been with the navy. Herzog undoubtedly fell short of Truman's expectations when he began to lead the NLRB toward a more pro-business attitude and Reynolds, a former Wall Street broker, supported this trend, leaving Houston alone to "balk at the attitudes of his colleagues." As the general counsel to the International Ladies Garment Workers union wrote,

you have done an absolutely outstanding job as a member of the Board during the last five years. Even when the going has been rough you have not hesitated to stand up for what you considered to be the right. Through it all you have kept your sense of humor and have retained that bluff sense of honesty which all your friends admire.²⁸

Beginning with the NLRB's original prolabor stance and continuing through Congressman Smith's 1939 crusade to investigate the philosophy and voting record of the NLRB with intent to change the Wagner Act, Congress showed a growing conservative demand to design a new labor policy that would make the NLRB "an honest referee" of labor-management relations. Unions won the Main-

tenance of Membership agreement during World War II. Accordingly, workers who joined to obtain a job had to maintain their membership for the duration, and union membership soared during the war. The subsequent post-war labor difficulties, involving widespread strikes by hundreds of thousands of workers, hardened the drive of conservative congressmen to modify the government's pro-labor policy. Senator Robert A. Taft and Congressman Fred A. Hartley Jr. had the assistance of Gerard Reilly and Howard Smith in drafting a new labor law. Based on the premise that labor leaders had grown too powerful with the assistance of the NLRB, the Taft-Hartley Act of 1947 amended the Wagner Act by listing "unfair labor practices" unions could no longer follow. Significantly, it also made the NLRB's general counsel an independent official and expanded board membership from three to five, ostensibly to help the board in its heavy workload of some twenty-five thousand cases annually. The members of the NLRB urged President Truman to veto the proposed law. Unfortunately, their recommendation stiffened the resolve of many conservative congressmen, and the anti-union Eightieth Congress overwhelmingly overrode the president's veto.²⁹

U.S. News reported that the three veteran NLRB members—Herzog, Houston, and Reynolds—were "determined to carry out" the principles of the new law, despite their previous opposition. The three had submitted their resignations upon passage of the act because, they told President Truman, they had urged him to veto the bill, and they believed he might now be criticized for their administration of the law. Truman bluntly asked them if they could administer Taft-Hartley "fairly," and they replied affirmatively. The president then said, "I vetoed it, but I'm not quitting and I won't let you quit either." Herzog, Houston, and Reynolds remained on the job. The business journal noted that the three had "been trending in the direction of the new law's basic purpose" for the past several months. This was especially true of Herzog and Reynolds, and *U.S. News* again observed that Houston, whose term

27. James A. Gross, *The Reshaping of the National Labor Relations Board: National Labor Policy in Transition, 1937-1947* (Albany: State University of New York Press, 1981), 245-47.

28. Morris P. Glushin to John M. Houston, April 16, 1948, file 4, box 2, Houston Papers; Houston's "balk" from *U.S. News and World Report* 23 (July 11, 1947): 52.

29. For a political history of the enactment of this law, see R. Alton Lee, *Truman and Taft-Hartley: A Question of Mandate* (Lexington: University of Kentucky Press, 1966). For changes in the NLRB, see Gross, *The Reshaping of the National Labor Relations Board*, 251-55.

would expire in 1948, continued to be the most consistently pro-labor NLRB member.³⁰

The president re-appointed Houston for an unprecedented second term. Houston was most pleased, but politics held up his confirmation. Conservative congressmen were reported to be “combing recent NLRB decisions” to find material with which to oppose Houston’s confirmation. They of course wanted a pro-business nominee instead, who, when confirmed, would vote with Reynolds and J. Copeland Gray, a recent Republican appointee of Truman who had been an NLRB trial examiner. These two constituted the current pro-business minority, and a third nominee of similar philosophy would constitute a majority on the expanded five-member board. *Business Week* concluded that “the first major congressional debate on the Taft–Hartley law,” which concerned Houston’s appointment, “promises some lively argument.” For his part, Houston was pleased when the debate ended, and he again received unanimous confirmation from both the labor committee and the full Senate.³¹

Truman subsequently appointed an old Senate friend, Orrice Abram (Abe) Murdock Jr. of Utah, to the fifth position on the newly constituted NLRB. Arthur Watkins, the Republican who had just defeated Murdock in the November 1946 senatorial election, opposed the appointment, but not, he claimed, for personal reasons. Murdock had been “too prolabor” ever since his election to the Senate in 1940. Watkins also claimed that Murdock could not administer Taft–Hartley fairly because he had voted against the bill. Murdock was popular among his former Senate colleagues, however, and they confirmed him easily.³²

In the Kansan’s second term, Reynolds and Gray influenced Houston to alter his philosophy, and he tended to join them. Soon after his re-appointment, for example, the trio sustained an employer’s right to fire a worker who was both a leader of and a participant in a mass picket line. The NLRB majority ruled that a mass picket line was “an implied threat of violence,” and a labor leader’s participa-

30. *U.S. News and World Report* 23 (July 11, 1947): 52–55. The resignation story is from a Drew Pearson column, located in Republican National Committee, news clippings, box 482, Dwight D. Eisenhower Library, Abilene, Kans., hereafter cited as Republican National Committee clippings. The NLRB members’ unanimous recommendation to Truman to veto Taft–Hartley is discussed in Lee, *Truman and Taft–Hartley*, 92.

31. *Business Week* 975 (May 8, 1948): 110.

32. Republican National Committee clippings.

“Hon. Jack
Houston . . .
has been
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The appointment is a good one.
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tion therefore constituted “an unfair labor practice.” The Supreme Court had moved from sustaining picketing as a legitimate exercise of free speech in *Thornhill v Alabama* (1940) to the decision of *Giboney v Empire Ice and Storage* (1949) that prohibited picketing to force employees to violate a valid contract. The NLRB basically kept pace with this legal trend by revisiting its position on this organized labor activity. Houston’s altered philosophy on labor issues pleased his old opponent, James Reynolds. In congratulating him on his Senate confirmation Reynolds paid Houston a high tribute:

you and I have been associated as Board Members for a period of two years as of today. I believe it would be correct to say that in no similar period have two Board Members differed more often than have you and I. Frequently our differences have been debated vigorously, and occasionally with some heat. But the heat which was thus generated, for my part, has only served to warm the increasing affection and respect which I hold for you today. I have learned to respect the tenacious and decisive way in which you have fought for those things which you believe to be right.³³

An Oregon lawyer and strong supporter of Houston caught the gist of the latter’s importance in rendering

33. James J. Reynolds to John M. Houston, August 26, 1948, file 4, box 2, Houston Papers. The mass picketing decision was reported in *U.S. News and World Report* 25 (August 20, 1948): 49.



The AFL began complaining, now joining the CIO, that the NLRB was “clamping down on unions” more than Taft–Hartley required.

labor-management decisions in his congratulatory letter in 1948:

This re-appointment is evidence of the wisdom, not only of your politics, but your policy. . . . I have always admired your intuitive grasp of the human problems involved in the rather dry labor cases that come to you. You have been able to sense the fact, often missed by your colleagues, that labor relations are mainly human relations and not a jumble of legal platitudes placed in juxtaposition in order to confound employers and unions who must live under the decisions you write. As I have often told you, my most serious criticism of the Board during the regime of Mr. Reilly was that the Board insisted on operating in a vacuum, without reference to the people or the problems which really concerned both labor and management. The Taft–Hartley law, as I watch it in its operation, reflects this same concept of unreality.³⁴

The other battle Houston and Reynolds fought together was to confront the difficulties presented to the NLRB by an independent counsel working at cross-purposes with them. The Taft–Hartley Act required the independent general counsel to assume the prosecutory functions of the board, and the NLRB subsequently drew up a statement of delegation agreement giving the counsel authority over field personnel and representation cases to fulfill this func-

tion, a delegation that exceeded the requirements of the law. With Reynold’s tacit approval, President Truman appointed Robert N. Denham, who also had helped write the Taft–Hartley Act, as NLRB general counsel, and he and the board quickly came to a parting of their ways. Denham, extremely pro-business in philosophy and belligerent in temperament, began attacking the NLRB with such vehemence and frequency that the board found its policies and decisions being thwarted. Denham proved to be very aggressive in seeking injunctions against strikes and procrastinating in enforcing board policies when they hurt management’s positions. The general counsel used his position to direct NLRB field personnel to promote his stances on labor policy, which often were contrary to NLRB guidelines. Finally, the board announced in 1949 that it would henceforth assume control over all NLRB personnel. This action intensified the struggle, and the conflict ultimately led Truman to present an executive order to abolish the independence of the general counsel and to bring the office again under the control of the NLRB. The Senate, however, under Taft’s leadership, defeated the reorganization plan, so Truman asked for Denham’s resignation, which he eventually submitted. Denham defended his actions in a *Saturday Evening Post* article in the December 30, 1950, issue entitled “And So I Was Purged.” Houston described the essay to a friend as “perforated from beginning to end with misstatements, one-sided views, and errors of omission as well as commission.”³⁵

John Houston’s second term expired as Dwight D. Eisenhower assumed the presidency. Houston, a vigorous sixty-three-year-old, still wanted to continue to serve. Eisenhower, however, was determined to give the NLRB a definite pro-business tilt, and the first Republican president in twenty years naturally wanted to reward his party’s supporters with public offices. So, the new president replaced Houston with Philip Ray Rodgers, a former Republican adviser to the Senate Committee on Labor and Public Welfare. As was customary, Rodgers kept most of Houston’s staff. At the same time, with support from key cabinet members, Eisenhower named Guy Farmer, origi-


34. David C. Shaw to John M. Houston, April 14, 1948, file 4, box 2, Houston Papers.

35. Lee, *Truman and Taft–Hartley*, 186–203; John M. Houston to Lewis E. Webb, January 5, 1951, file 15, box 2, Houston Papers.

nally from the coal area of West Virginia, to replace Paul Herzog as NLRB chairman. A former Democrat and law partner of Truman's secretary of defense Louis Johnson, Farmer now called himself an Independent. Under the leadership of Rodgers and Farmer, the NLRB soon began reversing its precedents, especially in returning to the states the jurisdiction over thousands of small businesses that had little traffic in interstate commerce but that the early NLRB had controlled. The AFL began complaining, now joining the CIO, that the board was "clamping down on unions" more than Taft-Hartley required. Yet Albert Beeson, a California businessman who was Eisenhower's third appointee, contended soon after taking office that Farmer voted with Truman's two Democratic appointees on the "hot cargo" ban. This forbade employees handling materials from primary contractors, if the union contract forbade it, unless the employer told them otherwise. The two Republicans ruled that Taft-Hartley banned secondary boycotts but Farmer, making the majority, held that hot cargo bans were legal although in the case before them the employer had legally ruled that his employees must not handle the goods. It was not always easy to rule "fairly" on Taft-Hartley, and Jack Houston would have felt uncomfortable in the atmosphere of the NLRB in the 1950s.³⁶

No evidence could be found in the Eisenhower papers to indicate that the Republican president ever considered re-appointing Houston to the NLRB. His record simply was too pro-labor. Houston retired and moved to Laguna

Beach, California, to be near his son and family and died there in 1975. A brief biography described him as "the last of the New Dealers."³⁷

One can conclude from Houston's congressional career that party loyalty usually is rewarded, and that freshman congressmen who wish to succeed could benefit from his example of making constituents' needs their first priority. Houston's career on the NLRB demonstrates that a background and extensive experience in the specialized field is not necessarily as absolute a requisite for a successful bureaucrat as is good, common sense. Just as Earl Warren proved that spending a lifetime as a judge was not vital to becoming a successful jurist, so too did John Houston show that vast experience in labor-management relations was not a requirement for serving ably on the NLRB. Along with a couple of his board colleagues, Houston demonstrated the dangers of predicting how individuals will vote when facing a real-life issue based on their background. More important, as Houston proved, was the ability to see labor relations as human relations and to rule in favor of what was just for people, the laborers of America, not in favor of a certain constituency or labor-management philosophy. Houston developed from a successful businessman to an ideal congressman to a supporter of the laboring man. In Kansas only nineteenth-century Republican governor John A. Martin, and perhaps Houston's political contemporary, Governor Alfred M. Landon, made a similar journey from publisher to successful administrator to promoter of laboring interests. All in all, John Houston compiled a distinguished record of public service to which he and his fellow Kansans could point with pride. 

36. General File, GF 60-A, box 414, Republican National Committee clippings. For Eisenhower's early NLRB appointments, see R. Alton Lee, *Eisenhower and Landrum-Griffin: A Study in Labor-Management Relations* (Lexington: University Press of Kentucky, 1990): 40-41.

37. "John Mills Houston," in "Legislature" clippings, vol. 36, 154, Library and Archives Division, Kansas State Historical Society.