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The Anti-Chain Store Movement and the  
Politics of Consumption.

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## The Anti-Chain Store Movement and the Politics of Consumption

In the summer of 1933, Charles H. Lyon, a Kansas City businessman, took “an extended tour by motor” of the Central Plains. The following March, having had time to reflect on his trip, he wrote to President Franklin D. Roosevelt to describe what he had seen, and to propose a remedy for the economic crisis gripping the nation. “Every good town had the same stores,” he explained. “The downtown of one city was a replica of the next one, and for every chain store that reared its head, three individually owned stores laid down and died.” Like thousands of other critics of the chains, Lyon believed that the growing homogeneity of small town life was brought about by the predatory nature and destructive impact of the chain store: “Chain stores pay very little toward the upkeep of a town,” he wrote, “[t]hey gradually kill it.” As well as reducing the aesthetic appeal of America’s Main Streets, chain stores imperilled the livelihoods of local merchants and contributed to the erosion of the national character. “Individual stores,” he informed the president, “are the backbone of a Nation.” The remedy was simple: Roosevelt should support moves to “tax the chain stores high enough so individual stores can compete against them.”<sup>1</sup>

By 1933, the first year of the New Deal, the idea that punitive taxation was required to protect local communities from the pernicious influence of the chains was far from being novel. In fact, chain store taxes were the most concrete achievement of the great wave of anti-chain store protest that swept through the United States in the 1920s and

1930s. In 1923, the Missouri state legislature became the first to consider a chain store tax bill. In 1927, Maryland, North Carolina, Georgia, and Pennsylvania became the first states to pass such a law. But it was in the 1930s, in the depths of the Great Depression, that anti-chain legislative activity reached its zenith. Between 1931 and 1937 twenty-six states passed anti-chain laws. Many municipalities followed suit, devising an array of ingenious formulas to tax stores with multiple units. In 1938, Texas congressman Wright Patman failed in his attempt to impose a national chain store tax of the sort Lyon called for, but by then Congress had already passed two new laws – the Robinson-Patman Act and the Miller-Tydings Act – designed to adjust the antitrust regime in favor of small retailers.<sup>2</sup>

While these various legislative initiatives have received some limited scholarly attention, the wider movement from which they sprang – the anti-chain store movement – remains one of the more neglected American social movements of first half of the twentieth century. This article examines that movement, and the reasons for its relative neglect, in the context of the recent surge of historical interest in the politics of consumption.<sup>3</sup>

It is true that since the 1990s, when campaigns against “big-box” stores such as Wal-Mart made anti-chain store politics once more a familiar feature of American life, there has been a minor revival of scholarly interest in the anti-chain store movement. This revival has been led by political philosophers, political sociologists, and legal scholars. In

his influential book, *Democracy's Discontent*, Michael Sandel presented the “local grocers and druggists” who opposed the chains as “the last bearers of republican virtue”, holding them up as models for the renewal of civic republicanism. Less romantically, Paul Ingram and Hayagreeva Rao challenged the notion that efforts to thwart the chains were an unmitigated failure, arguing that pro- and anti-chain factions were interdependent, and that the anti-chain store movement succeeded in substantially changing the environment in which the chains operated. “An A&P that is unionized, and that sacrifices some of the benefits of market power to protect its agricultural suppliers,” they noted, “is a changed organization.” Most recently, Richard Schragger suggested that the localist and decentralist arguments employed by chain store critics represent a lost, progressive alternative to the liberal state that emerged during the Second World War. As a consequence of this new work, a movement conventionally portrayed as a futile response to inevitable processes of social and economic change – Daniel Boorstin called it a “rearguard action” aimed at preserving a “dying past” – is beginning to emerge in a new light.<sup>4</sup>

A striking feature of this ongoing reassessment, however, is that historians have played little part in it. Given that in the past ten to fifteen years the politics of consumption has emerged as an important historical sub-discipline in its own right, and that there is an abundance of excellent historical work on the origins and trajectory of consumer activism in modern American history, this is, in some respects, surprising. Nevertheless, when historians have attempted to explain the origins of contemporary consumer

politics, or to provide a synthetic account of the relationship between the state and consumption in the twentieth century, they have largely neglected the anti-chain store movement. Instead they have focussed, for example, on consumers' role in forging the American Revolution, on the conscientious consumption practiced by some abolitionists from the 1820s to the 1860s, or, more typically, the rise of a consumer interest during the Progressive and New Deal eras.<sup>5</sup>

This essay challenges such accounts by arguing that the anti-chain store movement was a constitutive element of America's modern politics of consumption. The movement is best understood, I suggest here, as a species of populist antimonopolism. It combined a political-economic perspective deeply indebted to the antimonopoly tradition, which was based on hostility toward large aggregations of economic and political power, with a distinctly populist character and rhetorical style. Valorizing producers (especially farmers) and viewing the federal government and Wall Street with deep suspicion, populist antimonopolism represents an important and remarkably persistent strand of America's politics of reform.<sup>6</sup>

In exploiting the antimonopoly tradition, the independent merchants who were at the forefront of anti-chain politics at the grassroots level made their case in a form typically associated with producer rather than with consumer politics. An argument of this essay however is that to separate these categories, thus implying a sharp distinction between inherently inter-related aspects of political economy, is not always appropriate. In fact,

this binary approach can be positive unhelpful. The politics of consumption – if it is to a plausible and effective category of historical analysis – should at the very least, I suggest here, be alert and open to the politics not only of production, but also of distribution and retail. “Production and consumption politics,” as Matthew Hilton and Martin Daunton put it, “are not alternatives.”<sup>7</sup>

It is important to emphasise here that antimonopolism was a vibrant force in the 1920s and during the New Deal. This was true both of its populist variant, as expressed in the anti-chain politics of Southern congressmen such as Huey Long and Wright Patman, who attacked big banks and corporations while claiming to speak for ‘the people’; and in its more moderate progressive form, as articulated, for example, by Supreme Court justice Louis D. Brandeis, architect of Woodrow Wilson’s New Freedom, and the anti-chain store movement’s most prominent supporter in the judiciary.

The New Deal weakened the antimonopoly tradition but it did not kill it off altogether. Through the 1930s, as the New Deal took on an increasingly social democratic character, shaped in particular by the rise of mass industrial unionism, antimonopoly was partially supplanted in America’s politics of reform. But the hammer blow to antimonopoly dealt by the New Deal was not fatal. Rather, antimonopoly politics survived, albeit in a somewhat attenuated form, to shape the politics, and especially the consumer politics, of post-war America. Indeed, as we shall see, the consumer politics of the post-war era, led by figures such as Estes Kefauver and Ralph Nader, owed a significant debt to

populist antimonopolism. While we should be careful not to neglect the differences between the pre- and post-New Deal politics of consumption, it is worth noting the continuities too, particularly as these are often overlooked. Further, while the twenty-first century politics of consumption are in many respects radically different from those experienced by the independent merchants who battled chain stores in the 1920s and 1930s, it is no surprise either that in our present era of global economic flux – the age of globalization – many of the debates that animated the Depression-era anti-chain store movement have resurfaced.

### **Historians and the anti-chain store movement**

Until the 1960s, those seeking to understand the anti-chain store movement were forced to rely on polemical literature produced by the pro- and anti-chain factions. They could turn, for example to Montaville Flowers' *America Chained*, a compilation of radio talks dramatizing the struggle between "economic force" and "human welfare", or to Charles Daughters' *Wells of Discontent*, which made inflammatory use of extracts from Wright Patman's congressional hearings on the lobbying practices of the American Retail Federation. Daughters asserted that a political economy based on absentee ownership and concentration of control placed the United States firmly on the "broad highway to revolution". Chain store boosters offered diametrically opposed arguments to those posited by Flowers and Daughters in works such as Godfrey Lebhar's *Chain Stores – Boon or Bane?* Remarkably, Lebhar's partisan 1952 study, *Chain Stores in*

*America*, remains to this day the fullest published narrative account of the anti-chain store movement.<sup>8</sup>

The historical literature on the anti-chain store movement became immeasurably richer, however, when two great historians, Richard Hofstadter and Ellis Hawley, set down their thoughts on the antimonopoly tradition from which the anti-chain store movement sprang. Neither historian devoted sustained attention to anti-chain politics, but Hofstadter and Hawley between them established the intellectual parameters for subsequent historical understanding of the movement. In a famous essay written in 1963, Richard Hofstadter described the antitrust movement as “one of the faded passions of American reform.” After 1940, he argued, antitrust, which had had a profound impact since 1890, ceased to be a matter of “compelling public interest,” even if, ironically, its actual impact on business increased. “[O]nce the United States had an antitrust movement without antitrust prosecutions”, he wrote; “in our time there have been antitrust prosecutions without an antitrust movement.” In this way, Hofstadter, perhaps unwittingly, steered historians away from considering the continuities between pre- and post-war antimonopoly politics. Why study a topic that no longer fired the imaginations of either reformers or the public? Hawley took a different tack from Hofstadter, but his subtle and brilliant study of “the problem of monopoly” had a similar effect. In his brief treatment of the anti-chain store movement, Hawley emphasised the difficulty the anti-chain forces had in forming an effective lobby in a political environment increasingly dominated by interest groups. He noted that while the New

Deal did not solve the problem of monopoly, “most Americans”, when faced with the “size-efficiency dilemma” would “eventually choose economic efficiency over littleness per se.”<sup>9</sup>

Thereafter, the few historians who studied the anti-chain store movement in any depth operated safely within the framework established by Hofstadter and Hawley. In 1973, Carl Ryant, who despite the movement’s significant pockets of strength in the Midwest and Pacific Northwest regarded it as an essentially southern phenomenon, pointed to the gulf between its populist rhetoric and the “reality” of accelerating economic integration. Similarly, in 1982, F. John Harper portrayed the protests as remnants of a fading social and economic order. The “agitation”, he said, employing a term that implied the movement’s backwardness and irrationality, belonged “to a past which is not only forgotten by, but is also incomprehensible to, the vast majority of American independent retailers today.”<sup>10</sup>

In 2008, of course, organized anti-chain store activity is comprehensible, even to independent retailers. Since the 1980s, small retailers in numerous communities across the United States have combined at the local level with small-town preservationists and an assortment of community activists, to form coalitions opposed to the rise of “big-box” retail. Furthermore, in the last decade or so organized labor has joined the fray. Indeed, the trade union drive to challenge the employment terms, conditions, and practices of giant enterprises such as Wal-Mart has become the most powerful factor in

twenty-first century anti-chain politics. The predominance of organized labor is perhaps the most important respect in which present-day anti-chain activity differs from its Depression-era counterpart. What I would emphasise here, however, is the remarkably broad ideological range of contemporary critiques of the chain store. This is exemplified on the shelves of American bookstores, where guidebooks advising retailers and others on how to keep “big-box” stores out of their communities mingle with popular polemics seeking to exploit the widespread public unease about the power of corporate retail in general, and of Wal-Mart in particular. Today therefore, as in 1930, when readers of *The Nation* were told that “the chain store menace” was “the question most talked of below the Ohio,” the rise of retail giantism is, for some Americans at least, an issue of national – even international – importance. The new anti-chain store politics of the early twenty-first century presents us with an ideal opportunity both to reconsider the import of its Depression-era antecedent, and to compare two distinct but related episodes of anti-chain activism.<sup>11</sup>

### **“Nothing but serfdom”**

From top to bottom, the anti-chain store movement was suffused by the language, imagery, and ideology of populism. When, for example, on January 24, 1931, Gerald P. Nye of North Dakota spoke in the United States Senate to propose that the 1914 Clayton Act be amended to empower the Federal Trade Commission (FTC) “to receive complaints and hear testimony” in relation to a host of unfair trade practices in which

chains were alleged to be engaged, he did so in classically populist terms. Speaking for “the corner grocery man, the little druggist, the struggling farmer, the owner of the small factory, the operator of an oil well, or the proprietor of a community packing plant,” Nye – a progressive Republican best known for his opposition to Franklin D. Roosevelt’s foreign policy – warned that independent operators were being “crushed” by a “juggernaut of greed.” Quoting from the Book of Revelation, he described monopoly as a pestilential force, “a cancer, spreading and devouring, as it goes, the whole tissue of the Nation’s economic body.” For the sake of both “the consumer” and “the producer” he urged that the government act to preserve “thousands of home-owned stores, home-owned factories, home-owned banks, and independent industry.” If it did not, he warned, “the Frankenstein it has called into being will ultimately destroy government itself.”<sup>12</sup>

Nye’s highly charged populist language, freely mixing classical and biblical allusions with references to Gothic horror, matched that of his North Dakota constituents, who throughout 1930 and 1931 deluged him with letters urging that action be taken to stop the chains. In February 1930, E. O. Moe, a banker from Galesburg, North Dakota, wrote Nye about “one of the most diabolical menaces that ever confronted the American people,” the “chain system.” “[C]hain stores, chain banks, chain this and chain that”, he wrote, had “infested our nation like a plague.” Echoing Nye’s attacks on privilege and monopoly, Moe warned that if “the people” did not “wake up to this menace...all individual enterprise and effort” would be “strangled.” Summoning rhetorical

inspiration from Frank Norris' 1901 antimonopoly classic, *The Octopus*, he claimed that "these giant octopuses from the financial centers of the East" were "extending their slimy tentacles into most every state in the union." For Moe, the rise of the chains represented "a reversion back to Feudalism". The "chain system" was based on "eliminating the individual as a unit in industry," he stated. "[T]he individual" would as a consequence be reduced to being no more than "a cog in a big machine."<sup>13</sup>

E. O. Moe's conviction that the chains represented a threat to cherished values of self-sufficiency and independence as well as to the solvency of individual economic units, was widely shared. Predictably, many, though by no means all, of the anti-chain store letters Nye received were from independent merchants. In April 1931, for example, thanking Nye for his opposition to "the chain store menace", J. A. Miller of the Golden Rule Store in New Leipzig professed not to be a "socialist or communist, but a capitalist is allright" he told the senator, "only when his capital is owned by a great number of share holders." H. F. Rodenberg, co-owner of a department store in New Rockford, complained that due to the chains it was now "very hard for a young man to go in[to] business for himself." For F. R. Barnes of Marmarth the problem was brought about by "big money getting control of our national administration." Another of Nye's correspondents, Stephen C. Barnes, who owned a variety store in Williston, explained that "[the] feeling here in Williston among the independent merchants is that the spread of the chains and their unscrupulous methods...threatens the life and future of thousands in [sic] smaller merchants who have worked a life time to build up their

individual business.” “All the future holds [for them],” Barnes added, “is the chance of [becoming] an underpaid clerk, working in cog No 689 in store 1237, without hope of advancement, gain, possible partnership or ownership of a store of their own; – nothing but serfdom.”<sup>14</sup>

Like some modern-day critics of globalization, Nye and his correspondents saw themselves as pitted somewhat apocalyptically against powerful, parasitic, and entrenched elites who were stripping them of their autonomy and threatening their values as well as their livelihoods. It has been argued, quite plausibly, that in many communities independent merchants were themselves virtual monopolists. Often they were the sole reliable source of credit in cash-starved local and regional economies. But these retailers did not see themselves that way. Instead, they employed, to borrow from Michael Kazin, “a language whose speakers conceive of ordinary people as a noble assemblage not bounded narrowly by class, view their elite opponents as self-serving and undemocratic, and seek to mobilize the former against the latter.” To this extent they stood squarely within the populist antimonopoly tradition.<sup>15</sup>

The populist character of the anti-chain store movement may partly explain historians’ reluctance to subject it to serious scrutiny. Ellis Hawley described the movement as a crusade led by “popular demagogues” and “colorful rogues.” He was referring specifically to Huey Long and W. K. Henderson, flamboyant Louisianans whose attacks on the chains were presented in an extravagant rhetorical style. “Where is the corner

groceryman?" Long once asked. "The Kingfish" believed that the concentration of economic power threatened the very existence of the independent middle class. Henderson, a Shreveport businessman, used his radio station, KWKH, the Hello World Broadcasting Corporation, vehemently to assail the chains. He rallied listeners across the South and Midwest to support local merchants and to boycott the chains. He used what some then deemed coarse language ("hell" and "damn") to generate his own grassroots consumer movement. But Long and Henderson were not representative of either the movement as a whole or of its leadership. Other leading anti-chain figures, such as Joseph T. Robinson, Wright Patman, and Hugo Black – three of the more prominent anti-chain congressmen – are less easily caricatured. As Hawley himself well understood, the anti-chain store movement amounted to much more than an emotional response to change whipped up by silver-tongued orators. It was a movement of some intellectual depth which posited, however crudely, an alternative conception of political economy.<sup>16</sup>

### **"Such is the Frankenstein monster"**

The leading supporter of the anti-chain store movement in the judiciary, Supreme Court justice Louis D. Brandeis, could never be described as colorful, roguish, or demagogic. His opposition to the chains, particularly as it was articulated in his dissent in *Louis K. Liggett Co. v. Lee*, the Florida anti-chain store case that came before the supreme court in early 1933, suggests both the vitality of antimonopoly thought during the Great

Depression, and the fact that the anti-chain store movement had an impressive intellectual as well as emotional hinterland.

That Brandeis was sympathetic to the anti-chain store movement is not in doubt. His dissent in *Liggett* was almost gleeful. On reading a draft of Brandeis' opinion, which argued that the states were perfectly entitled to tax the chains, and that the privilege of incorporation was just that – a privilege – Harlan Stone, who with Benjamin Cardozo had so often joined Brandeis in making up the liberal minority on the court, told Brandeis that in this instance he was “too much an advocate of this kind of legislation.” Coming from Stone, that was quite a damning charge.<sup>17</sup>

Whereas Stone deemed Brandeis' dissent overenthusiastic, Owen D. Roberts, who wrote the majority opinion striking down the law, struggled to comprehend its relevance. “I appreciate your sending me the draft of your opinion in #301,” he wrote Brandeis, “[y]ou are quite right that I agree with much – indeed most – of what you say.” “The only difficulty I find,” he continued, “is in agreeing that these matters are involved in this particular case.” The “matters” Roberts referred to were those related to Brandeis' lengthy disquisition on the history of the law of incorporation, which occupied the greater part of his opinion.<sup>18</sup>

The majority opinion in *Liggett* stated that the Florida chain store tax was unconstitutional because it involved making an arbitrary distinction between chains in

one county and those in another. In 1931, the court had already ruled by the narrowest of margins in *State Board of Tax Commissioners v. Jackson* that it was legitimate to tax chain and non-chain stores differently. Brandeis, Cardozo, and Stone were joined in that ruling by Roberts and by the Chief Justice, Charles Evans Hughes. *Jackson* led to a flurry of anti-chain legislative activity. In 1933 alone, 225 anti-chain bills were introduced in forty-two states. For the most part, these bills, following the form affirmed in *Jackson*, were based on a system of graduated license fees. The Florida law, however, was slightly different in that it made a geographical distinction, and it was on this that the majority seized:<sup>19</sup>

The addition of a store to an existing chain is a privilege, and an increase of the tax on all the stores for the privilege of expanding the chain cannot be condemned as arbitrary; but an increase in the levy, not only on a new store, but on all the old stores, consequent upon the mere physical fact that the new one lies a few feet over a county line, finds no foundation in reason or in any fact of business experience.<sup>20</sup>

Of the three justices who dissented, two – Cardozo and Stone – contented themselves with contesting the majority’s argument that the geographical distinction made in the Florida law was arbitrary. In a largely agricultural state with a widely dispersed population such as Florida, Cardozo argued, it was a reasonable exercise of discretion for the legislature to use county lines to distinguish between the local and nonlocal. If a chain determined to take on the “hazard of new adventures” by opening a branch in

another county than it had, Cardozo averred, “put its local character away, and found alignment in another class.”<sup>21</sup>

In his separate dissent, Brandeis went much further. Reflecting his belief that “social and economic life” should inform judicial decision-making, he took pains to emphasise the destructive motive of the Florida law, and the fact that it arose out of social and moral concerns. Brandeis and his clerks began working on the *Liggett* dissent on January 23, 1933, in the midst of the “interregnum of despair”, the period between Franklin D. Roosevelt’s election in November and his taking office in the following March. By January 28 they had arrived at a 5<sup>th</sup> draft which included a statement in the opening paragraph that “the raising of revenue is obviously not the sole purpose of the legislation.” Brandeis knew, however, that what was obvious to him was not obvious to the majority. The court would rule that to say the Florida law was aimed at “giant corporations” was “to attribute...a covert, hidden, and indirect purpose to those who passed the statute.” The fact that all the plaintiffs *were* large corporations did not impress Roberts, who suggested that to assume this motive would be “to construe the act by pure speculation.” Anticipating this line of reasoning, by the time Brandeis arrived at a final draft he had strengthened his opening, changing “sole” to “main”. Now the raising of revenue was a secondary motive. The “main purpose” was “to protect the individual, independently-owned retail stores from the competition of chain stores.”<sup>22</sup>

Brandeis dismissed with almost peremptory brevity the grounds on which the Florida anti-chain store law was struck down:

There is nothing in the record to show affirmatively that the provision may not be a reasonable one in view of conditions prevailing in Florida. Since the presumption of constitutionality must prevail in the absence of some factual foundation of record for overthrowing the statute, its validity should, in my opinion, be sustained.<sup>23</sup>

Then, feigning disinterest in the question of whether anti-chain taxation was desirable (“Whether the citizens of Florida are wise in seeking to discourage the operation of chain stores is, obviously, a matter with which the Court has no concern”), he launched into an immensely detailed, voluminously researched, and typically didactic discussion of the history of incorporation. “Whether the corporate privilege shall be granted or withheld”, he insisted, “is always a matter of state policy.” In a less than veiled attack on his conservative peers, he chastised those “men of this generation” who believed that “the privilege of doing business in corporate form were inherent in the citizen”, noting that fear of concentrated power, and the perception that “large aggregations of capital” represented an “insidious menace” to individual liberty and equality of opportunity, were deeply embedded in the nation’s history.<sup>24</sup>

The footnotes to Brandeis’ opinion, to say nothing of the vast reading lists with which he was supplied by the Library of Congress’ librarians, show that the justice had read

widely on the international history of corporation law, the economics of the chain store, and the cooperative movement. He leaned especially heavily however on Adolph Berle and Gardiner Means' recently published *The Modern Corporation and Private Property*, which claimed that 200 corporations controlled almost a quarter of the nation's wealth, and that the separation of ownership from control meant that corporations were in some instances able to dominate the state. As in *New State Ice Co. v. Liebmann*, the 1932 case in which he had suggested that the nation's economic collapse had been brought about by the "failure to distribute widely the profits of industry", in *Liggett* Brandeis linked the "negation of industrial democracy", and the inequalities of wealth it promoted, to the deepening economic malaise, claiming that "the resulting disparity in incomes is a major cause of the existing depression." Seeking an image to capture the magnitude of the threat, he expressed himself in terms strikingly similar to those employed by the North Dakota merchants who had written so despairingly to Senator Nye: "Such is the Frankenstein monster which states have created by their corporation laws."<sup>25</sup>

Here, Brandeis was striving to combine his conviction that the law should respond to life and history while making full use of the latest social scientific research, with his aversion to bigness. In attempting to move, to use Phillipa Strum's phrase, "beyond progressivism", Brandeis of Boston, with his mugwumpish faith in expertise and scientific approach to the law, adopted an attention-grabbing populist rhetorical style. Brandeis, of course, was not a populist in any conventional sense. Even his admirers

thought him not a man *of* the people but rather, as his friend Harold Laski observed, a sort of “prophet”. What is significant here however is that by employing the Frankenstein metaphor “the people’s attorney” used an image that shows continuity between the language and beliefs of grassroots protesters and the mode of Brandeisian progressivism which influenced the early New Deal. In the darkest days of the Depression, antimonopoly thought, and the vision of a nation based on the initiative of “small men” operating within an economy of small units, was a still vital force on the Supreme Court as well in the small towns across the nation from which the anti-chain movement drew much of its strength.<sup>26</sup>

It may be an exaggeration to propose, as has Richard Schragger, that “Brandeisian localism” represented “a lost alternative to the liberalism of the late New Deal”; but Brandeis’ defence of the anti-chain cause reminds us of the richness and variety of the reformist agendas that were circulating in the 1930s. In the early 1930s especially, the future of political economy (and therefore of the politics of consumption) in the United States was up for grabs. The precise fate of these various agendas, and the strains of political thought to which they were tied – antimonopolism, centralized planning, and corporatism, amongst others – was by no means foreordained.<sup>27</sup>

In this context it is important to emphasise that the politics of consumption that emerged from the New Deal were markedly different from those that made it. As Alan Brinkley has explained, the liberalism that evolved in the late 1930s and which was

consolidated during the Second World War “wrapped itself in the mantle of the New Deal, but bore only a partial resemblance to the ideas that had shaped the original New Deal.” Historians of the New Deal era have acknowledged Brandeis’s role – and that of his disciples – in shaping the Roosevelt administration’s approach to political economy in the 1930s; historians of the politics of consumption, however, have yet to be persuaded that antimonopolism, whether in its populist or Brandeisian form, is pertinent to them, except in representing what the modern politics of consumption replaced. As Richard Schragger has observed, it is typically assumed that the story of the twentieth-century politics of consumption is that of the relationship between the emerging consumer and the liberal state, an approach which is necessarily dismissive of alternative perspectives, whether reformist or reactionary.<sup>28</sup>

### **The end of anti-chain store politics?**

By the mid-1930s, the anti-chain store movement had run its course as a popular movement. Grassroots activity crested in the early 1930s, in the years when the Depression was at its deepest and before the chains had adapted their message to counter the claims of their opponents. But the movement’s advocates in Congress persisted in pressing for some legislative means of protecting merchants. Leading the legislative charge was Wright Patman of Texarkana, whose congressional district was one of the poorest in the nation. Patman’s political outlook – like that of other southern populists sympathetic to the anti-chain campaign – was based on the notion that the

economy should be organised so as to preserve the autonomy of local producers and the communities they served. He espoused many of the causes that would later be associated with consumer advocacy – most notably banking reform and more aggressive regulation of corporations – but his approach was chiefly producer- rather than consumer-oriented.

Like the nineteenth-century Populists, Patman resented what he regarded as the monopolistic power of Northern banks and corporations and perceived the South and West as unjustly subjugated colonies. “[T]he North is the American money mart that is fed by the monetary streams of trade and commerce originating in the South and West,” he said. His solutions to this problem were of similar vintage: he advocated increasing the amount of money in circulation and erecting barriers to prevent big corporations from distorting local competition.<sup>29</sup>

Patman, whose congressional career bridged the pre- and post-New Deal eras, embodied the problematic position of the antimonopoly tradition as it related to the wider politics of reform in the United States. Like other southern populists, he idealized community-based economic activity but at the same time assumed that the preservation of the local order – Jim Crow notwithstanding – was benign, even when that order perpetuated racial and gender hierarchies that worked systematically to disadvantage racial minorities and women. He opposed the Ku Klux Klan but he also opposed federal anti-lynching legislation and the employment during the Second World

War of African Americans in war-related industries. After the Second World War, he criticized Eisenhower's use of federal troops at Little Rock in 1957 and voted against the civil rights bills of the 1950s and 1960s. In the course of his long career he showed no appreciation of the gendered nature of his vision of a nation of small towns led by independent businessmen.<sup>30</sup>

Other antimonopolists in Congress were more conservative still. Senate Majority Leader Joseph T. Robinson, who co-sponsored the Robinson-Patman Act, viewed his efforts to shield independent merchants from low-cost competition as a natural extension of Wilsonian progressivism; but the Arkansas senator could not bring himself to support federal minimum-wage legislation, and was a fierce opponent of the Southern Tenant Farmers' Union's attempts to unionize southern agriculture. Some later antimonopolists, such as Tennessee senator Estes Kefauver were a good deal more liberal on racial issues; but it is true nonetheless that the localist philosophy at the core of the antimonopoly tradition entrenched sometimes pernicious local hierarchies and power relations. Since the New Deal, and the consolidation of the idea that liberalism requires an active federal government in order to address economic, racial and other inequalities, localists have struggled to find a home for themselves within the mainstream politics of reform.<sup>31</sup>

Antimonopolists in Congress did not easily give up their assault on the chains. In February 1938, Wright Patman submitted a bill for a national chain store tax. It

proposed a graduated scale by which chains would be taxed from \$50 to \$1000 per store depending upon their number and location. Because this figure would then be multiplied by the number of states in which a chain had stores, there was a chance that the tax might in some cases exceed annual profits. If this scale had been applied in 1938, for example, the biggest chain store company, the Great Atlantic and Pacific Tea Company (A&P), would have been taxed \$524 million on its \$882 million in sales. Tellingly, whereas its supporters called his measure the “community preservation bill” its opponents in the business press and among chain store organizations referred to it as the “death-sentence bill.”<sup>32</sup>

Leading figures in the anti-chain drive worked together as part of an informal network. Louis D. Brandeis and Wright Patman met, for instance, for an hour in March 1937 to discuss how to combat monopoly. In 1940 they cooperated again on the hearings for the Patman’s chain store tax. Despite this joint effort, Patman’s plans for a federal chain store tax never materialised. By 1940 the chains had had time to respond to the anti-chain onslaught. They had persuaded farmers that the chains’ distribution networks served their interests, and they had convinced organized labor that they were good employers. Some consumer groups, too, viewed the chains as welcome components of a progressive, low-price economy, while real estate agents saw in the chains the chance to profit from local development. In the absence of effective interest group representation, and lacking the broad base of popular support that had characterised the anti-chain store movement of the late 1920s and early 1930s, the federal chain store

tax died in committee. The death of the “death sentence” bill effectively brought the Depression-era phase of American anti-chain politics to a close.<sup>33</sup>

### **From producer to consumer advocacy**

Having surveyed the character and historical trajectory of the anti-chain store movement, we can now consider the relationship between the antimonopolism that informed the anti-chain store politics of the 1920s and 1930s, and the post-war politics of consumption. What is the relationship between what we might call the “producer advocacy” of Wright Patman and his populist allies and the “consumer advocacy” that became part of the mainstream of American politics in the 1960s and 1970s?

In the 1920s, when the anti-chain store movement began, the most visible form of consumer activism was that pursued by middle-class women reformers in such organizations as the National Consumers’ League. With some justification, many historians regard such women as the founders of modern consumer politics. But this essay argues that antimonopoly politics – championed for the most part by male populists rather than female progressives – represents both a second component of the ideological origins of post-war consumer politics, and a persistent strain within those politics through the latter half of the twentieth century and into the twenty-first.

Consider, for instance, that in the 1940s and 1950s, the United States' most active and visible champion of consumer issues in Congress, Estes Kefauver, was also its most prominent antimonopolist. Kefauver devoted the greater part of his career to a series of populist attacks on monopolistic practices, whether in the form of railroad mergers, the basing point system, or administered prices. Kefauver was the lead figure among a cluster of congressmen – Paul Douglas, Philip Hart, William Proxmire, Edmund Muskie, Warren Magnussen – who, from the 1940s to the 1970s, drew to varying degrees on the antimonopoly tradition to champion the cause of the consumer. It was Douglas, Kefauver, and Hart, for example, who fought hardest in the late 1950s and early 1960s in an effort to persuade the federal government to establish a new Department of Consumers so that – as Kefauver himself put it – “the voice of the consumer” would be “heard in the land”.<sup>34</sup>

Antimonopolism's contribution to post-war consumer politics continued through the 1960s and 1970s. An illustration of this link is the political bond formed, in the late 1960s and early 1970s, between Wright Patman – the politician most closely associated with the older anti-chain store movement – and Ralph Nader, indisputably the leading consumer advocate of the post-war era. Patman and Nader were both crusaders, politicians driven by a powerful sense of injustice who directed their political attention toward what they perceived to be undemocratic concentrations of economic power. Indeed, in the late 1960s and early 1970s, these “strange bedfellows”, as the *Washington Post* called them, campaigned together, attacking one-bank holding

companies for evading the terms of the 1956 Bank Holding Company Act and criticising Delaware's incorporation laws.<sup>35</sup>

Nader believed that Patman was a prophetic figure who had anticipated and fought the consumer movement's battles even before they were understood in those terms.

"Whether the issue deals with consumer credit, credit unions, bank mergers, the secret power of the Federal Reserve, the bank holding company movement or adequate credit for housing," he wrote in January 1975, "Patman remains the youngest populist of them all."<sup>36</sup>

On Patman's death the following year, Nader made explicit the links between a populist antimonopolism typically associated with the pre-New Deal era and post-war consumer politics. "For half a century," he wrote, "Wright Patman was a great public educator on the power of big money and banking. He was an unyielding and genial populist whose ideals and ardor never eroded. The great Texas legislator was right too soon, too often, about the giant banks and the Federal Reserve. But he lived to witness the news of the day -- further confirming his findings of long ago." In another tribute, Texan congressman Jim Wright, elaborated upon the same theme: "Long before today's self-proclaimed consumer advocates were born, Wright Patman was in Congress waging a lonely, but effective fight against those who would exploit their fellow citizens of modest means."<sup>37</sup>

The fact that Nader saw himself – and the broader movement of which he was a part – as standing in Patman’s shadow poses fascinating questions for historians interested in the origins and trajectory of twentieth century consumer politics. It hints at the flawed nature of the producer-consumer dichotomy customarily adopted by historians, and it suggests that populist antimonopolism had a hitherto unrecognised formative impact on modern consumer activism.

The idea that there was in the twentieth century a shift from a producer- to a consumer-oriented economy, society and culture provides a powerful explanatory structure for understanding the changing contours of recent American history. But if this framework is adopted uncritically, with insufficient attention to the ways in which the worlds of consumers are connected to the worlds of producers, distributors, and retailers, it is likely to prove inadequate. If historians assume, for instance, that a consumer’s world replaced a producer’s world entirely, then important continuities and connections between those worlds, as well as significant counter-currents of resistance to change, might be unduly obscured. There is much scope for more historical work both on the connections between pre-New Deal producerism and post-New Deal consumerism, and on the persistence of producerism into the post-war era.

A further problem with the notion of a transition from producerism to consumerism within the United States is that the politics of consumption do not observe national borders; they are international and transnational, as well as local, regional, and national.

While there is comparative work on the politics of consumption, it focuses overwhelmingly on the United States and Europe. There is therefore tremendous potential for transnational study. It is quite obvious today that, for example, the United States' politics of consumption are also China's politics of production. The exploitative quasi-colonial relationship between the American South and West and the concentration of financial and governmental power in the Northeast that informed Wright Patman's perception of politics in the 1920s and 1930s may now, arguably, be detected on a global scale as American consumers demand goods and raw materials from the emerging economies of the global South. Historians might also undertake comparative studies of early- and mid-twentieth century small producer populisms. How for instance does Wright Patman's politics compare to that of Pierre Poujade and his followers in post-war France?

A second challenge presented by the Patman-Nader connection is that, as Lawrence Glickman has noted, the history of consumer activism in the United States has been dominated by work which assumes that modern consumer politics developed through discontinuous eruptions of reform in (with some minor variations) the 1900s, 1930s, and 1960s. Lizabeth Cohen, for example, has proposed that the consumer movement developed in three "waves", each of which reconfigured the relationship between the consumer and the state. These "waves" broadly coincide with the bouts of liberal reform conventionally associated with the Progressive, New Deal, and Great Society eras. First, at the dawn of the twentieth century, progressive reformers placed the

consumer at the forefront of their conception of citizenship whilst at the grassroots housewives and laborers campaigned for a higher standard of living. Then, in the 1930s, New Deal policymakers and economists combined with citizen activists – women and African Americans prominent among them – to form a “second wave”, placing the “citizen consumer” centerstage. In the 1960s and 1970s, as the raised expectations of the immediate post-war era yielded to the constraints imposed by economic crisis of the 1970s, a “third wave consumer movement”, better attuned to the more segmented and socially differentiated environment of the post-war world emerged.<sup>38</sup>

Such taxonomies provide a plausible framework for understanding the broad historical contours of America’s politics of consumption. Cohen’s work is particularly important because it shows how activity at the grassroots – with women and African Americans once more at the vanguard – combined with state-level policymaking to shape the “consumers’ republic.” She also provides a necessary corrective to the view that the search for the origins of consumer culture must begin with urban elites, professionalization, and expertise. But Cohen’s view of the origins and trajectory of twentieth-century consumer politics is incomplete. Sometimes, as with the anti-chain store movement in the 1920s and 1930s, grassroots activists promoted a cause that ultimately was not supported by most liberal policymakers, and which in fact came to stand in opposition to the liberal state as it had developed by the mid-twentieth century, but which nevertheless was connected both at the level of ideas and political leadership to the post-war consumer movement.<sup>39</sup>

### **Anti-chain store movements: old and new**

The ideological origins of contemporary consumer politics, then, were more heterogenous than has previously been recognised; they can be traced back not only to late nineteenth- and early twentieth-century progressives and their New Deal heirs, but also to political and intellectual forces extraneous, or only ambivalently related, to the rise and fall of the New Deal order. The populist antimonoplism that informed the anti-chain store movement, and which in varying degrees animated Louis Brandeis' and Wright Patman's views of political economy, represented one of the ideological streams that flowed into the post-war consumer movement. Suspicion of bigness, and the related belief that unchecked corporate power represented a threat to democracy, continued to exert an influence on American politics well beyond the New Deal.

That is not to say, however, that the Depression-era anti-chain store movement was the same as its modern-day counterpart. In fact the differences between them are both important and instructive. In the 1920s and 1930s it was clear that small retailers themselves led the movement. While they succeeded in attracting considerable support from other quarters, it was the merchants who always formed the core of the movement. Organized labor, for instance, did take an interest in the anti-chain furore but its interventions were selective, based not on aversion to large-scale organizations but on a desire to improve the wages and conditions of unionized workers. Accordingly,

once the American Federation of Labor unions had agreed collective-bargaining terms with A&P in 1938 and 1939, the unions – conscious that their members were consumers as much as they were producers – backed the low-price chains against their small-town foes. Labor’s response to the chains during the late New Deal shows how intimately were the politics of consumption and production entwined.<sup>40</sup>

The balance of power between organized labor and independent shopkeepers is quite different today. While it is true that small retailers, joined by an assortment community activists, have been a persistent thorn in the side of big-box retailers at the local level over the last twenty years or so, it is the unions, led by the United Food and Commercial Workers, that have since the turn of the twenty-first century been the most forceful and effective opponents of the big chains. The hostility of the current legal and political regime toward organized labor, combined with WalMart’s transformative role in the world economy, make the stakes of the unions’ present struggles just as high as they were for country merchants who feared for the livelihoods during the Great Depression. They also lend it a global dimension that was not a feature of the older anti-chain store movement.<sup>41</sup>

Today’s independent merchants have very limited political leverage. They no longer have access to the symbolic or rhetorical resources on which their Depression-era predecessors could call. This is the case even when they are aided by engaged local residents, whether they be eager to preserve the character of their neighbourhoods, to

consume ethically, to keep traffic and other forms of pollution off their streets, or to protect the prices of their homes. If they are to make progress in their present campaigns, small-town retailers need to find more effective ways of converting consumers' unease about the size and power of corporate giants such as WalMart into a decisive form of political action.

Despite these differences between the two movements, twenty-first-century anti-chain activists are in the process of rediscovering the anti-chain protesters of the 1920s and 1930s. Al Norman, the author of two anti-Wal-Mart tracts and founder of Sprawlbusters, a website that tracks anti-chain activity, has used his website to tell his followers about their Depression-era forebears. John Dicker has argued that the Great Atlantic and Pacific Tea Company (A&P) was to the anti-chain forces in the first half of the twentieth century what Wal-Mart is to campaigners in the twenty-first. Most arrestingly, perhaps, Stacy Mitchell of the Institute for Local Self-Reliance, has suggested that state-level anti-chain store taxes of the sort championed by Brandeis and Patman be revived as an instrument of public policy. These campaigners realise that their arguments – that corporate retail is inimical to community life, that it is ugly, and that it exploits workers while driving small businesses into the ground – are not new. On the surface at least, they are strikingly similar to those put by Kansas City businessman Charles H. Lyon, in the letter to Franklin D. Roosevelt with which this study opened.<sup>42</sup>

Historians seeking a usable past have, in contrast, been harsh in their assessment of anti-chain protesters past and present, portraying their critiques of the chains as insubstantial and self-serving. Meg Jacobs, for example, believes that anti-Wal-Mart protesters are “self-interested,” motivated primarily by “aesthetic disdain” and by what is implied to be a spurious “claim” that corporate retailers wreck a “sense” of community. Lizabeth Cohen praises Christopher Lasch and Michael Sandel for their contributions to debates about America’s politics of consumption but describes as unrealistic their calls for a renewed emphasis on civic as opposed to consumer values. “[S]uch an alternative hopelessly resides,” she writes, “in an unregainable past.”<sup>43</sup>

She may well be right. But nostalgia for a golden age can seduce scholars from across the entire political spectrum. Jacobs and Cohen, for example, both conclude their hard-headed accounts of the relationships between citizenship, consumerism and the state in the twentieth century with elegiac calls for a return to values rooted in the past. Both recommend that the politics of consumption the New Deal made be revived. Jacobs insists that the model of economic citizenship that emerged from the New Deal represents the best hope for reconstructing the “democratic potential of an engaged citizenry pursuing the promise of a better, richer life.” Cohen proposes “encourag[ing] the revival of the citizen consumer ideal that prevailed during Great Depression and World War II, with its commitment to building into the agencies of government a power base for consumers to assert their will.” How this could be done in the present political climate is not made clear. It is debatable whether Jacobs’ and Cohen’s New Deal

revivalism is any less romantic than the idealised civic republicanism of Lasch and Sandel.<sup>44</sup>

Given the nature of these debates there is a danger that the historiography of consumption, in the United States at least, might deteriorate into an exercise in competitive nostalgia, with various factions accusing the other of idealizing the past. What emerges from this study of the history and historiography of the anti-chain store movement, however, is that the boundaries between New Deal liberalism and civic republicanism are distinctly blurred. The populist antimonopolism which informed anti-chain politics and helped shape post-war consumer politics was not alien to the New Deal. Antimonopolists such as Brandeis and Patman helped make the New Deal (even if they did not appreciate the form it eventually took), just as Nader helped fashion the liberal re-adjustment of the 1960s and 1970s. What this suggests is that any usable legacy for a more progressive politics of consumption needs to take account of the heterogeneity of the United States' politics of reform, and therefore of the important place within those of politics of an antimonopoly tradition that cherished small-scale economies and localism. This in turn reminds us that it was the energy created by competing, and often fiercely conflicting, reformist agendas that made the New Deal such a dynamic and enduring force in American history. It also suggests that our efforts to grapple effectively with the politics of consumption in the twentieth, and twenty-first, centuries have only just begun.

## Endnotes

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For their encouragement, support and thoughtful comments on this article, I thank Alan Brinkley, Julia Reid, and *American Quarterly's* anonymous readers.

<sup>1</sup> Charles H. Lyon to Franklin D. Roosevelt, March 9, 1934, Folder: Chain Stores, 1933-34, Box 1, OF 288, Franklin D. Roosevelt Papers, Franklin D. Roosevelt Presidential Library, Hyde Park..

<sup>2</sup> For the content, distribution and chronology of chain tax legislation at state and municipal level see Godfrey M. Lebhar, Chain Stores in America: 1859-1959 (New York: Chain Store Publishing Corporation, 1959), 118-147; John P. Nichols, The Chain Store Tells Its Story (New York: Institute of Distribution, Inc, 1940), 127-186; Maurice M. Zimmerman, The Supermarket: A Revolution in Distribution (New York: McGraw Hill, 1955), 6-7; and Harold M. Haas, Social and Economic Aspects of the Chain Store Movement (New York: Arno Press, 1979), Appendix B, Table 14, 252-74.

For Patman's federal chain store taxes see Lebhar, Chain Stores in America, 247-284 and Nancy Beck Young, Wright Patman: Populism, Liberalism, and the American Dream (Dallas: Southern Methodist University Press, 2000), 87-104. On the Robinson-Patman and Miller-Tydings Acts, see Ellis W. Hawley, The New Deal and the Problem of Monopoly: A Study in Economic Ambivalence (Princeton, 1966), 251-58, 266-70; Lebhar, Chain Stores in America, 108-9, 225-28; Richard Schragger, "The Anti-Chain Store Movement, Localist Ideology, and the Remnants of the Progressive Constitution, 1920-1940", Iowa Law Review 90.3 (March 2005): 1057-67; and Young, Wright Patman, 77-85, 156-57.

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<sup>3</sup> The literature on the politics of consumption is now vast. To trace its development, consult the following readers and edited collections: Richard Wightman Fox and T. J. Jackson Lears, eds, The Culture of Consumption: Critical Essays in American History, 1880-1980 (New York: Random House, 1983); Susan Strasser, Charles McGovern and Matthias Judt, eds, Getting and Spending: European and American Consumer Societies in the Twentieth Century (Cambridge: Cambridge University Press, 1998); Lawrence Glickman, ed., Consumer Society in American History: A Reader (Ithaca: Cornell University Press, 1999); Juliet B. Schor and Douglas B. Holt, eds, The Consumer Society Reader (New York: The New Press, 2000); Martin Daunt and Matthew Hilton, eds, The Politics of Consumption: Material Culture and Citizenship in Europe and America (Oxford: Berg, 2001). See also Lizabeth Cohen, A Consumers' Republic (New York: A. A. Knopf, 2003); and Meg Jacobs, Pocketbook Politics: Economic Citizenship in Twentieth Century America (Princeton: Princeton University Press, 2005).

<sup>4</sup> Michael Sandel, Democracy's Discontent: America in Search of a Public Philosophy (Cambridge, Mass., Harvard University Press, 1996), 227-231; Paul Ingram and Hayagreeva Rao, "Store Wars: The Enactment and Repeal of Anti-Chain-Store Legislation in America", American Journal of Sociology 110.2 (September 2004): 446-87; Daniel Boorstin, The Americans: the Democratic Experience (New York: Random House, 1973), 111; Schragger, "The Anti-Chain Store Movement".

<sup>5</sup> Short, synthetic treatments of the twentieth century politics of consumption include Lizabeth Cohen, "Citizens and Consumers in the United States in the Century of Mass Consumption," and Meg Jacobs, "The Politics of Plenty: Consumerism in the Twentieth-

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Century United States,” in The Politics of Consumption, eds, Daunton and Hilton, 203-22, 223-240. For comparative purposes, see Matthew Hilton, Consumerism in Twentieth-Century Britain: The Search for a Historical Movement (Cambridge: Cambridge University Press, 2003).

Attempts to root the origins of consumerism in the eighteenth century have created a rich historiography. See for example James Axtell, “The First Consumer Revolution,” in Consumer Society in American History, ed., Lawrence Glickman, 85-99; Timothy H. Breen, The Marketplace of Revolution: How Consumer Politics Shaped American Independence (New York: Oxford University Press, 2004); and John Brewer and Roy Porter, eds, Consumption and the World of Goods (London, Routledge, 1993). For nineteenth century consumer activism see Lawrence Glickman, A Living Wage: American Workers and the Making of Consumer Society (Ithaca: Cornell University Press, 1997) and ““Buy for the Sake of the Slave”: Abolitionism and the Origins of American Consumer Activism,” American Quarterly, 56.4 (December 2004): 889-912. See also Kathryn Kish Sklar, Florence Kelley and the Nation’s Work: The Rise of Women’s Political Culture, 1830-1900 (New Haven: Yale University Press, 1997). For the early twentieth century, see Cohen, A Consumers’ Republic, 17-61; Jacobs, Pocketbook Politics, 15-175; and Landon R. Y. Storrs, Civilizing Capitalism: The National Consumers’ League, Women’s Activism, and Labor Standards in the New Deal Era (Chapel Hill: University of North Carolina Press, 2000).

<sup>6</sup> For a treatment of the anti-chain movement which does consider antimonopolism, see Bethany Moreton, “It Came From Bentonville: The Agrarian Origins of WalMart Culture”

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in Nelson Lichtenstein, Wal-Mart: The Face of Twenty-First Century Capitalism (New York: The New Press, 2006), 64-72. For antimonopoly and late-nineteenth century American politics, see Gretchen Ritter, Goldbugs and Greenbacks: The Antimonopoly Tradition and the Politics of Finance in America, 1865-1896 (Cambridge: Cambridge University Press, 1997).

<sup>7</sup> Daunton and Hilton, The Politics of Consumption, 12.

<sup>8</sup> Montaville Flowers, America Chained: A Discussion of What's Wrong with the Chain Store (Pasadena: Montaville Flowers publicists, 1931). Flowers was a veteran of the anti-Japanese campaigns of the 1910s. See Montaville Flowers, The Japanese Conquest of American Opinion, (New York: George H. Doran Company, 1917). Charles G. Daughters, Wells of Discontent: A Study of the Economic, Social, and Political Aspects of the Chain Store (New York: Newson & Company, 1937).

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<sup>9</sup> Richard Hofstadter, “What Happened to the Antitrust Movement?” in The Paranoid Style in American Politics and Other Essays (Cambridge, Mass., Harvard University Press, 1996ed.), 188-190; Hawley, The New Deal and the Problem of Monopoly, 263.

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<sup>10</sup> Carl Ryant, "The South and the Movement Against the Chain Stores," Journal of Southern History 39.2 (May 1973), 222; F. John Harper, "'A new battle on evolution': The Anti-Chain Store Trade-at-Home Agitation of 1929-1930," American Studies 16.3 (June 1982): 407-26, 426.

<sup>11</sup> The internet is the best resource for following current anti-chain activity. See for example [www.sprawl-busters.com](http://www.sprawl-busters.com), and [www.ilsr.org](http://www.ilsr.org). (accessed March 7, 2008)

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Harry W. Schacter, "War on the Chain Store," The Nation, 130 (May 7 1930), 544.

<sup>12</sup> Gerald P. Nye, "Independent Industries Must Be Saved", January 24, 1931, p. 2, Speaking Engagements Series, Addresses, Articles and Statements, Folder: Addresses, 1931, Box 52, Gerald P. Nye Papers, Herbert Hoover Presidential Library, West Branch.

<sup>13</sup> E. O. Moe to Gerald P. Nye, February 18, 1930, Correspondence, Folder: Chain Stores and Chain Banks, Box C-E, Gerald P. Nye Papers. For Nye's views on chain stores and banks, see, "Independent Industries Must Be Saved", January 24, 1931, Speaking Engagements Series, Addresses, Articles and Statements, Folder: Addresses, 1931, Box 52, Nye Papers, HHPL. Frank Norris, The Octopus: A Story of California (London: Grant Richards, 1901)

<sup>14</sup> For letters to Nye on the chain store issue, see Nye's correspondence, Folder: Chain Stores and Chain Banks, Box C-E, Gerald P. Nye Papers.

J. A. Miller to Gerald P. Nye, April 24, 1931. H. F. Rodenberg to Gerald P. Nye, April 17, 1931. F. R. Barnes to Gerald P. Nye, April 11, 1931.

S. C. Barnes to Gerald P. Nye, April 10, 1931.

<sup>15</sup> Michael Kazin, The Populist Persuasion: An American History (New York: Basic Books, 1995), 1.

<sup>16</sup> Ellis W. Hawley, The New Deal and the Problem of Monopoly, 261. The Long quote is cited in Alan Brinkley, Voices of Protest: Huey Long, Father Coughlin, and the Great Depression (New York: Vintage Books, 1983), 146. For Henderson, see Derek Vaillant,

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<sup>17</sup> Harlan Stone to Louis D. Brandeis, 1 March 1933, Louis D. Brandeis Papers, Harvard Law School Library, Cambridge, Mass., 82/12.

<sup>18</sup> Owen D. Roberts to Louis D. Brandeis, undated, Louis D. Brandeis Papers, Harvard Law School Library, Cambridge, Mass., 81/1.

<sup>19</sup> Liggett, 288 U.S. 517, 533, 534; State Board of Tax Commissioners v. Jackson, 283 U.S. 527 (1931); Schragger, “The Anti-Chain Store Movement”, 1029.

<sup>20</sup> Liggett, 288 U.S. 517, 533, 534.

<sup>21</sup> Liggett, 288 U.S. 517, 586 (Cardozo, J., dissenting).

<sup>22</sup> Liggett, 288 U.S. 517, (Bran-deis, J., dissenting), 1<sup>st</sup> draft, January 23, 1933, Louis D. Brandeis Papers, Harvard Law School Library, Cambridge, Mass., 81/7. For the interregnum of despair see Jordan A. Schwarz, The Interregnum of Despair: Hoover, Congress, and the Depression (Urbana, Ill., University of Illinois Press, 1970). Liggett, 288 U.S. 517, (Bran-deis, J., dissenting), 5<sup>th</sup> draft, January 28, 1933, Louis D. Brandeis Papers, Harvard Law School Library, Cambridge, Mass., 81/9; Liggett, 288 U.S. 517, 535, 536; Liggett, 288 U.S. 517, 541, (Bran-deis, J., dissenting).

<sup>23</sup> Liggett, 288 U.S. 517 (1933) (Bran-deis, J., dissenting).

<sup>24</sup> *Ibid.*

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<sup>25</sup> For the bibliographies requested from the Library Congress, see Louis D. Brandeis Papers, Harvard Law School Library, Cambridge, Mass., 81/3 and 81/4. Adolph A. Berle and Gardiner Means, The Modern Corporation and Private Property (New York: MacMillan, 1932). New State Ice Co. v. Liebmann, 285 U.S. 262 (1932). Liggett, 288 U.S. 517 (1933) (Brandeis, J., dissenting). The Frankenstein image was also used by author I. Maurice Wormser, with whom Brandeis corresponded about the Florida case. See I. Maurice Wormser, Frankenstein, Incorporated (New York: McGraw-Hill Book Co., 1931). See also I. Maurice Wormser to Louis D. Brandeis, 17 March, 1933, Louis D. Brandeis Papers, Harvard Law School Library, Cambridge, Mass., 82/14.

<sup>26</sup> Philippa Strum, Brandeis: Beyond Progressivism (Lawrence: University of Kansas Press, 1993), 62.

<sup>27</sup> Schragger, "The Anti-Chain Store Movement", 1045, 1018.

<sup>28</sup> Alan Brinkley, The End of Reform: New Deal Liberalism in Recession and War (New York: Vintage Books, 1996), 4.

<sup>29</sup> Young, Wright Patman, 5-9.

<sup>30</sup> Young, Wright Patman, 115. For Patman's civil rights voting record, see Folder: Individual Voting Record by Roll Calls in the US H of R, 85<sup>th</sup> Congress, 1957-1958, Box 1620A, Patman Papers, Lyndon Baines Johnson Presidential Library, Austin. For his views on Little Rock and desegregation, see Folder 4: Integration 1957 and Folder 5: Integration 1958, Box 94A, Patman Papers.

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<sup>31</sup> On Kefauver and antimonopoly see Daniel Scroop, "A Faded Passion? Estes Kefauver and the Senate Subcommittee on Antitrust and Monopoly", Business and Economic History On-Line 5 (October 2007).

<sup>32</sup> Young, Wright Patman, 87-88.

<sup>33</sup> For an estimate of what the Patman chain store tax would have cost the biggest chains see "Projection of what Patman bill would cost 22 major chains if passed", Folder: Statistics H.R. 1 Pres. Statement Chainstores, Box 37A: Files on Chain Store legislation, Patman Papers.

For Patman and Brandeis see Young, Wright Patman, 74-75. For a wider discussion of Brandeis' influence on Patman, see Jordan Schwarz, The New Dealers, 285-94. For examples of their correspondence see Louis D. Brandeis to Wright Patman, 14 April 1940 and Wright Patman to Louis D. Brandeis, 16 April 1940, Folder 1: Chain Store Releases, Correspondence, Box 37B, Patman Papers.

For the "death sentence" bill, see Schragger, "The Anti-Chain Store Movement", 1079-81 and Lebhar, 247-84.

<sup>34</sup> For the National Consumers' League see Storrs, Civilizing Capitalism; Kathryn Kish Sklar, "The Consumers' White Label Campaign of the National Consumers' League, 1898-1918," in Getting and Spending: European and American Consumer Societies in the Twentieth Century eds, Susan Strasser, Charles McGovern and Matthias Judd (Washington, D.C., German Historical Institute; New York: Cambridge University Press, 1994); Sklar, "Two Political Cultures in the Progressive Era: The National Consumers' League and the American Association for Labor Legislation," in U.S. History as Women's

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For the campaign to establish a Department of Consumers see Estes Kefauver, "A Voice For Consumers", The Progressive (Jan. 1959), 41-44. See also "Rotary Club Dinner", Lenoir City, Tenn., April 2, 1959, series I, box 88, Monopoly: Consumers, Department of, folder 1, and "Speech to the National Democratic Club Women's Luncheon", Washington D. C. May 18, 1959, series X, box 12, folder: 18 May 1959, National Democratic Club Women's Luncheon, both in Kefauver Papers.

<sup>35</sup> "What is Banking?", editorial, The Washington Post, February 18, 1969, p. A16; "Bank-Holding Incorporation in Delaware Hit By Nader", New York Times, May 6, 1969, p. 58. Rowland Evans and Robert Novak, "Will a Tax Cut Work", The Washington Post, January 19, 1975, p. 35.

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<sup>36</sup> Ralph Nader, "The Youngest Populist", Washington Star-News, January 12, 1975, Box 1615B, Wright Patman Papers, Lyndon B. Johnson Presidential Library.

<sup>37</sup> Folder: Statement by Ralph Nader on the Passing of Representative Wright Patman, Box 1615A, Patman Papers. For Jim Wright's comment, see Folder: Fort Worth Star Telegram, March 8 1976, Box 1615A, Patman Papers.

<sup>38</sup> Lawrence Glickman, "'Buy for the Sake of the Slave":889-912, 889. Lizabeth Cohen, A Consumers' Republic, 13-15, 21-26, 32-61, 343-97. For an effective synthesis see Lizabeth Cohen, "Citizens and Consumers in the United States in the Century of Mass Consumption" in The Politics of Consumption: Material Culture and Citizenship in Europe and America, eds, Martin Daunton and Matthew Hilton, (Oxford: Berg, 2001), 203-221. An earlier history of the consumer movement which argues that there were "three eras of consumer activism" is Robert N. Mayer, The Consumer Movement: Guardians of the Marketplace (Boston: Twayne Publishers, 1989).

<sup>39</sup> For the importance of urban elites, professionalization, and expertise see Richard Wightman Fox and T. J. Jackson Lears, eds, The Culture of Consumption: Critical Essays in American History, 1880-1980 (New York: Pantheon Books, 1983), xi.

<sup>40</sup> Richard Tedlow, New and Improved: The Story of Mass Marketing in America (New York: Basic Books, 1990), 221.

<sup>41</sup> For the UCFW's recent campaigning see [http://www.ucfw.org/take\\_action/walmart\\_workers\\_campaign\\_info/news/index.cfm](http://www.ucfw.org/take_action/walmart_workers_campaign_info/news/index.cfm) (accessed March 7, 2008). See also Wade Rathke, "A Wal-Mart Workers Association? An Organizing Plan" in Lichtenstein, WalMart, 261-83.

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<sup>42</sup> Al Norman, Slam-Dunking Wal-Mart (Raphael Marketing, 1999), The Case Against Wal-Mart (2004). See [www.sprawl-busters.com](http://www.sprawl-busters.com) (accessed March 7, 2008); John Dicker, The United States of Wal-Mart (Penguin, New York, 2005), 160-68; Stacy Mitchell, The Home Town Advantage: How to Defend Your Main Street Against Chain Stores...and Why it Matters (Washington D.C., Institute for Local Self-Reliance, 2000), 55-61. See also Stacy Mitchell, Big Box Swindle.

<sup>43</sup> Jacobs, Pocketbook Politics, 264-65; Cohen, A Consumers' Republic, 409. See also Sandel, Democracy's Discontent and Christopher Lasch, The True and Only Heaven: Progress and Its Critics (New York: Norton, 1991).

<sup>44</sup> Jacobs, Pocketbook Politics, 264-65; Cohen, A Consumers' Republic, 409-10.