

## AFD Ep 340 Links and Notes - Taft-Hartley [Bill/Rachel/Kelley] - Jan 10

- [https://en.wikipedia.org/wiki/Taft%E2%80%93Hartley\\_Act](https://en.wikipedia.org/wiki/Taft%E2%80%93Hartley_Act) [background only]
  - Passed in June 1947 by the new Republican Congress with substantial Democratic support against Harry Truman following the previous year and a half strike wave following the war.
  - Sponsored by Ohio Senator Robert A. Taft, Chair of the Senate Republican Policy Committee and the Senate Labor Committee and son of President Howard Taft. Robert Taft, who had been one of the most prominent anti-New Dealers since his election in 1938, would go on to unsuccessfully seek the GOP presidential nomination against Eisenhower in 1952. He had already sought the nomination in 1940 and did so again in 1948. He came closest in 1952 but the more moderate war hero Eisenhower prevailed. Ironically, Taft would die of cancer the following year. Back in 1944, Taft had come within 18,000 votes of being defeated for re-election because of immense union opposition, but I guess he beat them in the end. In his 1950 Senate campaign he blew his opponent out of the water by more than 431,000 votes, exploiting fractures in both the Democratic Party and union membership that had emerged on the question of labor militancy & leftism. Taft's very hardline conservatism was a harbinger of the future orientation of the Republican Party even before Goldwater, as demonstrated in the 1952 battle with Eisenhower.  
[https://en.wikipedia.org/wiki/Robert\\_A.\\_Taft](https://en.wikipedia.org/wiki/Robert_A._Taft)
  - Also sponsored by Congressman Fred A. Hartley Jr of New Jersey, then in his final term after two decades, who had survived many close races during the height of Democratic hegemony during the Depression and the war. He was later unsuccessful in seeking Senate seats.
- <https://jacobinmag.com/2017/12/taft-hartley-unions-right-to-work> (Dec 2017)
  - By opening the door for the passage of "right-to-work" laws (workers in a union shop weren't required to pay dues to the union), the Taft-Hartley Act weakened labor, which has led to depression of union membership and wages for workers. These RTW laws were passed quickly in states where labor was weakest (southern states, where RTW worked hand-in-hand with Jim Crow to keep wages down; MLK called it "[a whip to preserve the sharecropper wages,](#)") and quickly spread to the Midwest and Mountain West states over the next two-three decades (Idaho passed theirs in 1985). ALEC has started the drive to pass RTW laws in recent years (Indiana and Michigan in 2012, Wisconsin in 2015, and West Virginia in 2016).
  - Where RTW laws are passed, union growth is slowed, the promised job growth from "business-friendly" environments doesn't materialize (worse, RTW states are at a disadvantage in attracting higher-wage jobs), there is a pronounced wage gap between RTW/non-RTW states, especially for workers in median-wage jobs (Mississippi at 14.49 vs. DC at 24.58 in 2015). *In order to isolate the effect of RTW laws, economists at the Economic Policy Institute ([a 2011 study](#) by Elise Gould and Heidi Sherholz, [updated](#) by Gould and Will Kimball in 2015) control for an array of individual (education and employment status) and state variables (cost of living, unemployment rate), and find that wages in RTW states are a little over 3 percent lower than in non-RTW states — a \$1500 deficit for a typical full-time worker.*
  - *That wage penalty is compounded by the fact that, in the American context, much more than wages are at stake at the bargaining table. The compensation penalty, factoring in lower-rates of job-based health and retirement coverage, is even wider.*

- <https://democracyjournal.org/magazine/29/fortress-unionism/> [useful for certain history; not sure about the conclusions]
  - *In just the decade after the NLRA passed in 1935, union membership quadrupled from almost 3.6 million to more than 14.3 million workers. During this period, American labor dominated the daily life of much of the nation and drew the obsessive concern of politicians and the press. Even some Southern states had union membership percentages in the high teens—statewide numbers that would be among the highest in the nation today but were among the smallest then. In a six-month period in 1937 alone—the year of the great sit-down strike at General Motors (GM) in Flint, Michigan—the CIO signed up two million workers in a nation with a population of about 130 million.*
  - *All in all, about 10 percent of the entire American workforce withheld their labor in 1946. There were about 5,000 separate work stoppages involving about 4.6 million workers. This is over six times the number of workers involved in work stoppages over the entire eight-year period from 2005 to 2012, according to figures from the Federal Mediation and Conciliation Service, this at a time when the country had about one-third of the current nonagricultural workforce. To imagine this kind of union militancy today is to imagine 14 million workers striking in a single year.*
  - *The exclusion of foremen and supervisors from labor law: This is one of the least remembered provisions today, but one of the most consequential. At the time of the bill's passage, the Foreman's Association of America was growing rapidly and had aligned itself with the CIO. Theoretically, front-line supervisors who did not set company policy could join forces with the unionized workers they ostensibly bossed. Employers viewed this practice, as historian Nelson Lichtenstein notes, as nothing short of "industrial anarchy." The banishment of the supervisors' organization flipped these midlevel employees back to the side of the employer and ensured that, in subsequent decades, millions of employees in emerging white-collar segments of the economy would be statutorily denied the right to unionize.*
- <https://www.nlr.gov/about-nlr/who-we-are/our-history/1947-taft-hartley-substantive-provisions>
- Background on how Taft-Hartley Came About: <https://historynewsnetwork.org/article/1036>
  - Was largely a response to modify the Wagner Act to allow the govt to stop a strike if it threatened the national interest and to disallow union practices Congress deemed unfair. Essentially, the Wagner Act limited management practices and the Taft-Hartley Act limited labor practices.
  - "The Wagner Act also forbade employers from engaging in five types of labor practices: interfering with or restraining employees exercising their right to organize and bargain collectively; attempting to dominate or influence a labor union; refusing to bargain collectively and in "good faith" with unions representing their employees; and, finally, encouraging or discouraging union membership through any special conditions of employment or through discrimination against union or non-union members in hiring. This last provision, in effect, permitted closed and union shops (a closed shop is when an employer agrees to hire only union members and a union shop is when an employer agrees to require anyone hired to join the union)."
  - "To the Wagner Act's list of prohibited management practices, the Taft-Hartley Act added a list of prohibited labor union practices. These practices included secondary boycotts (when a union induces employees to strike against their

employer to get him or her to stop doing business with another employer with whom the real dispute exists); sympathy strikes or boycotts (attempting to compel an employer, other than one's own, to recognize or bargain with an unrecognized union—a practice anti-labor groups often called "blackmail picketing"); and jurisdictional strikes and boycotts (attempting to force an employer to give work to members of one particular union instead of another). Also outlawed were the closed shop and union hiring halls that discriminated against non-union members. The law allowed union shops as long as state law did not forbid them. This led to movements in several states for the passage of so-called "right-to-work" laws. Another provision that would become contentious required all union officers to file a non-communist affidavit and take an oath that they were not communists."

- Taft-Hartley is largely considered the result of the "red scare", a Republican-controlled Congress, and a public reaction to the widespread post-war strikes.
- Was passed over the veto of President Truman.
- 26 congressional democrats called it a "new guarantee of industrial slavery".
- A little more history on labor's relationship with Taft-Hartley:  
<https://www.thestrikewave.com/original-content/2019/4/3/labor-has-opposed-taft-hartley-f-or-decades-heres-why-its-time-to-repeal-it>
  - Of note - the NLRA was not perfect and did not include many workers of color. "some of the most vulnerable and precarious workers, who were then (and are now) predominantly people of color, had their rights as workers denied. Domestic workers and agricultural workers—sectors dominated by black and Latinx workers, particularly in the South—were prohibited from using the newly made path to unionization in order to appease Jim Crow Democrats that were part of the New Deal coalition."
  - A note on why there are so many post-war strikes: "Only the onset of World War II and the wartime no-strike pledge paused the employer offensive: an uneasy armistice that ended with the war's conclusion. With returning GIs looking for good jobs, women in the wartime workforce seeking equal rights at work, and the end of the no-strike pledge, unions went on the offensive."
  - Sen. Sanders "Workplace Democracy Act" is the current gold standard in legislation to protect unions, but even that doesn't go as far as repealing the Taft-Hartley Act, although it does repeal pieces of it.
- Taft-Hartley in the 2020 Election:  
<https://www.latimes.com/business/story/2019-10-29/repeal-the-taft-hartley-act>
  - Sen. Warren and Sen. Sanders called for repeals of sections of the act.
  - "Both are in favor of restoring the card check process. Both favor outlawing right-to-work laws and "captive audience" meetings staged by management. They endorse restoring the right to secondary boycotts..."
  - Both candidates argued for advocating to reverse the prohibition of the unionization of supervisors, but Warren wanted to limit the definition while Sanders wanted to eliminate it.
  - Some union strategists believe that wasn't far enough and they should have called for the repeal of the entire act.
- Episodes from our back catalog referenced this week:
  - Prison labor origins:  
<http://arsenalfordemocracy.com/2020/07/21/july-19-2020-prison-labor-arsenal-for-democracy-ep-317/>

- The white-collar clerical revolution:  
<http://arsenalfordemocracy.com/2020/06/30/june-28-2020-the-planned-economy-arsenal-for-democracy-ep-314/>
- BS Jobs:  
<http://arsenalfordemocracy.com/2019/04/23/april-23-2019-arsenal-for-democracy-ep-267/>
- Toledo Auto-Lite Strike of 1934:  
<http://arsenalfordemocracy.com/2020/12/22/dec-20-2020-toledo-auto-lite-strike-of-1934-arsenal-for-democracy-ep-338/>
- The Communists Help Hawaii's Democrats:  
<http://arsenalfordemocracy.com/2019/12/02/lend-lease-14-the-communists-help-hawaiis-democrats-dec-1-2019/>
- The form and function of police unions:  
<http://arsenalfordemocracy.com/2020/09/22/sept-20-2020-the-boston-police-strike-of-1919-arsenal-for-democracy-ep-325/>