

The Passage and Events Surrounding the Taft-Hartley Act: An Analysis

JORDAN LUDWIG

“Industrial strife which interferes with the normal flow of commerce and with the full production of articles and commodities for commerce, can be avoided or substantially minimized if employers, employees, and labor organizations each recognize under law one another’s legitimate rights in their relations with each other...”¹ This is the opening statement of the Labor-Management Relations Act of 1947, more commonly known as the Taft-Hartley Act, named for its two sponsors, Robert Taft, a Republican senator from Ohio, and Fred Hartley, a Republican representative from New Jersey. In a post-depression and post-war United States of America, “industrial strife” as is mentioned in the opening line of the bill had reached new proportions. Moreover, tension among labor unions, employees, and employers continued to intensify. The goal of the Taft-Hartley Act was to establish a concrete set of rights for employees and employers as well as acceptable and diplomatic means to resolve disputes that may arise.² Its goal of maintaining positive industrial relations reflected the interests of the masses. Nevertheless, the Taft-Hartley Act also contained many contentious provisions, and the true motives of both supporters and critics were questionable. This provided for an extremely paradoxical and contradictory passage of the bill in that both supporters and critics of the bill went against many of their traditional ideological beliefs. This can especially be seen in the weeks of committee hearings and debate that occurred in the U.S. House Committee on Education and Labor. The battle over the Labor-Management Relations Act was not merely over industrial relations, but rather a battle to define many fundamental citizens’ rights in the United States of America.

Legislators considered the Labor-Management Relations Act to be an amendment to the National Labor Relations Act of 1935, also known as the Wagner Act. Labor historians often cite the Wagner Act as the most important piece of labor legislation ever passed because it gave employees the right to join a labor union, the right to collectively bargain, and the right to go on strike.³ These are three fundamental rights of workers that federal law never previously addressed. While this bill guaranteed the fundamental rights of workers to organize and collectively bargain, the Wagner Act was passed on the eve of a tumultuous era of industrial strife. Congressman Fred Hartley, elected to his seat six years prior to the passage of the Wagner Act, went as far as to say that the negative effects precipitated by the Wagner Act surpassed those predicted by its most vehement critics, a surprise to all of Congress.⁴ The years leading up to the passage of the Taft-Hartley Act are some of the worst in labor history in terms of strikes. Following World War II, 14.5 million workers were members of a labor union. This was around

¹ Labor-Management Relations Act, U.S. Code, vol. 29, sec. 141 (1947).

² Ibid.

³ Steven Wagner, “How Did the Taft-Hartley Act Come About?” *History News Network*, <http://hnn.us/articles/1036.html>.

⁴ Fred A. Hartley, *Our New National Labor Policy*, with a foreword by Robert A. Taft (New York: Funk & Wagnalls Company, 1948), 7.

35 percent of the total civilian labor force and the highest percentage of unionized workers in history.⁵ The year 1945 yielded an estimated 38 million man-days of labor lost due to strikes. This number nearly tripled the following year when 116 million man-days were lost as a result of 4,985 strikes.⁶ These staggering figures devastated productivity and efficiency. According to historian Elizabeth Fones-Wolf, business owners became timid in this wave of strikes because they believed it was a political, social, and economic crisis that left the nation's free enterprise system vulnerable to destruction.⁷ Fones-Wolf cites a writer, who in 1946 correlated the ongoing labor-management battle with a civil war. In a New Deal, post-World War II society, she claims that this metaphor becomes highly relevant.⁸ These strikes exemplify the ongoing battle between organized labor and management for control in a rapidly changing society.

In 1946, the Republican Party took control of both houses of Congress. This was a crucial step for the passage of new labor legislation, which many Republicans believed to be necessary. According to Senator Robert Taft, one of the co-sponsors of the act, excessive strikes and restoring equality between employees and employers were salient issues in the 1946 congressional elections.⁹ In saying that equality needed to be restored between employees and employers, Hartley insinuated that employers have lost the control and authority he believed they deserved. Many Republicans made enacting new labor legislation a major plank of their campaign platforms; ostensibly, that was a reason behind their victory. The Wagner Act proscribed many common employer practices that were deemed unfair, such as the "yellow-dog" contract and the refusal to collectively bargain. The bill made no mention of unfair labor union practices, however. Proponents of the Taft-Hartley Act hoped to amend the current policy in order to proscribe unfair union practices as well. This naturally generated significant controversy from labor unions and other advocates of the existing policy.

On 5 February 1947, the United States Committee on Education and Labor convened with intent to amend the National Labor Relations Act. They began the daunting task of gathering witnesses to testify and speak before the committee in order to learn firsthand what did and did not need to be done. The goal of the committee was, "to hear from the individuals across the land that had factual, first-hand knowledge of the facts of the labor situation as it was."¹⁰ Fred Hartley's wording begins to hint at his biases. Many citizens did not even believe there to be a "labor situation," and workers had every right and justification to participate in the strikes, regardless of how numerous or economically detrimental they might be. In his analysis of the Labor-Management Relations Act, Representative Charles A. Halleck described the committee hearings as days with long hours for six continuous weeks, hearing opinions from both ends of the spectrum.¹¹ In the end the committee compiled two massive tomes totaling nearly 4,000 pages of statements and testimonies of witnesses giving their feedback on the proposed legislation, a valuable for the analysis of labor relations in mid-20th century America. First and foremost, the transcripts showed the determination of the committee to hear varying opinions in

⁵ Robert H. Zeiger and Gilbert J. Gall, *American Workers, American Unions* (Baltimore and London: The Johns Hopkins University Press, 2002), 144.

⁶ Fred A. Hartley, *Accompanying Report - H.R. 3020*, Report No. 245, 80th Cong., 1st session, 4.

⁷ Elizabeth A. Fones-Wolf, *Selling Free Enterprise* (Urbana and Chicago: University of Illinois Press, 1994), 15.

⁸ *Ibid.*

⁹ Fred A. Hartley, *Our New National Labor Policy*, with a foreword by Robert A. Taft (New York: Funk & Wagnalls Company, 1948), xii-xiv.

¹⁰ *Ibid.*, 38

¹¹ Congress, House of Representatives, Representative Halleck of Indiana speaking on the Labor Management Relations Act of 1947, H.R. 3020, 80th Cong., 1st sess., *Congressional Record Appendix* (7 July 1947): A3345

order to gauge how much change was actually necessary. Moreover, they demonstrated the biases and predispositions of not only the witnesses but also the legislators on the committee as well. The testimonies of various individuals range from fewer than ten pages to more than one hundred. Two of the most important testimonies came from Abraham Norman, representing Norman Dairy, Inc., a small business from New Canaan, Connecticut, and from William Green, the president of the powerful American Federation of Labor. These two men's positions in the field of labor are diametrically opposed, and their testimonies exemplify the differing opinions from both sides of the labor ideological spectrum. More importantly, these hearings help to give an understanding behind many of the underlying principles of the act, the differing definitions of essential ideas and rights, and lastly, the controversy that arises from these conflicting ideas.

The statement and testimony of Abraham Norman, the treasurer of The Norman Dairy, Inc., was eagerly anticipated by all supporters of the proposed legislation. His pitiable anecdote paralleled the battle of David versus Goliath in the labor world; however, in this case, Goliath emerged as the victor. According to Mr. Norman, Norman Dairy, a small family operated business founded by his father, never had any problems with employee-employer relations. However, this all changed when Norman Dairy's ten drivers joined the Local 338 International Brotherhood of Teamsters, a union based in New York City and far from the small town of New Canaan, Connecticut. The small company was coerced, by threats of strike, into signing a contract in which they had no say. Norman pleaded with the union's legal representative to alter the contract in order to make it more viable for his small company, but this request was refused. Just two months into this contract, the union demanded Norman sign yet another contract, one that, if signed, would indefinitely cripple the business. Shortly thereafter, the ten truck drivers employed by Norman went on strike, with intent to put Norman Dairy out of business. According to the statement, not ten, but at least 300 men picketed the factory, many described as intimidating thugs and goons from New York.¹² These imported men continuously threatened the family with violence, and in one instance they severely beat a replacement driver. After this attack, not wanting to risk further harm to the family, Norman Dairy shut down, sealing its tragic fate. This dramatic story had exactly the intended effect, portraying the Teamsters as an almost mafia-like organization.

Norman's statement was extremely important to advocates of the pending legislative reform. In his book, *Our New National Labor Policy*, Fred Hartley mentions this testimony and statement almost immediately in his discussion of various hearings in an attempt to evoke feelings of sympathy in his audience. Who would not feel anti-union sentiment after hearing about the small, innocent, family-owned business ultimately forced into submission by the violence and illegal methods of the Teamsters Union? Who would not sympathize with the unfortunate ex-marine employer who was brutally beaten solely because he chose to work during the strike? As seen in the transcript, Norman's statement did generate anti-union sentiment in nearly every congressman who questioned him. One representative, Graham Barden from anti-union North Carolina, stated, "It is so offensive to me to hear of these things that it makes me shudder to think that we have been sitting here year in and year out and letting a thing like this develop."¹³ Barden's statement emphasizes the role he believes the government should take in this issue. These "things" he is refers to are not only the individual events of the Norman case, but also the increasing labor union power and activity. He did not want such power in the hands

¹² Congress, H.R., Committee on Education and Labor, *Amendments to the National Labor Relations Act*, 80th Cong., 1st sess., 13 February 1947, 423.

¹³ *Ibid.*, 430.

of unions and believed Congress needed to act immediately to suppress union activity. Barden saw the connection between the Teamsters Union and the mafia and goes as far as to correlate their behaviors with those of Al Capone. During this diatribe, Barden angrily exclaims that if a colored man were to be beaten in a southern state, “all of the powers of the Department of Justice and the Government are brought to bear.”¹⁴ This prompted Chairman Hartley to ask the Representative to yield his discussion. At this point in history, conflict over civil rights was rising, especially in the Democratic Party. As a very conservative Southern Democrat, Barden was clearly against this idea and this is a reason for his allusion. Hartley, on the other hand, wanted nothing more than to get his legislation passed. He did not want to see the credibility or popularity of it diminished by allowing a known racist to bring an unrelated and contentious issue into discussion. Another representative, O.C. Fisher of Texas, claims that, “You have given us a good example of the need for Federal legislation to undertake to control the actual physical violence that you have described here as being practiced upon your employees.”¹⁵ Representative Fisher referred to the practice of collective bargaining as “collective coercion.” Of all the representatives to question Abraham Norman, not one argued with him, questioned the legitimacy of his story, or asked what may have prompted the union to take the measures they did. However, the committee did ask for the names of the truck drivers who were harassed during the incident in order to call them to the stand to testify, although according to the index of witnesses, they did not wind up testifying.

While Norman’s story may have been completely legitimate and perfectly accurate, the fact that not one representative questioned him is an interesting one. Many representatives used their time merely making statements about Norman’s story. The intended purpose of their ten-minute speaking time was to question him as a witness, not express their sympathies and state how they felt. The following witness, another small business owner who was testifying against labor, began his anecdote by sending sympathy to Mr. Norman. It seems that the committee already had its mind made up about their desire to enact new legislation and they only had witnesses such as Abraham Norman there to substantiate their reasoning. As will later be seen in the testimony of William Green, nearly every representative argued with him, many times resulting in malicious conflicts. Moreover, it can be said that, although the case of Norman Dairy is an individual one, it was the “poster-child” case of why new labor legislation was needed. In his supplemental report to Congress, Representative Hartley mentions of many issues seen in this case. For example, “He [the employer] has been required by law to bargain over matters to which it was economically impossible for him to acced.”¹⁶ Also, “He has to stand helplessly by while employees desiring to enter his plant to work have been obstructed by violence, mass picketing, and general rowdyism.”¹⁷ These principles were ultimately codified to facilitate the control of organized labor and avert another case similar to that of Norman Dairy.

The intended effects of the Taft-Hartley Act are salient to discussion as well. In his report, Fred Hartley claimed that, “as a result of labor laws ill-conceived and disastrously executed, the American workingman has been deprived of his dignity as an individual.”¹⁸ This “ill conceived” and “disastrously executed” law that Hartley refers to is the Wagner Act. He went on to describe the way that labor unions made the workingman suffer. Though Hartley

¹⁴ Ibid., 429.

¹⁵ Ibid., 432.

¹⁶ Fred A. Hartley, *Accompanying Report - H.R. 3020*, Report No. 245, 80th Cong., 1st session, 5.

¹⁷ Ibid.

¹⁸ Ibid., 4.

claimed to be concerned with individuality and the workingman, such claims are highly dubious. As a vociferously anti-union Republican and the only member of the House of Representatives on record to have opposed the Wagner Act,¹⁹ it seemed very doubtful that these were Hartley's and his supporters' true intentions. This bill proscribed many of labor unions most powerful tools, such as the "closed shop," and many types of the "secondary boycott."²⁰ The absence of these practices would significantly weaken the power of unions. The bill also attempted to prohibit coercion and extortion among labor unions. While no union would ever have disagreed with this stipulation, the fact of the matter is that sometimes, as seen in the Norman case, unions did rely upon intimidation to achieve their goals. Overall, it can be inferred that many in the government were unsettled about the increasing power of labor unions and wanted to redirect this power back to the government and business. Under the proposed legislation, every union would be required to submit to the government its constitution and bylaws, salary of all officers earning more than \$5,000 a year, total income of the union, amount of regular dues and fees, and the processes and procedures for selecting union officials.²¹ This was approximately half of the information unions would eventually be required to submit. The fact that the government demanded all of this information, coupled with the new restrictions on union practices, demonstrates the determination to control the rising force of unions and keep power over labor in the hands of the government. The idea of government control over unions generated much opposition from labor unions and pro-union activists and catalyzed a battle over the fundamental rights of American citizens as seen in the hearing of William Green, president of the American Federation of Labor.

There is no denying that the Taft-Hartley Act was a popular bill among both Republicans and Democrats. The bill passed with 74 percent of all of Congress voting in favor of it, a majority of the members of each party voting in favor of the act. As predicted, President Truman, who embraced a New Deal philosophy in the mold of his predecessor, vetoed the bill. In his veto speech to Congress, Truman stated, "The bill taken as a whole would reverse the direction of our national labor policy, inject the Government into private economic affairs on an unprecedented scale, and conflict with important principles of our democratic society. Its provisions would cause more strikes, not fewer. It would contribute to neither industrial peace nor economic stability and progress. It would be a dangerous stride in the direction of a totally managed economy."²² Truman made it very clear in his opening statement that he thought this bill was superfluous and would only serve as a detriment to the economy. By stating that the Taft-Hartley Act would reverse the direction of the nation's labor policy, he clearly believed all the provisions contained in the Wagner Act were sufficient. According to President Truman, not only would the act be a futile attempt to solve any problem that may have existed, he believed it would jeopardize the system of free enterprise in America by undermining fundamental principles of

¹⁹ Fred A. Hartley, *Our New National Labor Policy*, with a foreword by Robert A. Taft (New York: Funk & Wagnalls Company, 1948), 12.

²⁰ *Closed Shop* - A contract between a labor union and an employer that states prior to being hired, an employee must join the union.

Secondary Boycott - When union members will not work with a product made by replacement workers also known as "scabs"

Emmett R. Murray, *The Lexicon of Labor*, New York: The New Press, 1998, 39, 162.

²¹ Fred A. Hartley, *Our New National Labor Policy*, with a foreword by Robert A. Taft (New York: Funk & Wagnalls Company, 1948), 111-112.

²² House, *Message from the President of the United States returning without his approval the bill (H.R. 3020) entitled the Labor Management Relations Act, 1947*, 80th Cong., 1st sess., 1947, 1.

democratic order. These included the right to peacefully assemble and express one's ideas and opinions. Truman seemed to have been in opposition with any laws he believed would hinder this right. Despite the President's veto, the bill was re-passed with a 79 percent Congressional majority.²³

The New York Times endorsed the act, stating that, "The limitations set on former union privileges have seemed to us to be a needed protection of the rights of management, the individual worker and the general public."²⁴ The idea that the management was "losing its rights" had become widespread during that era. Like so many others, The New York Times seemed to have adopted this popular attitude that since the Wagner Act had given rights to labor unions and none to employers, this had to be offset by affording certain rights to employers. Elizabeth Fones-Wolf contends that, "By the war's end, some employers charged that not only business but also the entire country was now held hostage by the 'monopolistic power' exercised by a handful of irresponsible labor leaders."²⁵ Constant propaganda set forth by unsatisfied employers was one of the most influential forces on public opinion of unions.

Another source of this popularity may have been due in part to prolific columnists such as Westbrook Pegler's constant censure of the corruption of organized labor. Despite Pegler's controversial ideas, he maintained a high level of popularity. His muckraking journalism ultimately culminated in the exposure of two crooked union leaders, William Bioff and George Scalise. Pegler in particular impacted everyone from ordinary citizens to congressmen. During 1941 congressional debates regarding amendments to the Wagner Act, representatives consistently cited Pegler's columns. In the public sphere, public opinion in favor of labor unions dropped from 74 percent to 67 percent.²⁶ While there is no proven correlation between Pegler's work and the decline in public opinion regarding unions, his work had at least some impact. Pegler's influence in the spreading anti-unionism is exemplified when the Taft-Hartley Act eventually passed. The Hearst newspaper chain took out advertisements in its own papers on the day the Taft-Hartley Act became law, declaring 23 June "Westbrook Pegler's Day."²⁷ Pegler clearly had an impact on the way the public, government, and even other newspapers such as The New York Times thought about issues of organized labor. By the time anti-union sentiment had become a widespread idea, the Taft-Hartley Act passed, and those who had adopted Pegler's views were just as satisfied as he was.

However, not everyone was so positive about the pending legislation. At the beginning of his statement, AFL President William Green claims that the true purpose of the Taft-Hartley Act was to, "destroy unions and to wreck collective bargaining."²⁸ Green, and others with similar viewpoints, believed the idea of management losing its rights, as is mentioned in the above New York Times quote, was a non sequitur and completely absurd. They would contend that management did not lose any of its "rights," in that they still had more money as well as ownership of land and capital. The conflict that arose between these disparate opinions is over who had the power, labor or management. Popular opinion would claim that the balance of

²³ Gilbert J. Gall, *The Politics of Right to Work* (Connecticut: Greenwood Press, 1988), 42.

²⁴ *New York Times* (New York), 8 June 1947.

²⁵ Elizabeth A. Fones-Wolf, *Selling Free Enterprise* (Urbana and Chicago: University of Illinois Press, 1994), 21.

²⁶ David Witwer, "Westbrook Pegler and the Anti-Union Movement," *The Journal of American History* 92, (September 2005): 367.

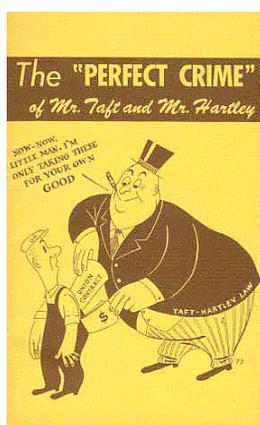
²⁷ *Ibid.*, 370.

²⁸ Congress, H.R., Committee on Education and Labor, *Amendments to the National Labor Relations Act*, 80th Cong., 1st sess., 26 February 1947, 1631.

power had shifted highly in favor of labor, while labor claimed that management still possessed the majority of power and unions were helping to protect workers from this.

Others opposed to the bill disseminated propaganda branding the Taft-Hartley Act as the “Slave Labor Act.” This propaganda often appeared in the form of pamphlets distributed to the public attempting to create sentiment against the act and those who voted for it. One pamphlet’s cover showed the Taft-Hartley Act personified as the stereotypical image of the rich, greedy, money-laundering businessman taking away the union contract as well as money from the small, disenfranchised workingman and telling him it is for his own good (Figure). The inside of this pamphlet described this law as thievery and accused the Congressmen as using the suffering of workingmen as a ruse in order to accomplish their political agenda. The intent of this pamphlet was to portray the government, specifically, advocates of the Taft-Hartley Act, as a large evil entity who viewed the workingman as a simple, stupid man who could be easily taken advantage of. This is only one of the many rhetorical pamphlets that were circulated throughout the time of the passage of the Act. Perhaps the culmination of this controversy is seen in William Green’s

Figure ²⁹



Reproduced courtesy of the Holt Labor Library Collection.

hearing in the Committee on Education and Labor in the House of Representatives.

Much unlike the testimony of Abraham Norman, the small business owner, nearly every representative had something to say during the questioning of William Green, the president of the American Federation of Labor, the sworn enemy of anti-union believers. Furthermore, the questioning of Green was neither amicable nor sympathetic, such as that of Norman. A prominent labor leader who appeared before a committee intent on enacting new legislation to diminish the power of unions would predictably create a hostile atmosphere. During the hearings of William Green, the debate regarding certain union practices evolved into a debate of fundamental rights of employers and employees.

One of the first men to question Green was Representative Clare E. Hoffman of Michigan. Hoffman was one of the most malicious towards Green and the least accepting of what he had to say. In speaking about jurisdictional disputes, Green wanted to discuss these with Hoffman, but he refused to listen. Green stated he wanted to tell him why jurisdictional disputes

²⁹ Holt Labor Library, “Pamphlets in the Fight Against Taft-Hartley 1947-1948,” *Labor Studies and Radical History*, <http://www.holtlaborlibrary.org/tafthartley.html>.

cannot be outlawed but Hoffman's response was, "No, no, and no."³⁰ With obstinacy such as this, supplemented by the majority of the Committee's hostility towards William Green, advocates for the legislation were at a tremendous advantage. Just as it was clear to the Committee that they were to agree with Abraham Norman, it was clear to them they were going to disagree with William Green. Not one representative agreed with or took into account what Green had to say. However, every individual representative who questioned Green had a respective point to argue with him or an inconsistency to catch him in with intent of reducing his credibility. It is highly possible that the reason the Committee sympathized with Norman, yet excoriated Green, went beyond their positions on the labor legislation. Each of their positions had an intrinsic ideal of social control and power. It is clear from the comments made by many committee members that they did not want power in the hands of unions. The growing power and therefore control of unions was disconcerting to them. William Green, as the head of the A.F.L., was obviously in favor of organizing as much as the work force as possible. Abraham Norman, who was unfortunately subject to violent tactics by a union, was in favor of letting the government maintain control. Power and social control were closely related and were seen throughout the hearing of William Green.

One of the first issues debated in the hearings, that of the right of an employer to hire whom they saw fit, was also discussed during Representative Hoffman's questioning of Green. Hoffman asked Green, "Does a man, in your opinion, have the right to give a job which he has created to anyone that he may see fit?"³¹ This question is fundamental, as Hoffman said, however, it is also problematic as William Green alluded, by claiming that the question was too broad. Green admitted that men should hire whom they see fit but there are circumstances under which this might be invalidated. For example, if an employer entered into a closed shop contract, he became legally bound to hire only union members notwithstanding his ownership of the business. Broken down, this issue began with basic property rights and the right to ownership of private property. Should a man who founded, developed and maintained full ownership over a business, who signed a closed shop agreement, be legally prohibited from hiring someone he wanted to that did not want to join the union? This man owned the business and it was an outside entity that told him he couldn't. On the other hand, it was he who entered into the closed shop contract in the first place. Once again, the issue at hand here is that of power. Many employers believed that because they owned the business, they should have final and absolute say in their decisions regarding it. However, labor unions believed that the employees, via organized labor, should have some input in decisions in which they were involved in order to prevent their exploitation. Business owners oftentimes believed that unions posed a threat to the free enterprise system by taking power away from them. Labor unions on the other hand, believed they furthered the free enterprise system by improving working conditions and increasing organization. These are the types of questions that surrounded the passage of the Taft-Hartley Act and were addressed in the debates between William Green and various congressmen. Both sides had different interpretations of the many issues arising during the arguments and many of these positions taken pose interesting questions.

One of these issues was the right to freely contract. In his opening statement William Green stated, "The proposal constitutes an arbitrary interference, with the freedom of contract guaranteed by our Federal Constitution, thereby undermining the very foundation of our free

³⁰ Congress, H.R., Committee on Education and Labor, *Amendments to the National Labor Relations Act*, 80th Cong., 1st sess., 26 February 1947, 1668.

³¹ *Ibid.*, 1669.

enterprise system.”³² Green was talking in relation to union security contracts such as the closed shop, which under the legislation would be banned. This argument is where one of the first of many paradoxes arises. The right to contract oneself is never explicitly listed in the Constitution, rather, it was ruled an implied right under the Ninth Amendment by the Supreme Court in the case of *Lochner v. New York* [198 U.S. 45 (1905)]. The paradox arises in that unions loathed the ruling of the *Lochner* case and continued to claim the ruling erroneous every time a court relied on it as precedent.³³ Representative Samuel McConnell of Pennsylvania tried to make Green contradict himself in how he felt about freedom of contract and seemed to succeed. McConnell cited Green claiming that the Government must not interfere with the freedom of contract. He then proceeded to ask Green whether or not he is in favor of the “yellow-dog” contract, in which Green obviously responded “no,” and believed that the government should have outlawed it. The point that McConnell wanted to make was that the right to freedom of contract was not absolute and could be restricted when it was in the best interest of the public. The point in which the Representative was referring to was the closed shop. This logic was not only used by Representative McConnell but by several other representatives as well. However, William Green was not the only one who went against his ideology’s traditional beliefs in this argument. Pro-business conservatives historically have believed in the absolute right of freedom to contract, regardless of the circumstances. They concurred with the Court’s ruling in the *Lochner* case. If a man chose to work 60-hour weeks in a sweatshop without windows that was his choice and the government should not infringe upon it. Furthermore, this was not the only aspect in which each party went against traditional ideological beliefs.

The issue of government power is where everything that has been discussed thus far leads. The question of whether the Federal Government should be enacting legislation to control individual labor unions and businesses is extremely pertinent to the passage of the Taft-Hartley Act. It is in the answer each side gave to this question where yet another paradox arose. Republicans advocated a more decentralized federal governmental system where most decisions were placed under the state’s jurisdiction. In this case, the Republicans encouraged government intervention claiming that legislation was necessary in order to protect the general welfare of the people. William Green took a states right’s position. He stated during his testimony, “Well, as to violence, violating the law or committing offenses, that is surely covered by State Statutes.”³⁴ People considered associating with the liberal ideology, such as Green, had favored Federal intervention characterized by the New-Deal Era. This was not the case during the passage of the Taft-Hartley Act. The battle between state and federal jurisdiction was by no means a new one. Throughout history, the battle of federalism has been one of the most prominent and remains to be to this day. So why in this case did both parties reverse their recent general positions?

The simplest explanation is that it was the argument that best suited their political goals. It was very easy for advocates of the legislation to say that strikes oftentimes affected interstate commerce and therefore jurisdiction fell within the boundaries of the Federal Government. Moreover, it was just as easy to say that all of the individual cases cited throughout the hearings were separate instances and therefore the Federal Government should leave jurisdiction in the hands of the respective states. Ultimately, the arguments focused much less on ideology than politics. Someone such as William Green did not need to prove the way he felt to himself, he had

³² *Ibid.*, 1633.

³³ Charles W. Baird, “Right to Work Before and After 14(b),” *Journal of Labor Research* 19 (Summer 1998): 485.

³⁴ Congress, H.R., Committee on Education and Labor, *Amendments to the National Labor Relations Act*, 80th Cong., 1st sess., 26 February 1947, 1713.

to prove the way he felt to a Congressional Committee. The easiest way for him to do that would be to make an argument that his audience would have related to. Many of the conservatives in Congress would have been much apt to accept an argument based on a principle they agreed with. This principle was freedom of contract. In all likelihood, William Green had lawyers advising before his hearing and this was presumably the argument they recommended him to make. Moreover, William Green was aware of the growing discontent with communism in the country. If he wanted to make his point without being branded as a communist, he would have had to deviate as far from making a collective argument as he could. The argument for the right to contract is an individual right's argument, and would never be made by a communist. Each side's argument was valid in its own respect but in the end, the Labor-Management Relations Act passed by a large margin in Congress, over President Truman's veto, and became the new labor law of the land.

The passage of The Taft-Hartley Act of 1947 was extremely paradoxical and problematic. During the U.S. Committee on Education and Labor's hearings to determine the necessity and magnitude for new legislation, the Committee already seemed to have its mind made up on the direction it wanted to take. Anti-labor testimonies were never questioned and accepted with open arms but pro-labor testimonies were criticized in every possible respect. In addition, entire ideologies inverted many of their fundamental political beliefs to argue for the enactment or to criticize this legislation. These issues beg the question, what about the Taft-Hartley Act originated these problems? The most logical answer is that labor is separate from the majority of normal political issues due to its ubiquitous nature. Holding a job is not an esoteric matter. Labor legislation affects nearly everyone in some way or another and therefore, the majority of the public can relate to it. While matter regarding labor can become very complicated at times, work is the foundation of nearly everything. The world would cease to function without it and the majority of people rely on labor in order to survive. When broken down many elementary matters regarding power and social control emerge. Labor law clearly affects everyone. This is the most logical reason why a change as massive as the Labor-Management Relations Act of 1947 created such contention that resulted in an extremely problematic and paradoxical passage. Despite the popularity, any salient changes in labor law have always generated massive amounts of controversy and will continue to as long as our system permits changes in the law.

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