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TAFT-HARTLEY SYMPOSIUM: 
THE FIRST FIFTY YEARS

TAFT-HARTLEY: A SLAVE-LABOR LAW?

*Nelson Lichtenstein*

In the immediate aftermath of the successful 1997 United Parcel Service strike, the dusty, antique world of big time industrial relations, with its emphasis on worker solidarity, collective bargaining, company-wide strikes, and corporate labor strategy, once again seemed to have some relevance to the larger political economy. Did the solidarity of the UPS strikers mean that something fundamental had changed within the minds of millions of working Americans? Were the unions about to launch a new wave of organizing campaigns? Had the politics of class conflict returned to the American scene?

Such questions reopened a discussion of the politics and policy incorporated into the original Taft-Hartley Act of 1947, enacted by Congress precisely fifty years before the Teamsters Union demonstrated that trade union power was not entirely a thing of the past. Indeed, if the UPS strike marks the close of labor’s era of stagnation and defeat, then it may offer the best vantage point from which to glimpse the origins of labor’s long, half-century march toward weakness and marginality.

The 1947 Taft-Hartley Act was, in Daniel Bell’s apt phrase, “essentially a definition of power.”1 The first question to consider on its fiftieth anniversary is the following: Did the law simply ratify an emerging industrial orthodoxy, or did it inaugurate a new era of class relations that was qualitatively different from that which had gone before? Most historians and legal scholars have adopted the view that the Taft-Hartley Law merely codified a preexisting set of relationships. These commentators describe the pluralist industrial relations system that was forged after 1938, when collective bargaining became increasingly routinized and when, from both a political and ideological perspective, the opportunities available to the labor movement and its liberal allies were increasingly constrained.

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Such propositions hold considerable weight, even outside those consen-
sus-era academics and industrial relations practitioners who empha-
sized the growth and stability of the unions in the decade after the law's
passage. Writing in the late 1950s, Joseph Shister, one of the nation's
most prominent industrial relations scholars, concluded that “[t]en years
of experience under the Taft-Hartley Act have made one point crystal
clear: it is certainly not a ‘Slave Labor Law’ and it has certainly not de-
stroyed trade unionism and collective bargaining . . . .”2 By 1958, union
membership had “risen by over three millions—which is hardly symp-
tomatic of a labor movement in process of disintegration.”3 His judgment
was soon endorsed by a generation of pluralists, including Derek Bok
and David Feller, who thought the Taft-Hartley reform of the Wagner
Act failed to disestablish a large and durable union presence within the
American polity.4

Scholars influenced by the late New Left have also tended to downplay
the importance of Taft-Hartley, if only because they saw the Wagner Act
itself as inherently statist. Thus, Christopher Tomlins asserted that “[t]he
Taft-Hartley Act . . . proved much less of a break with the past than has
usually been assumed.”5 Writing in 1985, he argued that while the Repub-
lican-dominated Congress did seek “to limit the influence of en-
trenched labor organizations . . . the ambitions of some of its proponents
to go further than this and overthrow the model of labor relations estab-
lished in the United States after 1940 remained unfulfilled.”6 Even
George Lipsitz, one of the most imaginative of the post-modern, post-
New Left historians, thought that Senator Robert Taft's commitment to a
system of collective bargaining, enshrined in the final version of the law,
“demonstrated the essentially moderate nature of the bill, its congruence
with prior legislation, and the limited nature of the conservative cri-
tique.”7

But a number of questions remain. First, what precisely was the
“model of labor relations” which the Taft-Hartley Act sought to reform?

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2. Joseph Shister, The Impact of the Taft-Hartley Act on Union Strength and Collect-
3. Id.
4. See generally Derek C. Bok, Reflections on the Distinctive Character of American
Labor Laws, 84 HARV. L. REV. 1394, 1394-1463 (1971); David E. Feller, A General The-
5. CHRISTOPHER L. TOMLINS, THE STATE AND THE UNIONS: LABOR RELATIONS,
6. Id.
7. GEORGE LIPSITZ, RAINBOW AT MIDNIGHT: LABOR AND CULTURE IN THE
1940s, at 170 (1994).
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Here we must distinguish between the legal and administrative framework created by the Wagner Act and modified over time by the courts, the War Labor Board and the National Labor Relations Board, and the actual model of highly politicized union growth and economic bargaining that emerged from twelve years of ideological combat, political organization, state building, and union growth.

This article argues that the proponents of the Taft-Hartley Act sought to achieve far more than the mere reform of the labor law; instead the law was part of a larger contestation in which the entire structure of the political economy and the postwar political culture was involved. Taft-Hartley advocates saw the law as a proxy for a much larger social and political project whose import extended well beyond the recalibration of the "collective bargaining" mechanism. Indeed, the Taft-Hartley law stands like a fulcrum upon which the entire New Deal order teetered. Before 1947 it was possible to imagine a continuing expansion and vitalization of the New Deal impulse. After that date, however, labor and the left were forced into an increasingly defensive posture.

I. THE LANGUAGE OF TAFT-HARTLEY

One way to approach the meaning of Taft-Hartley is to consider the language by which its contemporary proponents and detractors evaluated its consequences. If the Act proved so moderate and inconsequential, then why did such passionate rhetoric accompany the legislative battle of 1947? Why did President Truman expend significant political capital in a vain effort to veto the law, and then make its reform, if not its outright repeal, the single most important domestic issue in his 1948 election campaign? Indeed, it is helpful to examine the rhetoric of an era at face value, or at least to note that the language of politics has a meaning and weight that merits serious evaluation. So if one takes another look at the political language of 1946 and 1947, it is clear that the principle combatants believed that important issues were at stake. The half-century old rhetoric still blisters with a passion that cannot be ignored: slavery, servitude, freedom, liberty, and redemption were words both opponents and supporters of the Taft-Hartley Act hurled at each other.  

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A. The Resistance of Organized Labor

Labor's denunciation of the law as one of "slave labor" is well remembered. After Congress passed the act in May 1947, but before enactment over President Truman's veto, Congress of Industrial Organizations (CIO) President Philip Murray glimpsed an abyss of totalitarian repression unfolding before the nation. "Where in the name of God is our country going?" he told his colleagues on the CIO executive board.9 "You have read these stories of what is happening in Europe. I venture to the assertion that if that bill becomes law, in the course of time under its operation . . . the trends are and the powers have so decreed, that we should have a type of Fascist, capitalistic control over the lives of men, women, and children."10 As a devout Roman Catholic, Philip Murray declared the law "conceived in sin."11 In addition, CIO counsel Lee Pressman, a secular Jew with leftwing sympathies, offered his own ethical judgment: "[W]hen you think of it merely as a combination of individual provisions, you are losing entirely the full impact of the program, the sinister conspiracy that has been hatched . . . ."12 In giant rallies of protest and petition, both the AFL and the CIO unfurled huge banners denouncing Taft-Hartley as a "Slave-Labor Act."13

Labor's charge that Taft-Hartley was a "slave labor" statute raised an immediate outcry from the law's proponents. In response, George Meany, then Secretary-Treasurer of the American Federation of Labor (AFL), defended the proposition that the new law was a step toward involuntary servitude. In a speech delivered a few months after its passage, Meany declared that Taft-Hartley "completely demolishes the natural, organic development which is collective bargaining, and substitutes, instead, what at best is paternalistic statism, and at worst, out and out dictatorship."14 Meany asserted that Taft-Hartley amounted to a kind of industrial slavery, which he evaluated according to the democratic promise of the 1914 Clayton Act. To Meany, that law had declared that "'[t]he labor of a human being is not an article or commodity of commerce,'"15

10. Id.
12. Id. at 189.
13. Cf. id. at 186 (noting that Resolution Number 3 of the CIO's Ninth Constitutional Convention denoted Taft-Hartley as a "Slave Labor Act").
15. Id. at 120 (citing Congress's language in the Clayton Act of 1914).
but he argued that the Taft-Hartley Act’s restrictions upon trade union use of the boycott, as well as its more general efforts to limit the spread of unionization, made more difficult the equalization of wages and conditions among competing firms within the same industry. Meany anticipated that labor costs would therefore be at issue, pitting worker against worker in a downward spiral that transformed human labor into a mere commodity and workers into chattels. Quoting the great anti-injunction jurists, Oliver Wendell Holmes and Louis Brandeis, Meany argued that any governmental restrictions upon the right to refuse work “‘reminds one of involuntary servitude.’”

B. Employer Opposition

Organized labor was not alone in deploying a morally charged language of servitude and liberation when reform of the labor law came to the top of the agenda. Virtually all employers argued for reform of the Wagner Act, not in order to rebalance the pluralistically calibrated industrial scales, but to prevent what they saw as a bureaucratic, near-totalitarian, collectivist disaster. For example, Eugene E. Wilson, the vice-chairman of United Aircraft Corporation, warned that unless the power of a laborite New Deal was stanched and the Wagner Act repealed, the resulting abridgement of economic freedom would inevitably mean that “‘Christian freedom will give way to atheistic slavery, cooperation to compulsion, hope to fear, equality of opportunity to privilege, and the dead hand of bureaucracy will close the throttle on progress.’”

The House Committee that reported a Taft-Hartley revision in the spring of 1947 used similar rhetoric. The draconian reform of the labor law was essential because the unamended Wagner Act had created a situation where:

[T]he American working man has been deprived of his dignity as an individual. He has been cajoled, coerced, intimidated and on many occasions beaten up . . . . His whole economic life has been subject to the complete domination and control of unregulated monopolists. He has on many occasions had to pay them tribute to get a job. He has been forced into labor organizations against his will . . . . In short, his mind, his soul, and his

16. Id. (quoting a dissent of Justices Holmes and Brandeis).
very life have been subject to a tyranny more despotic than one could think possible in a free country."

Such sentiments were not confined to "brass hat" industrialists or congressional reactionaries, but resonated widely among the literate public. It is hardly surprising, therefore, that F. A. Hayek's *The Road to Serfdom*, which the University of Chicago first published as an academic tome in 1944, was selling hundreds of thousands of copies each year by the end of the decade.19

Why did American managers, executives, and business-oriented conservatives feel so oppressed by the New Deal and the Wagner Act at a moment when in every other industrialized democracy, social and political structures were being put in place that institutionalized a postwar settlement characterized by corporatist bargaining structures, the growth of trade unions, and an expansion of the welfare state? When the Taft-Hartley Act was passed in June 1947 over President Harry Truman's veto, the Labour Government in Great Britain was preparing to nationalize the coal and steel industries, the Scandinavians were well on their incremental way toward further consolidation of a corporatist tripartism, and the Western-zone Germans, recovering from the shock and disorganization of total defeat, were discussing a model of industry governance with the idea of co-determination at its ideological and industrial center.20

In the United States many trade unionists sought to put such models on the postwar agenda, but almost to a man—and they were all men—American industrialists universally repudiated such visions as either Stalinism, servitude, or both. These businessmen saw the potential emergence of a corporatist, regulatory state, backed by a powerful labor movement, as the essence of "creeping socialism." "Americans have failed to comprehend the magnitude of the challenge to free enterprise," declared Chamber of Commerce president William Jackson in an early 1947 speech in Milwaukee, "[d]espite the extent of nationalization in


England and France, in Argentina and Spain and the expanding domain of Soviet Communism, we tend to console ourselves with the thought that it can't happen here."\textsuperscript{21} To forestall such a calamity, Jackson argued that "this generation and those to follow must be reconditioned to the American way."\textsuperscript{22}

Since the early years of this century, scholars and journalists have frequently sought to explain why the American working class is "exceptional" when compared with the ostensibly more radical and class-conscious workers of Europe and Latin America. But as the remarks of Jackson and other business spokesmen illustrate, the most "exceptional" element in the American system of labor-capital relations is the hostility managers have shown toward both the regulatory state and virtually all systems of worker representation. Thus, business support for the National Recovery Administration's system of state-supervised cartelization collapsed by 1935, even before the Supreme Court declared such a regulatory scheme unconstitutional. In fact, despite much wishful historiography to the contrary, no well-organized "corporate liberal" body of enlightened businessmen supported either the Wagner Act or the Social Security Act, the two linchpins of New Deal social reform.\textsuperscript{23}

Indeed, during the immediate postwar era, the business community found no room for defenders of an unamended Wagner Act. Social scientists have often categorized business sentiment in terms of the labor policy pursued by each firm. As early as 1948, C. Wright Mills divided conservative business sentiment along an axis that counterpoised an anti-union, entrepreneurial set of "practical conservatives," and their oligopolistically organized, internationally minded, "sophisticated" brethren. Historians and political economists have merely refined this Millsian typology. In the late 1960s, scholars identified a set of New Deal-era "corporate liberal" businessmen who advocated unionism as a stabilizing feature of the industrial landscape; still later, some historians emphasized the importance of the business "realists" who, during the 1940s, accepted a well-constrained collective bargaining regime. In addition, many

\textsuperscript{21.} Threat to Capital Held U.S. Menace, N.Y. TIMES, Jan. 14, 1947, at 8.
\textsuperscript{22.} Id.
scholars have counterpoised both the corporate liberals and the realists against the entrepreneurial reactionaries of the South and West, who un-
categorically rejected collective bargaining. This typology collapses, however, when applied to Taft-Hartley. The voice of the corporate lib-
erals, never very loud in any event, was almost entirely absent, while the so-called “realists” in auto, steel, and other sectors of unionized manu-
facturing are often among the most ideologically driven of all those call-
ing for a revision of the Wagner Act. They demanded not only sharp curbs on union political activism, but also the destruction of supervisory unionism, the elimination of the union shop, and the abolition of industry-wide bargaining. Thus, even Averill Harriman, FDR’s former Secre-
tary of Commerce and one of the New Deal’s “tame” millionaires, de-
nounced John L. Lewis as a “labor boss” repugnant to even the most liberal elements of the business community. “‘Labor power has grown to
the point where we find one man defying the government and recklessly tearing down the life of this nation,’” Harriman told a 1946 National As-
sociation of Manufacturers (NAM) convention, thus affirming the con-
ventional business wisdom of the day.

C. Sources of Business Hostility Toward Trade Unionism

Business hostility to trade unionism, and the state structures that sup-
ported it, had three historic sources. The first arose out of a profound ideological commitment by businessmen to their historic, inherent mana-
gerial prerogatives. The second reflected the relatively decentralized, hyper-competitive structure of many key industries, and the third arose out of the economic and ideological transformations generated by fifteen years of depression and war.

1. Managerial Prerogatives

The tradition of American management was one of self-confidence and autonomy. In sharp contrast to their counterparts in Britain and Germany, American businessmen presided over economic institutions

tional Liberalism in America, in The Rise and Fall of the New Deal Order, 1930-
80, at 3-31 (Steve Fraser & Gary Gerstle eds., 1989) (surveying the policies and methods of “realist” and “liberal” business leaders);

25. See Lipsitz, supra note 7, at 169 (noting Harriman’s attention to “walkouts by the United Mine Workers and to speeches by their leader, John L. Lewis . . .”).

26. Id. at 169-70.
which were of continental scope and vast revenue long before the rise of a powerful state or the emergence of overt class politics. In every other capitalist nation, a strong bureaucratic state either preceded or simultaneously emerged with the multidivisional firm, but this pattern was reversed in the United States. Although the government famously aided railroad development in the nineteenth century, such assistance and regulation proved to be the exception rather than the rule when it came to the great industries of the second industrial revolution: chemicals, autos, rubber, food processing, chain stores, and movies. Thus, throughout the era of U.S. industrialization, from the Civil War and into the 1920s, the most critical decisions about the direction of American economic development were in private hands.27

This legacy made business extremely protective of their prerogatives when confronted by the new unionism and the New Deal. Indeed, American executives first began to use the term “free enterprise” to describe the American capitalist system in the 1930s. Such nomenclature reflected an effort, however crudely worded, to distinguish U.S. conditions from those of Europe, where the state, the gentry, and the unions constrained entrepreneurial activity and regulated the labor market. Moreover, such a definition of American capitalism highlighted the desperate sense of individual autonomy America’s captains of industry sought to rescue from both the New Deal and the new unions. To many, this dual threat represented a “creeping socialism,” because even the limited constraints imposed by America’s mixed social welfare regime seemed ominous indeed. As Alfred Sloan of General Motors analogized at the end of World War II: “It took fourteen years to rid this country of prohibition. It is going to take a good while to rid the country of the New Deal, but sooner or later the ax falls and we get a change.”28

2. Decentralized Industries

In addition, American business never enjoyed the successful systems of self-regularization and cartelization, often characteristic of Europe and the Far East. The American market was of continental magnitude and regional variation. Despite much talk of giant trusts and industrial oligarchy, the U.S. system was one of “disorganizational synthesis,” a re-

27. See Vogel, supra note 23, at 45-78 (identifying rationales for managerial mistrust of bar regulation); see also Jacoby, supra note 23, at 173-200 (discussing the pervasive role of private management in American labor development).

vealing phrase coined by historian Colin Gordon. Ironically, the historic conservatism of the American labor movement, which celebrated firm-centered bargaining and eschewed independent political action, exacerbated this competitive disorder. Thus, American employers never viewed a system of collective bargaining as a “lesser-evil” when compared to continental socialism or British labour politics. Indeed, American capitalists saw even the most narrowly focused brand of unionism as highly detrimental to their “prerogatives” because the shop-centered thrust of such unionism insured that labor costs were unlikely to be distributed evenly among competitors. In France, Germany, and Great Britain, industrial cartels and associations arose naturally out of the insularity and class-cohesion of leading industrialists. In the United States, however, the regional competitiveness endemic to the U.S. industrial archipelago gave ambitious entrepreneurs the opportunity to undercut trustification and managerial cooperation. Thus, in the United States, the very disorganization of the capitalists put a premium upon keeping labor costs flexible, production techniques plastic, and unions weak.

3. Fifteen Years of Depression and War

Finally, nearly a generation of depression and war had forced Americans to confront the transition of economic power from small, local interests to private and public bureaucracies of national scope. The twin perceived evils of New Deal collectivism and union egalitarianism were tied to White House intellectuals and planners whose interests lay with urban ethnic minorities, organized labor, and northern blacks. Meanwhile, almost a third of a million small business firms folded during World War II, more than ten percent of all those existing at the end of the 1930s. Manufacturing companies with fewer than 100 workers saw their proportion of total output drop from more than a quarter to less than a fifth. The loss of autonomy particularly threatened small-town bankers, merchants, manufacturers, and others in the “old” middle class. Thus, trade union leaders were routinely denominated as “union bosses” and “labor skates” because their power was viewed as a fundamentally illegitimate transgression upon the decentralized producer republic which still retained a powerful and imaginative grasp upon the minds of so many entrepreneurs and professionals whose social roots lay with the Protestant bourgeoisie. For these citizens, “an intrusive federal government symbolized the daily threat to individual and traditional values.”

29. See generally GORDON, supra note 23, at 35-86 (describing the business strategies of the interwar period).

30. DAVID A. HOROWITZ, BEYOND LEFT & RIGHT: INSURGENCY AND THE
II. TRADE UNION POLITICAL POWER

Given these ideological propensities and structural imperatives, we can understand the horror with which the vast bulk of American business confronted the New Deal and its allies within the suddenly powerful industrial unions. After 1933, the social and organizational ingredients for a corporatist reconstruction of U.S. capitalism may have been in place. During these years, American trade unionism reached European levels of density. Trade union leaders were ushered into the White House for top level conferences with their industrial counterparts, and unionism had a real impact on the political consciousness of thirty-five percent of the entire American electorate.

The economic power wielded by American trade unions was political power by its very nature because the New Deal thoroughly politicized all relations between the union movement, the business community, and the state. The New Deal differed from previous eras of state activism not only because of the relatively more favorable political and legislative environment it created for organized labor, but, perhaps even more importantly, because it provided a set of semipermanent political structures in which vital economic issues were negotiated between unions and employers. Capitalism seemed both unstable and parochial, so it needed guidance from the state, whatever the immediate interests of individual entrepreneurs and managers.31

Thus from 1933, when the new Roosevelt Administration pulled together the corporatist National Recovery Administration, until 1946, when the consumer/populist Office of Price Administration finally collapsed, all of the principal U.S. industries' key bargains were ultimately determined by a set of state institutions that collated wages, prices, profits, and union status. Beginning in 1941, the price of steel and the rate of pay enjoyed by workers in that industry was set not at a Pittsburgh bargaining table, but in the White House Oval Office. The successive appearances of these alphabet agencies—NRA, NLRB, WLB, WSB, OPA—seemed to signal the fact that in the future, as in the past, the fate of organized labor, and by extension, the fortunes of capital, would be determined as much by a process of politicized bargaining in Washington as by the give and take of contract collective bargaining.32


32. See TOMLINS, supra note 5, at 197-328; Theda Skocpol, Political Response to
As a result, the United States seemed to advance toward the kind of labor-backed corporatism that would later characterize social policy in northern Europe and Scandinavia. Corporatism of this sort called for government agencies, composed of capital, labor, and "public" representatives, to substitute their decisions for the "chaos" of the market. The Wagner Act was specifically designed to generate a powerful trade union movement which would use its organizational muscle to raise wages and thereby revive the flagging economy. The premier examples of such a corporatist formation, however, came during World War II with the War Labor Board (WLB) and its wartime companion, the Office of Price Administration. These were administrative regimes that regulated wage and price relations within and between industries. Although union officials often denounced both agencies for their accommodation to politically resourceful business and producer groups, the maintenance of such institutions were nevertheless seen by most liberal and labor spokesmen as the foundation of a postwar "incomes" policy. That policy would continue the rationalization of the labor market begun during the war, set profit and price guidelines, and redistribute income into worker and consumer hands. 33

The War Labor Board, for example, socialized much of the trade union movement's prewar agenda, making such wage bargaining elements as seniority, grievance systems, vacation pay, night-shift supplements, sick leave, and paid meal times standard "entitlements" for an increasingly large section of the working class. Likewise, the government-enforced World War II wage formulas, although bitterly resisted by the more highly paid and well-organized sections of the working class, had enough loopholes and special dispensations to enable low-paid workers in labor-short industries to bring their wages closer to the national average. The net result was a redistributive, laborite social policy. Black wages rose twice as rapidly as white wages under this regime, and weekly earnings in cotton textiles and in retail trade increased about fifty percent faster than in high-wage industries like steel and automobiles. By the onset of postwar reconversion, WLB wage policy was explicitly egal-

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tarian. A July 1945 WLB Memorandum stated that "'[i]t is not desirable to increase hourly earnings in each industry in accordance with the rise of productivity in that industry.'" The WLB also stated that "'[t]he proper goal of policy is to increase hourly earning generally in proportion to the average increase of productivity in the economy as a whole.'"

This politicized bargaining demanded of the trade unions an organic amalgamation of strike action, organizing activity, and political mobilization. The new unions born in the 1930s represented a qualitative break with both the "job conscious" unionism celebrated by Selig Perlman and the shop syndicalism associated with the Industrial Workers of the World. The bureaucratization and statification of the unions seemed not only a fearful threat, eloquently addressed by radical intellectuals like Daniel Bell and Dwight MacDonald, but, from the point of view of American business, the growth of union power, worker activism, and state capacity represented a viable and potent threat. Furthermore, the fact that wartime work disputes were routinely handled by powerful public bodies suggested to workers that resistance to arbitrary worksite authority had attained a kind of social legitimacy. By the end of the war, business was desperate to reprivatize the relationship between management and labor by eviscerating the sanction that a wartime government had conferred upon worker activism and union political ambitions.

A. Changing Political Framework

1. The Kelsey Strike

In the year following the collapse of Japan, three conflicts demonstrated a managerial determination to transform the legal and political framework used to battle their class adversaries. In August 1945, a two-month strike erupted at the Kelsey-Hayes Wheel Corporation, which supplied brake shoes and other parts to Ford and Chrysler. Now long forgotten, this strike by 4500 Detroit workers encapsulated all that managers thought had gone wrong in the New Deal system of labor relations.


35. Id.

By 1945, a social revolution had transformed Kelsey’s shop practice and workplace culture, as a new generation of second-generation immigrants and African-American migrants achieved power within the factory. No formal contract existed between the union and Kelsey management, but these new workers defended their prerogatives in a near constant series of battles with shop supervisors.\(^\text{37}\)

During the war there were fifty-one “wildcat” walkouts, many directed against foremen who failed to respect the authority wielded by union stewards. “We made broad concessions for labor peace,” Kelsey President George Kennedy told the House committee drafting the Taft-Hartley Act, “but we did not get peace.”\(^\text{38}\)

Although the United Auto Workers (UAW) opposed such unsanctioned walkouts, the union’s overarching ideology nevertheless legitimated such militancy. “Before organization came into the plant, foremen were little tin gods in their own departments,” declared a 1941 UAW steward’s handbook.\(^\text{39}\) It stated that “[w]ith the coming of the union, the foreman finds the whole world turned upside down. His small-time dictatorship has been overthrown, and he must be adjusted to a democratic system of shop government.”\(^\text{40}\) Uncooperative foremen were ridiculed, shunned, and sometimes forced out of the factory, and Kelsey foremen were incapable of carrying out the disciplinary tasks mandated by top management. In response, an overwhelming majority of foremen joined an independent supervisory union, the Foreman’s Association of America, whose membership spread like wildfire throughout heavy industry at the end of World War II.\(^\text{41}\)

The Kelsey strike sought the reinstatement of key shop leaders fired by Kennedy, whose desperate attempt to restore a measure of shop discipline had kept tension high in the Kelsey factory for nearly six months. Lasting for forty-five days, the Kelsey strikers defied the War Labor


\(^{38}\) Amendments to the NLRA: Hearings Before the House Comm. on Educ. and Labor, 80th Cong. 1069 (1947) (testimony of George Kennedy, President, Kelsey-Hayes Wheel Co.) [hereinafter Hearings].


\(^{40}\) Id.

Board, top UAW officers, company management, the governor of Michigan, and the Detroit police. Halting vital auto parts production, the strike nearly closed Ford's giant River Rouge complex and laid off almost 100,000 workers. The amazing solidarity exhibited by the Kelsey strikers foreshadowed the giant industry-wide wage strikes that would soon put millions of workers on the picket line, and shut down entire cities in a wave of general strikes in 1946 and 1947. The Kelsey strike was front page news for more than a month, and an account of the strike occupied seventy-five pages in the House hearings held in early 1947. Kennedy told the House Committee that "the outstanding weakness in the labor field today is the lack of union responsibility and the complete lack of any laws compelling or even encouraging responsibility." He added that "[s]evere penalties, such as loss of bargaining rights by the union, loss of job [sic] by the men, and fines should be imposed for illegal strikes..."

2. The General Motors Strike

Working-class insurgency from below was soon matched by labor's strategic offensive from above. During the fall and winter of 1945-46, the UAW struck General Motors for 113 days. Led by Walter Reuther, the union sought a thirty percent increase in wages without a rise in the cost of cars. GM denounced the demand as un-American and socialist, but in reality Reuther was merely seeking to put some backbone into the Truman Administration's effort to sustain price controls and working class living standards during the crucial demobilization era. Given the enormous rise in productivity during the war, most American corporations, and General Motors in particular, had the "ability to pay" increased wages to sustain the working class "purchasing power" necessary to ward off a postwar Depression. As Reuther put it, "[t]he fight of the General Motors workers is a fight to save truly-free enterprise from death at the hands of its self-appointed champions."

General Motors' response was predictable, but also indicative of the stakes, as seen from the highest levels of corporate power:

America is at the crossroads! It must preserve the freedom of each unit of American business to determine its own destiny... The UAW-CIO is reaching for power... It leads surely toward the day when union bosses... will seek to tell us what we

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42. Hearings, supra note 38, at 1071.
43. Id.
can make, when we can make it, where we can make it, and how much we can charge ...."\(^{45}\)

George Romney of the Automobile Manufacturers Association exaggerated only slightly when he personalized the darkest fears of American capital: "Walter Reuther is the most dangerous man in Detroit because no one is more skillful in bringing about the revolution without seeming to disturb the existing forms of society."\(^{46}\)

3. The Office of Price Administration

This kind of mobilization from below, legitimated by governmental policy from above, reached its most frightening dialectic in the power briefly wielded by the Office of Price Administration (OPA). The OPA was another mobilizing bureaucracy of the New Deal that helped build a powerful administrative state. Like the NLRB and the Fair Employment Practices Commission, OPA's effectiveness depended upon the organized activism of huge numbers of previously voiceless individuals. Both labor and the Truman Administration believed the continuance of OPA price regulations essential to the success of an orderly and progressive reconversion of the economy. In 1945, OPA employed nearly 75,000 and enlisted the voluntary participation of another 300,000, mainly urban housewives, who checked the prices and quality of consumer goods regulated by the government. OPA chief Chester Bowles, a spirited New Deal liberal, called the volunteer price checkers "as American as baseball."\(^{47}\) Many merchants denounced them as a "kitchen gestapo," but the polls found that more than eighty percent of all citizens backed OPA price-control regulations.\(^{48}\) In response, the National Association of Manufacturers (NAM) poured as much money into anti-OPA propaganda as it would later spend on agitation for Taft-Hartley. NAM viewed OPA as "regimented chaos,"\(^{49}\) an oxymoronic phrase which nevertheless captured business fear of a powerful state whose regulatory purposes were implemented by an activist, organized citizenry.\(^{50}\)

The Taft-Hartley Act was enacted twice. In 1945 and 1946, labor's political and ideological defeat set the stage for the legislative passage of

\(^{45}\) Id. at 230.

\(^{46}\) Id.


\(^{48}\) See id.

\(^{49}\) See id. at 935 (displaying a National Association of Manufacturers newspaper advertisement entitled "Would You Like Some Butter or a Roast of Beef").

\(^{50}\) Cf. id. at 935-41.
Taft-Hartley twelve months later. By October 1945, the Kelsey-Hayes strikers were isolated and their strike leaders were permanently fired. The kind of "rank and file" militancy exemplified in their struggle never won a legitimizing public voice in the Taft-Hartley Act debates, not even from the most left-wing of top union leaders. In addition, the failure in 1946 of the Reutherite wage-price program at General Motors, combined with the collapse of OPA later that summer, represented a defeat for the kind of politicalized economic bargaining that American businessmen found so anathema. When an inflationary spiral during the summer and fall of 1946 seemed to discredit both union power and the Rooseveltian state, ten million working class voters remained at home. The result was a Republican sweep in the fall and the election of the eightyeth Congress that put the containment of union power and the reprivatization of collective bargaining at the top of its agenda.\footnote{James Boylan, The New Deal Coalition and the Election of 1946, at 151-67 (1981). See generally Joel Seidman, American Labor from Defense to Reconversion 233-44 (1953); Jacobs, supra note 47, at 940-41.}

B. Taft-Hartley is Managerial Agenda

The devil is always in the details, which is why the conservative effort to transform the entire political economy depended upon seemingly insignificant technicalities in the labor legislation that would sweep through Congress in the spring of 1947. To understand the structural importance of the Taft-Hartley Act, three elements of the managerial agenda require some elaboration: (1) the destruction of unionism among foremen and first line supervisors; (2) the elimination of Communist influence from the trade unions; and (3) the effort, unsuccessful at the time, to curb industry-wide bargaining.

1. Supervisory Unionization

Section 2(3) of the Taft-Hartley Act, which excluded foremen and other supervisors from coverage under the NLRA, proved the single most powerful weapon crafted by labor's opponents under the new law. The organization of supervisory employees, usually into unions of their own, represented one of the most important socio-political phenomena of the late New Deal era. With the rise of mass production and bureaucratic rationality, first-line supervisors had become both a linchpin in the production process and an anomalous "man in the middle," buffeted from below and above by militant workers and the managerial quest for efficiency and control. The Foreman's Association of America claimed
neutrality in the "ceaseless struggle between ownership and wage labor," but it functioned like a trade union, aligning itself with the CIO.\textsuperscript{52} Theodore Iserman, the Chrysler attorney who played a key role in drafting the House version of the Taft-Hartley Act, recognized that "'[s]olidarity of labor' is not an empty phrase, but a strong and active force . . . .\textsuperscript{53} He estimated that supervisory unionism would win recognition at twenty to fifty percent of all workplaces.\textsuperscript{54}

Shifting its stance to accord with industrial reality, both the WLB and the NLRB sustained the unionization of foremen. In its March 1945 Packard decision, the NLRB used the same criterion advanced by the Foreman's Association in distinguishing first-line supervisors from top management: they were employees under the Wagner Act because they did not set policy. In 1946, the Board went further and ruled in a case involving coal mine supervisors at the Jones & Laughlin Steel Company: foremen could not be barred from membership in a rank and file union because of provisions regarding employees' freedom of choice under the Wagner Act. By 1946, the FAA held a collective bargaining contract at the Ford Motor Company and had won NLRB elections at scores of Midwestern manufacturing facilities.

America's top managers viewed foreman unionization as industrial anarchy, which was the language they used to describe union control of the shop floor work environment. "'We must rely upon the foremen to try and keep down those emotional surges of the men in the plants and urge them to rely on the grievance procedure,'" argued a Ford Motor Company spokesman, "'[i]f we do not have the foreman to do that, who is going to do it?'\textsuperscript{55} Seniority rights, grievance procedures, and union representation by foremen were deemed subversive by management because if supervisors themselves felt less threatened by orders from above, then the immense social and psychological pressures generated from below would surely turn them into unreliable agents of corporate power. Managerial recourse to military analogies ensued: "'[p]icture if you can the confusion of an army in the field,'" asserted a Detroit machine shop executive, "'if the non-commissioned officers were forced to listen to the commands of the men in their ranks as well as those of their superior officers.'\textsuperscript{56} Argued Kelsey's George Kennedy, "'[i]f foremen are taken

\begin{footnotes}
\item 52. \textit{Cf.} \textit{Hearings, supra} note 38, at 868 (testimony of FAA President Robert Keys).
\item 53. \textit{Id.} at 2711 (testimony of Theodore Iserman).
\item 54. \textit{See id.} at 2710.
\item 55. \textit{Lichtenstein, supra} note 41, at 177 (quoting Ford Motor Company counsel William T. Gossett); \textit{see also Hearings, supra} note 38, at 1074.
\item 56. \textit{Lichtenstein, supra} note 41, at 177-78; \textit{see also Hearings, supra} note 38, at 1074.
\end{footnotes}
away from management, how can management effectively operate its plants?"\textsuperscript{57}

Foreman organization, however, did not just threaten to weaken managerial authority at the point of production. Rather, it eroded the vitality of corporate ideology in society at large, by shattering the unitary facade of management and opening the door to a much larger definition of what constituted a self-conscious working-class identity. "The Foreman Abdicates" ran a \textit{Fortune} headline in 1945, but the larger issue was whether or not the lower middle class—clerical workers, salesmen, store managers, bank tellers, engineers, and draftsmen—would also abandon their identification with the corporate order. "'Where will unionization end?'" asked GM's Wilson, "'[w]ith the vice presidents?'"\textsuperscript{58} The legislative history of the Taft-Hartley Act put it this way: "Supervisors are management people . . . . It seems wrong, and it is wrong, to subject people of this kind, who have demonstrated their initiative, their ambition, and their ability to get ahead, to the levelling processes of seniority, uniformity and standardization . . . ."\textsuperscript{59} The deunionization of the foremen, and their forced-draft conscription back into the managerial realm, was therefore essential to the reghettoization of the union movement and the victory of management all along the white-collar frontier.

The magnitude of labor's defeat on the issue of supervisory unionism has become clearer with each passing year. Through the 1940s and 1950s, top executives feared their own supervisors as the potent allies of a well-organized working-class insurgency. In response, managers demanded supervisory "loyalty," but few executives actually defined such a requirement in an aggressively anti-union fashion. In the 1970s and 1980s, however, the very conditions that once made first line supervisors vulnerable to rank and file influence—their daily contact, rapport, and sociological affinity—gave managers and anti-union consultants the incentive to conscript this strata as the shock troops who are thrown into the anti-union battle at the first hint of an organizing campaign. In the 1950s, the NLRB often protected supervisors who refused to report the union activities of their subordinates to top management, but in later years the judicial tilt toward management stripped supervisors of this protection. When labor's organizing activities threaten a union-free company today, standard operating procedure requires management to

\begin{itemize}
\item 57. \textit{Hearings}, supra note 38, at 1074; see also Lichtenstein, \textit{supra} note 41, at 178.
\item 58. \textit{The Foreman Abdicates}, \textit{FORTUNE}, Sept. 1945, at 150.
\end{itemize}
call a meeting of all first-line supervisors in order to threaten or fire those who resist implementation of the anti-union strategy. As one labor organizer noted, once managers “make it a point to frighten the supervisors,” the supervisors “turn around and frighten the employees.”

2. The Elimination of Communist Influence from the Trade Unions

If the elimination of supervisory unionism is today a largely forgotten episode in the politics of Taft-Hartley, then the anti-Communist thrust of the law—including section 9(h), which required all trade union officials to sign an affidavit asserting they were not Communists, by organizational affiliation or belief—looms large in our historical imagination. This clause generated enormous bitterness among trade unionists of all political colorations, touched off a civil war within the CIO, and generated more than a decade of litigation that marginalized scores of union leaders, even as leftists and civil libertarians waged a long, and ultimately successful, legal battle to overturn the prohibition.

The clause was obnoxious to contemporary unionists, because it inscribed in the law a class distinction and stigmatic mark that even the most anti-Communist trade union officials found repugnant. The law only required trade unionists to sign such an affidavit, not employers. Thus, denunciations of the clause came not only from the left but from such veteran anti-Communists as John L. Lewis, who hated the CIO leftists, and Max Zaritsky of the hatters union, who had purged his organization of Communist influence twenty years earlier. Lewis pulled 600,000 miners out of the AFL rather than sign the affidavit, while Zaritsky, who filed in September 1947, put his signature to the affidavit “with a feeling of revulsion for the trend of thought that has forced this foreign procedure on American labor.”

Given such opposition and the subsequent damage the anti-Communist clause inflicted upon the unions, one might have expected much advocacy from the ranks of employers and congressional conservatives for the insertion of this clause into the final bill that became the Taft-Hartley Act. But the issue figured hardly at all, in either the rhetoric of those businessmen who championed Taft-Hartley or in the testimony offered at the exhaustive congressional hearings on the bill in Feb-


ruary and March 1947. Such silence speaks volumes for these were the very months in which the President of the United States established a federal loyalty review board and enunciated the Truman Doctrine, which represented the government’s declaration of an ideological Cold War against the Soviets.

Two reasons account for the relative apathy surrounding passage of Taft-Hartley's anti-Communist clause. First, the enormous legal and ideological warfare touched off by the clause was a function, not so much of the Right persecuting the Left—which was true enough—but of a civil war within the ranks of labor and its liberal allies that long antedated Taft-Hartley. The UAW, the ILGWU, the UMW, and several other important unions had already put anti-Communist provisions in their constitutions. Section 9(h) added a new front in this battle but was not essential to the prosecution of this particular civil war. More importantly, business leaders understood that when it came to bargaining issues or shop floor militancy, the distinction between Communists and regulation trade unionists was rather negligible. "Nothing is more dangerous than to assume that those who today attack 'Communists' within their union, and who are in consequence unthinkingly labeled 'right-wingers,' are ipso facto believers in private enterprise or in our form of government," warned Stuart Ball, counsel for Montgomery Ward, in late 1946.62 He asserted further that "it is not necessary to pin the label of 'Marxist' upon a labor leader to prove that what he believes is incompatible with our basic political and economic beliefs."63

Indeed, even the most prominent spokesmen for American business sometimes downplayed the Communist role in U.S. labor strife in order to strike a blow at this more important target. Thus, in January 1947, when U.S. Chamber of Commerce president William Jackson spoke in Milwaukee, the bitter, Communist-led Allis-Chalmers strike in that city was nearly a year old. Jackson, however, chose not to attack the Communists. Instead, he attacked a pair of anti-Communists, "the Philip Murrays and the Reuther," whom he characterized as "extreme elements" who are "today exploiting their authority and monopoly position as recklessly as industrial barons did in the earlier stage of the country's national history . . . ."64 In textiles, retail trade, shoe making, and to-

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63. Id.

64. Threat to Capital Held U.S. Menace, supra note 21, at 8.
bacco, business played the anti-Communist card to keep their workplaces union-free. But the real issue was always unionism, not Communism.65

Even when taken at face value, section 9(h) did have a devastating impact on the unions. Initially, all trade union officials refused to sign the anti-Communist affidavits. Led by John L. Lewis of the AFL and Philip Murray of the Steelworkers, both labor federations indicated a refusal to sign, thereby severing relations with the NLRB and, in effect, nullifying the Taft-Hartley Law. But the American trade union movement had long relied upon the state to facilitate and legitimate the activism of its rank and file. The use of the NLRB to resolve grievances against anti-union employers and participate in bargaining unit elections was now essential to the maintenance of union power.66

The stakes became clear at a crucial meeting of the UAW executive board in September 1947. The decision to boycott the NLRB had little impact on the well-organized core of the union, but it wreaked havoc on the UAW's coastal frontiers, where the AFL Machinists had the resources to raid UAW jurisdictions. "We cannot hold our people much longer,"67 reported the president of one East Coast aircraft local, claiming "[t]he people in the plant are not old militant union people. . . . They are young yet, and have read the papers, and they want to know the answers to certain questions that they have a right to ask."68

Walter Reuther called Taft-Hartley "a vicious piece of Fascist legislation," but he still wanted UAW officers to sign the anti-Communist affidavits, stating "we have no alternative as a practical matter except to comply."69 The furious debate that followed turned on a fundamental assessment of working-class consciousness in the postwar era. Old radicals, many of Wobbly vintage, argued for a return to "militant action" and an abandonment of any reliance on the state's labor relations apparatus. But those politicized during the New Deal, like the UAW Secretary-Treasurer Emil Mazey, made a counterclaim: "We have already organized the advanced section of the working class in America. The workers that are still unorganized are the more backward element. . . . These

67. LICHTENSTEIN, supra note 44, at 266.
68. Id.
69. Id.
workers will not, in a majority of cases, strike to win union recognition.\textsuperscript{70}\ Reuther admitted "Taft-Hartley made it harder to organize: [i]t was written for that purpose . . . but it does not make it impossible to get people to join a union."\textsuperscript{71} The anti-state rhetoric of his opponents was therefore "defeatist." Unless the unions continued to organize under Taft-Hartley, "[they] would be incapable of winning the political support necessary to stem the right-wing tide."\textsuperscript{72}

The elimination of the Communists, however, made such a political strategy far more difficult. Section 9(h) did more than attack the Communists remaining in union leadership posts. More importantly, the thrust of this clause was directed toward that depoliticization of the unions demanded by even the most sophisticated elements of the business community. During the 1940s, trade union anti-Communists correctly attacked the Communists as "counterfeit revolutionaries"\textsuperscript{73} because so much of their politics—like the support they offered to the no-strike pledge during World War II—was really a function of their ideological allegiance to the interests of Soviet power. However, American Communists were not simply Soviet pawns. The great tragedy inherent in the legal and political assault upon the American Stalinists also flowed from the organic leadership they gave to so much that characterized mid-century social liberalism: opposition to the Cold War, trade union militance, the defense of civil liberties, protofeminism, and above all, the movement for the liberation of African-Americans. This trade union left represented an anchor for many of these movements, and the elimination of the Communists from much of American political life fatally diminished the role that the trade unions would play in the emergence of the Civil Rights Movement and the New Left just a decade later.\textsuperscript{74}

\begin{thebibliography}{9}
\bibitem{70} Id.
\bibitem{71} Id.
\bibitem{72} Id.
\bibitem{73} Sidney Lens, The Counterfeit Revolution 1-12 (1952).
\bibitem{74} Studies that see U.S. Communism largely as the Stalinist product of Soviet foreign policy include Theodore Draper, American Communism and Soviet Russia (1960); Irving Howe & Lewis Coser, The American Communist Party A Critical History (1957); and Harvey Klehr et al., The Secret World of American Communism (1995). Social and labor historians of the current generation recognize the weight of Moscow's heavy hand, but most also assert the complex, indigenous sources of Communist influence within the United States during the 1930s and 1940s. See, for example, Michael Honey, Southern Labor and Black Civil Rights: Organizing Memphis Workers (1993); Maurice Isserman, Which Side Were You On?: The American Communist Party During the Second World War (1982); and Robin Kelley, Hammer and Hoe: Alabama Communists During the Great Depression (1990); Steve Rosswurm, ed., The CIO's Left-Led Unions (1992).
\end{thebibliography}
3. Industry-Wide Bargaining

The final element of the Taft-Hartley Act that requires inspection is a section of the law that was not enacted, at least not in 1947. This was a ban on "industry-wide bargaining," or, as its advocates stated, on "monopoly unionism." Fred Hartley's House Committee actually drafted such a provision, which would have made the centralized negotiation of multi-plant or multi-firm collective bargaining contracts more difficult, but in the Senate, Robert Taft knew that such a provision was a "killer amendment," and he removed it during the House-Senate conference.

Most historians see this conflict, and its resolution, as reflective of the divergent interests of smaller capitalists in highly competitive sectors of the economy versus the larger, oligopolistically structured enterprises that were quite willing to allow trade unions to take wages out of competition. Taft's Senate victory represented the growing power of monopolistic firms, that sacrificed the interests of their smaller, more competitive cousins in the interests of a larger industrial relations stability. Although big business could pass on to consumers the burden of higher wages by raising prices, smaller firms were heavily penalized in this process because not only did they have to pay these higher prices, but they were also subject to worker demands for pay levels commensurate with those won by firms whose high productivity and market power enabled them to absorb the higher labor costs.

But if one listens to business rhetoric during the Taft-Hartley debate, one finds a distinct counternarrative, and not only among the oppressed class of entrepreneurs and family firms. American businessmen universally opposed industry-wide bargaining, because they saw it leading inexorably to the kind of class solidarity, politicized bargaining, and governmental intervention from which they were trying to escape. They were convinced that industry-wide bargaining generated a wage-price spiral, inflation, and a public demand that the federal government establish a permanent set of wage-price-profit guidelines. Thus, Charles Wilson of General Motors argued, "[i]f labor monopoles are permitted on

76. Cf. Millis & Brown, supra note 75, at 383-86 (noting that the House wanted to greatly limit industry-wide bargaining); Patterson, supra note 75, at 352-66.
77. See Lipsitz, supra note 7, at 160; see also David Plotke, Building a Democratic Political Order: Reshaping American Liberalism in the 1930s and 1940s, at 232-34 (1996).
an industry-wide basis, employer cartels to match them are thereby made inevitable, and the product of this situation in the end will require state control of both. This is the Nazi-Fascist-Communist pattern.\textsuperscript{78}

Ira Mosher, who headed the National Association of Manufacturers, led a business group whose membership favored the family firm and the competitive sector enterprise. He therefore attacked the "labor monopoly" and favored single-plant bargaining relationships because "\[h\]uman relations in industry as in the home, are intimate and personal, varying from plant to plant and from company to company . . . . The unique employment conditions of a given plant should not be forced into patterns established by a few labor leaders in meetings with a few industry representatives."\textsuperscript{79}

Mosher advocated the destruction of industry-wide bargaining, the evisceration of union solidarity and the depolitization of unionism. He asserted: "When the boycott is combined with the closed shop and industry-wide bargaining, its monopolistic character is intensified and the danger to competitive economy is increased."\textsuperscript{80} Mosher attacked industry-wide bargaining primarily because he recognized that only when an entire industry was shut down did the unions have the leverage to bring the state in on their side. Indeed, the destruction of this politicized regime stood at the very top of the NAM agenda, followed by a ban on secondary boycotts and foreman unionism. Note, however, that the elimination of Communists from union leadership found no place on the legislative agenda of this right-wing business organization.

Without the destruction of "monopoly unionism," "\[p\]ractical operating problems are neglected and social philosophies and ideologies are emphasized . . . . In short, there is a marked tendency in such circumstances to emphasize the 'class struggle' and to argue and fight for political ends . . . ."\textsuperscript{81} Mosher predicted that "\[g\]overnment intervention can become a habit leading to regulation of wages, hours, and other conditions of employment, and also of prices. In short, when government intervenes in labor relations, the economy is on the highway to nationalization and competitive productive enterprise is on the way out."\textsuperscript{82}

\begin{itemize}
\item\textsuperscript{79} \textit{Hearings}, supra note 38, at 2683 (testimony of Ira Mosher).
\item\textsuperscript{80} \textit{Id.} at 2691 (testimony of Ira Mosher).
\item\textsuperscript{81} \textit{Id.} at 2685 (testimony of Ira Mosher).
\item\textsuperscript{82} \textit{Id.}
\end{itemize}
Ira Mosher's forecast proved accurate, in spirit, if not in the details. The industry-wide collective bargaining that characterized the steel, auto, trucking, rubber, coal, and transport industries did sustain what some scholars have described as a system of meso-corporatism, or pattern bargaining. Businessmen grudgingly accepted such economic coordination throughout the 1950s and 1960s, but as David Stebenne has demonstrated in his outstanding biography of Arthur Goldberg, they gave to the "labor-management accord" of those years a highly qualified allegiance. Indeed, the United Steelworkers felt compelled to strike the industry at almost every contract renewal between 1946 and 1959. In 1962, when President Kennedy and new Secretary of Labor, Arthur Goldberg, tried to actively politicize these industry-wide bargaining arrangements by putting into place a set of wage-price guideposts, the steel industry precipitated a major confrontation with the White House. President Kennedy then forced U.S. Steel and other big firms to rescind an April 1962 round of price increases, but the political fallout was so severe that no Democratic president ever initiated such a direct confrontation with major industry again.83

Industry-wide bargaining proved to be far from the wave of the future imagined by either its friends or foes. The growth of competitive industry in the non-union South and in the entrepreneurial West provided the economic and political basis for a full-scale assault upon this model, and support for the conception advanced in Fred Hartley's House committee. The issue reemerged on the national political agenda ten years after the passage of the law, during the deep recession of 1957-58, the first real challenge to competitive sector firms since the Roosevelt Recession of twenty years before. Here we find the rise of a Republican Right, whose distinguishing characteristic was its unqualified rejection of industry-wide wage bargaining. Conservatives launched a new assault upon the union shop, even in Northern states like Ohio and California. They denounced both Walter Reuther and Jimmy Hoffa as "labor bosses," and the anti-union right found a champion in Republican senator Barry Goldwater, who got his political start in Phoenix by successfully mobilizing his fellow retailers on behalf of Arizona's 1948 "right-to-work" law. By the end of the 1950s, Goldwater declared industry-wide bargaining an "evil to be

eliminated,” and Walter Reuther "a more dangerous menace than the Sputnik or anything Soviet Russia might do to America."³⁸⁴

III. CONCLUSION

Industry-wide bargaining finally collapsed in the early 1980s, presided over by Goldwater's most successful ideological heir. One cannot directly link the concession bargaining of those years to passage of the Taft-Hartley Act, but, taken as a whole, the 1947 labor statute established the structural framework which made such a bargaining debacle possible. As a consequence, the American republic is today in the midst of a truly daring experiment: can an industrial democracy maintain viable parliamentary institutions and a healthy civic life in the absence of a minimally powerful trade union movement? Given the demise of the idea of industrial democracy, the atrophy in our party politics, the continuation of a generation-long era of wage stagnation, and the insecurity which stalks the American workplace, this issue remains open to debate. If so, then labor's proposition of 1947 is still viable: Taft-Hartley was indeed a "slave labor law."

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