THE CONGRESS PROJECT

Assignment Prompt Sheet

Taft-Hartley Act of 1947

Overview

Act Title: Taft-Hartley Act of 1947/Labor Management Relations Act

Congress: 80th Congress (1947-1948)
Session/Sessions: 1

Statute No: 61 Stat. 136-62
Public Law: 80 PL 101

Eid: 800101
Gid: 221-16

Bill: HR 3020
Sponsor: Rep. Fred Hartley (R-NJ)
House Committees: Education and Labor
Senate Committees: Labor and Public Welfare



(Above) Sen. Robert Taft (R-OH), the sponsor of the Senate version of the Taft-Hartley Act. The eldest son of President William Howard Taft (R-OH), Robert Taft was frequently referred to as "Mr. Republican." Taft repeatedly sought the Republican nomination for President, only to be turned aside three different times for more moderate candidates. He served briefly as Senate Majority Leader before passing away in 1953.

Companion Bill: S 1126
Related Bills: HR 725; HR 880; S 105; S 159
House Rules: Hres 178; Hres 425
Past Bills: 79 S 1349; 79 HR 4908; 79 S 1661

Introduced Date- Law Date: April 10-June 23, 1947
House Floor Days: 5
Senate Floor Days: 24

Roll Call Votes: 18 (15 in the Senate; 3 in the House)

Issues: labor; social welfare; economics
Procedures: recommit with instructions; veto; open rule; Senate motion to recommit; amendments; veto override

Last Updated: 7/9/24

Legislative History Comments

The Taft-Hartley Labor Act of 1947 (80 PL 101) significantly amended the National Labor Relations Act of 1935 (Stathis 2014). The measure, amongst other things, "supplemented existing unfair labor practices for employers by establishing unfair labor practices for unions"; prohibited secondary strikes; banned 'closed shops' "that required an employee to be a union member prior to being hired" and established that states may pass 'right-to-work laws' which "bar union security agreements in labor contracts (Collins 2014, 2)." Passed in response to a major wave of strikes in 1945 and 1946, the measure was enacted over a veto by President Harry S. Truman (D-MO). Truman asserted the measure was "unfair" to labor.[1] It was listed as the most impactful law of the 80th Congress by Clinton and Lapinski (2006).

Taft-Hartley is highly controversial today, though most of the focus tends to be on the right-to-work component. By 2022, 27 of 50 states had passed right-to-work legislation. These laws "prevent unions from forcing workers they represent to pay fees or dues (Vox 2015)." Some have argued that the Taft-Hartley Act's enactment is "the principal causes of the American labor movement's eventual steep decline (Noah 2010)." Liberals attempted to repeal the law on a number of occasions, coming close in 1966, but failing to break a Republican-led filibuster in the Senate (CQ Almanac 1966).

There's a solid Last-Week Tonight episode from 2021 on the broader issue of union decline that's worth a look here:

- https://www.youtube.com/watch?v=Gk8dUXRpoy8

From a process standpoint, the measure is not particularly difficult, but it is highly contentious. Language during these debates are going to be over-the-top. It reaches the House floor under an open rule. After several days of debate, the bill was enacted by the House 308-107. Senate consideration occurs over a period of several weeks. The Senate bill, sponsored by Taft, was viewed as a much harsher measure. After a motion to recommit by the bill's primary opponent, Sen. Wayne Morse (R-OR), was rejected 35-59, the bill passed 68-24.

I'm not 100% certain, but my read is that the conference report was more reflective of the Senate measure than the House. They was some uncertainty over whether Truman would veto this bill, but he eventually did so. I get the impression he anticipate the veto would be overridden. The House voted to override the veto on June 20, 1947, by a 331-83 vote. The Senate on June 23, 1947, by a 68-25 vote.

Don't hesitate to e-mail me with questions! In addition to the Collins (2014) CRS report cited above, CQ Almanac (1947) is definitely worth consulting.

[1] Loftus, Joseph A. 1947. "President is Sharp: Finds Measure is a 'Bad Piece of Legislation." The New York Times, June 20.

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Assignments

For the sections below, you're going to want to answer the questions and write-up the process sections that correspond to your assigned number. Here they are:

#1. Open

#2. Open

#3. Open

Background Questions

1. Discuss the broader political context this bill was considered in. Who controlled the House? The Senate? By how many? Who was President? Was this part of the President's agenda? What other pieces of legislation were being considered/passed in this Congress? The Stathis (2014) piece might worth a citation here.

   What does this act actually do? Who was pushing for it? Was it significantly altered during consideration? What were the problems it was trying to rectify?

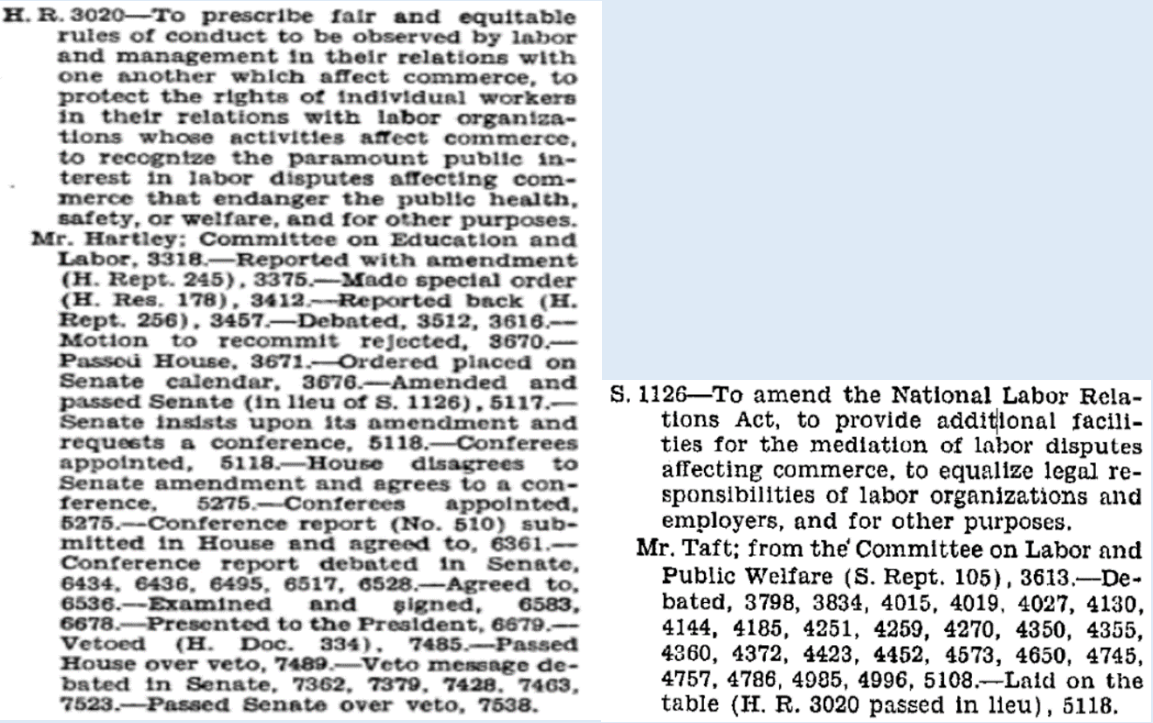
2. What motivated consideration of this legislation in this specific Congress? Was it in response to a specific event? Or was this a slower build over time? What happened in previous congresses regarding this? Had Congress considered comparable legislation?

   You might want to contextualize this bill by discussing some of the other landmark laws relating to this issue. With this measure, discussion of the "strike wave," would also make sense.

3. What did existing federal policy look like in this specific issue area? Why did reformers feel it needed to be changed?

Process Sections

Please write-up the sections that correspond to your number. Feel free to incorporate any notes I might have dumped in the margins. The indices for HR 3020 and the Senate companion, S 1126, are presented below.



H. R. 3020—To prescribe fair and equitable rules of conduct to be observed by labor and management in their relations with one another which affect commerce, to protect the rights of individual workers in their relations with labor organizations whose activities affect commerce, to recognize the paramount public interest in labor disputes affecting commerce that endanger the public health, safety, or welfare, and for other purposes.
Mr. Hartley; Committee on Education and Labor, 3318.—Reported with amendment (H. Rept. 245), 3375.—Made special order (H. Res. 178), 3412.—Reported back (H. Rept. 256), 3457.—Debated, 3512, 3616.—Motion to recommit rejected, 3670.—Passed House, 3671.—Ordered placed on Senate calendar, 3676.—Amended and passed Senate (in lieu of S. 1126), 5117.—Senate insists upon its amendment and requests a conference, 5118.—Conferees appointed, 5118.—House disagrees to Senate amendment and agrees to a conference, 5275.—Conferees appointed, 5275.—Conference report (No. 510) submitted in House and agreed to, 6361.—Conference report debated in Senate, 6434, 6436, 6495, 6517, 6528.—Agreed to, 6536.—Examined and signed, 6583, 6678.—Presented to the President, 6679.—Vetoed (H. Doc. 334), 7485.—Passed House over veto, 7489.—Veto message debated in Senate, 7362, 7379, 7428, 7463, 7523.—Passed Senate over veto, 7538.

S. 1126—To amend the National Labor Relations Act, to provide additional facilities for the mediation of labor disputes affecting commerce, to equalize legal responsibilities of labor organizations and employers, and for other purposes.
Mr. Taft; from the Committee on Labor and Public Welfare (S. Rept. 105), 3613.—Debated, 3798, 3834, 4015, 4019, 4027, 4130, 4144, 4185, 4251, 4259, 4270, 4350, 4355, 4360, 4372, 4423, 4452, 4573, 4650, 4745, 4757, 4786, 4985, 4996, 5108.—Laid on the table (H. R. 3020 passed in lieu), 5118.

#1. House Consideration of HR 3020 (April 15-17, 1947)

Prior to considering HR 3020, Rep. Leo E. Allen (R-IL), the chairman of the House Rules Committee brought Hres 178 to the floor. Hres 178 sought to provide consideration of HR 3020 under an open rule. Allen asserted the rule was necessary as the bill "one of the most far-reaching and one of the most important bills that any Member of this Congress will be asked to vote on (*Congressional Record*, 80th Congress, April 15, 1947, 3412)."

In opposition, Rep. Adolph Sabath (D-IL), asserted: "[Y]es, this rule is open; but under the bill, the rights of labor are closed (*Congressional Record*, 80th Congress, April 15, 1947, 3414)."

Sabath was joined by Rep. Vito Marcantonio (ALP-NY) who argued the measure was being backed by business interests who "made billions and billions of dollars in wartime…These are the men who are destroying the purchasing power of the American people and seek to destroy the rights of American workers (*Congressional Record*, 80th Congress, April 15, 1947, 3419)."[2]

[2] He noted that this legislation might help Republicans win an election but added: "I tell you that the day is not far off in these United States when the American people will recognize the pattern of boom, bust, and war that you are trying to put over on them under the guise of fighting so-called communism (*Congressional Record*, 80th Congress, April 15, 1947, 3420)."

After some debate, the previous question on the rule was adopted by voice vote. Hres 178 was then agreed to by a 319-47 vote. Nearly all the opposition came from liberal Democrats.[3]

Debate over HR 3020 began shortly afterwards.

On April 17th, Rep. Augustine Kelley (D-PA) moved to recommit the bill with instructions that HJR 83 "be reported back forthwith providing for a complete and comprehensive study of all labor-management relations (*Congressional Record*, 80th Congress, April 17, 1947, 3670)." This measure was supported by President Harry S. Truman (D-MO). Kelley's motion was rejected 122-291.

HR 3020 passed the House 308-107. Democrats split 95-86 in support; Republicans 217-24. Marcantonio (ALP-NY) also voted no.

#2. Senate Consideration of S 1126 & HR 3020 (April 18, 1947 – May 13, 1947)

On April 22, 1947, Sen. Robert Taft (R-OH) moved the Senate proceed to consider S 1126. He noted he did not plan on discussing the measure, just "intended simply to make it the unfinished business at the present time (*Congressional Record*, 80th Congress, April 22, 1947, 3798)." The motion was agreed to by voice vote.

On April 28, 1947, Sen. Wayne Morse (R-OR), the lead opponent of the bill, moved to recommit the bill to committee with instructions it report "separate bills for titles II, III, and IV (*Congressional Record*, 80th Congress, April 28, 1947, 4141)."[4]

After two full days of debate, Morse's motion was rejected 35-59 on April 30th. The motion was supported by 33 of 44 Senate Democrats, Morse and Sen. William Langer (R-ND). All other Republicans opposed it.

Prior to voting on the bill on May 13th, a number of the measure's opponents asserted it would be vetoed. Morse, for example, argued a "veto of this bill is wholly deserved (*Congressional Record*, 80th Congress, May 13, 1947, 5109)."

By unanimous consent, the Senate agreed to strike the text of S 1126 and insert it into HR 3020. HR 3020 was then passed 68-24.

#3. House Consideration of Conference Report on HR 3020 (June 4, 1947)

On June 4, 1947, Hartley moved the House consider the conference report on HR 3020 and asked by unanimous consent report not be read in full. Rep. Claire Hoffman (R-MI) objected and the conference report was read. Hoffman would later raise a point of order against the report on the grounds that the conferees inserted "additional matter which, even though germane, [they]

[3] They were joined by three fairly liberal Republicans.
[4] Taft drafted this as an omnibus measure. Morse is trying to break it up here. Expand on this debate.

had no authority to do (*Congressional Record*, 80th Congress, June 4, 1947, 6381)." Speaker of the House Joseph Martin (R-MA) rejected Hoffman's point of order and debate on the conference report continued.

A motion to recommit by Rep. John Lesinski (D-MI) was defeated 55-246 by a division. Lesinksi's request for the yeas and nays was rejected.

The conference report was agreed to 320-79.

#3. Senate Consideration of Conference Report on HR 3020 (June 5-6, 1947)

Debate on the conference report in the Senate began on June 5, 1947.

Rising in opposition, Sen. Harley Kilgore (D-WV) argued the bill's support was due to communist fear-mongering on the part of its supporters: "We have spoken much about communism. Everyone is afraid of communism. No one seems to be able to put his finger on what it is." He argued further that any economic breakdown caused by the bill was likely to make the communism a real threat (Congressional Record, 80th Congress, June 6, 1947, 6530)."

The conference report was adopted 54-17.

#1. House Consideration of the President's Veto on HR 3020 (June 20, 1947)

Truman vetoed the Taft-Hartley Labor bill on June 20, 1947.

The House voted to override the veto on June 20, 1947, by a 331-83 vote.

#2. Senate Consideration of the President's Veto on HR 3020 (June 23, 1947)

The Senate voted to override the veto on June 23, 1947, by a 68-25 vote.

Member Spotlight

Choose one of the following for your member spotlight:

#1. Rep. Fred Hartley (R-NJ); Rep. Sam Rayburn (D-TX); Rep. Joseph W. Martin, Jr. (R–MA); Rep. Charles A. Halleck (R-IN); Rep. Aime Joseph Forand (D-RI); Rep. Vito Marcantonio (ALP-NY)

#2. Sen. Robert Taft (R-OH); Sen. Arthur Vandenberg (R-MI); Sen. Scott W. Lucas (D-IL); Sen. Alben W. Barkley (D-KY); Sen. Wayne Morse (R-OR); Sen. William Langer (R-ND)

#3. Rep. Edward E. Cox (D-GA); Sen. Kenneth S. Wherry (R-NE); Sen. Richard Russell Jr. (D-FA); Rep. John Lesinski (D-MI); Rep. Claire Hoffman (R-MI); Sen. Harley Kilgore (D-WV)

Aftermath Questions

1. How has this law evolved over time? Has it been featured in any major Supreme Court cases? Significantly altered by subsequent legislation? What happened in 1966 when Democrats attempted to repeal it? On this point, see e.g. CQ Almanac (1966).

   How relevant is this law currently? Are there additional issues related to it that reformers have been pushing to change? On this question, it might be worth addressing the debate over "Right-to-Work" legislation.

2. How has this act been viewed by scholars? Did it achieve its stated goals? Do scholars highlight any major limitations? Are there aspects of the bill that are viewed more favorably than others? Discuss the relevance of this act as it pertains to contemporary policy.

3. How was this act viewed upon passage? What did the newspapers say? How did the final measure differ from the one reformers were pushing?

   Many predicted the veto of this bill would lead to Truman's defeat in 1948. Some suggest Truman actually campaigned on it and it helped him win. What happened? Was there an electoral impact?

Suggested Sources

Scholarly Articles

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Newspaper Pieces

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