

NAME

Civics 101 Taft-Hartely Act

DATE

February 28, 2025

DURATION

29m 9s

3 SPEAKERS

Nick Capodice

Archive

Erik Loomis

START OF TRANSCRIPT

**[00:00:06] Nick Capodice**

Hello, everyone. You're listening to Civics 101. I'm Nick Capodice. Hannah is out this week, so today is a rare solo performance. Now, today is one of those episodes that's tied to something that happened last week. And it got pretty big, and there was a threat that things could have gotten a lot bigger.

**[00:00:25] Archive**

We're out here picketing for better wages and automation protection, and we're willing to stay out here as long as it takes to get what we want.

**[00:00:32] Archive**

I'll shut them down throughout the world to prove that we can beat them.

**[00:00:36] Nick Capodice**

And big strikes like these, they usually get resolved one way or another, and then people forget about it until the next time it comes up. But as far as I can tell, it's probably going to keep coming up. So this is a good thing to have in your civic's pocket. Today we are talking about the Taft-Hartley act. So on October 4th, 2024, there was a continued massive strike of the International Longshoremen's Association. This is a union with about 50,000 members. These are the people who load and unload container ships, which is a crucial part of how we get all our stuff, almost all our stuff. 90% of the world's goods are transported by sea. So if the goods don't get off the container ship, they don't get to our stores. They don't get delivered onto our stoop. The union had two big demands, a wage increase and a commitment that the shipping companies wouldn't automate many of their jobs. These were the two big sticking points. And on the night of Thursday, October 4th, before things got too bonkers, the union and the companies that represent the shipping lines came to an agreement and the strike has paused. Things are being negotiated and work can commence whenever there's a big strike like this and neither side seems willing to budge. There is inevitably a headline asking, Will president So-and-so invoke the Taft-Hartley act?

**[00:02:08] Archive**

And there is the Taft-Hartley bill that says, if you're an essential worker to the to the commerce of the country, you you have to be on the job. And I think my own opinion. I'd like to see what Mike.

**[00:02:20] Nick Capodice**

So today we're going to explain what it is, what it does, where it came from, and what steps happen whenever it is invoked, which is not too often. I spoke with Eric Loomis. He's the professor of history at the University of Rhode Island and author of A History of America in Ten Strikes. So, without further ado, let's push this thing off the dock. So before we get into the Taft-Hartley act, for anyone out there who might not be familiar, what happens when workers go on a strike?

**[00:02:56] Erik Loomis**

Well, most of the time when a worker, when workers go on strike, they picket. They vote on it. First of all, they their union attempts to negotiate a contract with their employer. For whatever reason, they don't come to an agreement, whether that is because the employer doesn't want to agree or sometimes they actually do agree. But then the the workers themselves reject the deal. So you do see that. And when that happens, the workers leave the facility and they withhold their labor. Right. Which is at least, you know, by some measure, the strongest power that workers have, right? Their their collective ability to choose not to work based on the conditions of which they're making that choice. And then usually what happens is there is a period of time in which they are picketing, you know, handing out information to people passing by, engaging in a PR campaign, Usually behind the scenes, there are continued attempts to work out a deal because in the end, usually workers do want a paycheck because they're not getting paid during this. Um, and then eventually, as a general rule, they come to some kind of agreement. Then the workers vote on that, whether to end the strike or not. And then if they choose to, they go back to work.

**[00:04:13] Nick Capodice**

So when this strike was going on, President Biden refused to invoke the Taft-Hartley act. And the strike was resolved without it. But for anyone out there, the next time this happens, what is Taft-Hartley?

**[00:04:28] Erik Loomis**

Okay, so the Taft-Hartley act was passed in 1947, and it is an extremely anti-union bill. In the 1930s, workers went on strike by the millions around the country. They created the modern labor movement, basically the giant unions of that period the United Auto Workers, the United Steelworkers, you know, those kind of big industrial unions. And they have enormous successes. The administration of Franklin Delano Roosevelt passes the National Labor Relations Act and the Fair Labor Standards Act. Both laws transform and really revolutionize work in America, effectively creating the kind of dignified work that that exists. And workers themselves had pushed for those kinds of laws. They had engaged in massive strikes throughout the Great Depression, and then they're continuing to do so after this. Right. And so in the late 1930s and the early 1940s, there were many large strikes in America in World War two. The labor movement and the government and employers all came to an agreement to handle labor disputes in a different way. And one of the things that unions agreed to was to not strike. And so you don't really have, as a general rule, large strikes during World War two because everyone's trying to beat the Nazis. Right. But then at the end of the war, you have this enormous strike wave that begins. And most of these strikes were not for radical purposes. They were basically because workers wanted to get paid, right. They had not really received like major wage increases in a very, very long time because you had the Great Depression, then you have the war.

**[00:06:03] Erik Loomis**

And so over 4 million workers go on strike in late 1945 and in 1946. And what this does is empowers the business community, who's already just furious that unions exist and they don't want unions at all to basically create the harshest anti-union bill they can get passed through Congress in order to stop most of the things that the union movement used in the 30s and early 40s to become successful in this country. So it forces union leaders to sign anti-communist pledges that they are not members of the Communist Party, which was an issue back then. It ends what are called secondary strikes. And so like if, let's say in my university, we have professors, we have a union, and let's say the groundskeepers go on strike. A secondary strike would be the professor saying, in solidarity with the groundskeepers, we're not going to strike. Right. They make that illegal. They allow states to create so-called right to work laws to incentivize workers to not join unions. And there's a bunch of other stuff, too. But for our purposes, the biggest thing they do is they create for specifically large strikes, a path of federal intervention so that if the president decides and the words and the law is if a strike quotes imperils public health and safety, then the president can intervene and force the workers back on the job for a limited period of time while the administration tries to work out a deal.

**[00:07:32] Nick Capodice**

So this was a massive blow to the unions when this passed, right?

**[00:07:37] Erik Loomis**

Absolutely huge. Huge blow. You know, a lot of the ways in which organized labor had succeeded in the 30s were through things like secondary strikes, were through things like, you know, winning the so-called closed shop so that everybody in a workplace, if the workers voted to have a union, everybody would have to be a union member, right? Um, by engaging in, you know, radical actions. Yes. And even the communist stuff, I mean, a lot of them, whatever you want to think in 2024 about communism, you know, a lot of those leaders, a lot of those union leaders, and especially the most successful ones, and a lot of those organizers, they were so good at organizing workers, in part because they were committed to the cause of communism. And so it really it really does is it takes away takes out of the labor movement, many of the most successful organizing unions, and really kind of undermines the spirit of organizing. And they loathe this federal intervention, because if if you don't have the right to strike, if you don't have the right to withhold your labor, then what rights do you actually have? So, you know, the labor movement referred to it as the Taft-Hartley slave labor bill. That was the term they tried to use in order to do it, because they were like, well, we have to work if you were the government or making us work. Are we free people?

**[00:08:48] Nick Capodice**

Wow. Real quick, could you just define what a closed shop is?

**[00:08:52] Erik Loomis**

Yeah. So a closed shop is that, you know, if, if and they don't of course they don't exist in the United States, but that if let's say, you know, we have a union in a workplace, right? At 80% of the people vote yes on the union, the other 20% still have to be union members. Okay, right. That's been somewhat worked around by creating what are called fair share dues, in which you don't have to be a union member, but because see, what what the law does as well is, is it says, okay, if we have a union and you don't want to be a member, well, fine. You don't have to be. But the union still has to represent you, right? The union still negotiates your wages. The union still is supposed to, you know, negotiate fair conditions for you. And if you are a nonunion member, but you get in trouble on the job, even though you are not paying into the union or you're not a member. Then they still have to represent you in, say, a grievance hearing so that you can keep your job. So it basically creates free riders or a more accurate term as leeches on the union states then can also pass a Right to Work act, which means that in many states have done this, which means that workers don't even have to pay those fair share fees so they can literally be free riders. And this is continuing to move forward. So with the Supreme Court case of the Janus case of a few years ago, which really was an attack on public sector unions, Justice Alito specifically notes, one of the appeals of this is to ensure that public sector workers, government workers throughout the country. So even in a pro-worker state like Rhode Island that has very strong labor law, that if my fellow faculty members choose not to be a member of this union. They don't have to pay anything. They still get all the benefits and they pay nothing.

**[00:10:53] Nick Capodice**

We're going to get back to Taft-Hartley. And a few more details on last week's longshoremen strike. But first, we got to take a quick break. And if you want to check out our archive of hundreds of episodes on hundreds of topics, you can do that at our website, [civics101podcast.org](http://civics101podcast.org). Thanks.

**[00:11:29] Nick Capodice**

What is the exact word wording in the act about what kind of a worker can have this federal intervention?

**[00:11:36] Erik Loomis**

It's vague, yeah. So the official language is that if a strike imperils national health and safety, who determines that? Right. That's that's up to the president. So there's not a standard here. It's not a size of a strike or there's no legal standard here. It's intentionally vague. Basically, a president can invoke it whenever they want to.

**[00:12:00] Nick Capodice**

And it has to be invoked by the president. The president must be the one to make this happen.

**[00:12:04] Erik Loomis**

Yeah. That's right. Yeah.

**[00:12:06] Nick Capodice**

Has it happened before?

**[00:12:07] Erik Loomis**

Absolutely. Yeah. It's happened 37 times.

**[00:12:10] Nick Capodice**

37!

**[00:12:11] Erik Loomis**

37. But but not but most of those were in the late 40s and 50s. So it doesn't happen very often anymore. You know, the last time it was invoked in any major way. And I think last time it was invoked at all was in 2002, in a really fascinating case, because George W Bush invokes it against the employers, which is a weird sort of thing because because Bush is very pro employer. But what was that? It was also a longshoreman strike. Really? It was on the West Coast. But what had happened is that the employers engaged in what's called a lockout. And a lockout is basically an employer strike, right? A lockout is the employer saying we are shutting the doors to you until you accept our offer on this contract? And so in this case, so this goes on for several days before Bush gets involved. It's, you know, something I think about 11 days. It had gone on. What ends up happening is that the rest of the business community is basically saying to Bush, you need to intervene here. This is the the ridiculousness of these shipping companies and the people who work on the port companies is causing us and causing our national economy a serious, serious hit. And so you need to invoke Taft-Hartley to force the employers to negotiate fairly. Because because we're getting, you know, we're taking the hit for their aggressive behavior. And Bush agrees. And Bush actually does this. So it's a really weird moment. But that's the I think that's the last time it's been invoked, period.

**[00:13:51] Archive**

I have determined that the current situation imperils our national health and safety. I have appointed a board of inquiry to investigate the issues at stake. Today, the board submitted an official report stating each party's position. I'm now directing Attorney General Ashcroft to seek an injunction under the Taft-Hartley act, ending the lockout and requiring work at the ports to resume at a normal pace.

**[00:14:35] Nick Capodice**

Just to get back to the name when you know, it's called Taft-Hartley. I imagined it had something to do with William Howard Taft, but his administration was so much before that. Can you tell me anything about who Taft and Hartley were?

**[00:14:46] Erik Loomis**

Sure. So Robert Taft is the son of William Howard Taft, and he is a powerful senator from Ohio who is also an extreme right winger, which is somewhat ironic because William Howard Taft, although certainly a Pro-corporate Republican, was really no extremist. But Robert was a real right winger, somebody who was, although I don't think they were really personal friends, was kind of, you know, on the same boat as somebody like Joseph McCarthy, really freaking out about communism, really wanting to bust the labor movement. And so Taft, who has massive presidential ambitions, right. The Republican Party is kind of split between more moderate types and people who want to repeal the New Deal and return us to the 1920s. Right. And so there's this kind of like Republican civil war going on. And Robert Taft is very much on the right wing of that. And so he takes the lead to attack these unions as part, partially because he truly believes it, but partially as a somewhat cynical strategy to raise his power within the Republican Party and hopefully get the presidential nomination in 1948, which doesn't happen. It should be said Fred Hartley is a congressman from New Jersey, and basically he's just a business hack. I mean, he's he introduces the the bill on the House side. There's not that much to know about him. Like a lot of members of Congress, he isn't really that exciting. But he was a very, very pro-corporate congressman. And but and I think that the the important thing is that not only does this bill pass, it passes over a presidential veto.

**[00:16:18] Archive**

Oh, the Congress handed me the Taft Labor Act after two vetoes. They passed it over my veto. It was harsh, punishing law and was an attempt to take all the rights away from labor that they'd been enjoying. They brought it on themselves, though, by going to excess when they had all these rights, and it was a trouble for the whole country as far as that's concerned. The country was of the opinion that labor had gone too far and were against them. And that's the reason that Congress could pass the Taft-Hartley act over my veto.

**[00:16:52] Erik Loomis**

Right. President Truman, who was not that strong on unions and in fact invoked Taft-Hartley in the aftermath ten times himself thought that this law was too extreme. So he would assign a more moderate legislation to, you know, cut out some of the the things that unions were doing that maybe he was uncomfortable with. But this was such an extreme piece of legislation. He vetoes it. But and this, I think, is really critical for understanding the labor movement in this country, even at the very height of union power, when unions have, you know, at almost the most members they'll ever have, it's a little later that they peak in the 50s. With this, a pretty aggressive leadership and a lot of strikes. This bill in the Senate, they override Truman's veto by 6825 measure so that even at the height of worker power in this country, the vast majority of senators in this country had no particular respect for the union movement, and, moreover, did not actually fear that the labor movement could do anything about it. And in fact, the labor movement goes big time after Robert Taft in his next reelection. I think that's in 1950. And Taft wins in a landslide. So it's another big defeat for the labor movement.

**[00:18:18] Nick Capodice**

Can you just tell me a little bit about the heads of labor unions when it comes to campaigning for a president? That's always fascinated me. Like every election, it's sort of like, how will the union go or who will the union endorse? Has that always been like a connection when it comes to an election?

**[00:18:35] Erik Loomis**

Not always. I mean, the American Federation of Labor is founded in 1886 as a federation of unions. That it's not. So I think it's important for people to remember that the AFL-CIO, which today is the federation that runs the labor movement, it is not a union. It is a federation of unions who choose to be part of this broader organization. You kind of think of it as like a, um, kind of an analogy would be like an employer interest group, like the it's like the Chamber of Commerce or something. Sure. So, you know, it's not the AFL-CIO is not a union itself. It's a it's constituent organization. And for a very, very long time, um, the head of the AFL, a guy named Samuel Gompers, tried to be very nonpartisan. He didn't believe in electoral politics. And a lot of the constituent unions were either pretty nonpartisan or, well, or even voted for Republicans. That begins to change in the 1930s. So part of the reason, when the union movement splits in the mid 30s and a more radical and more organizing oriented federation begins, this is the CIO, the Congress of Industrial Organizations, headed by a guy named John L Lewis, who was the head of the mine workers. Now, Lewis himself is a lifetime Republican and ends up hating FDR for other reasons. But during World War Two, the union movement, at least the CIO, um, realizes that its path to success is working closely with the Democratic Party.

**[00:20:01] Erik Loomis**

And so one of its key figures, a guy named Sidney Hillman, who came out of the textile workers and was a Jewish immigrant from, you know, what is today Russia or Eastern Europe, anyway, he becomes like the CIO liaison or representative within the federal government in war planning. And as part of this, you know, what happens during World War two is that the government again basically says, okay, so in return for you, union is not striking. What we're going to do is basically force any company who's getting union contracts to accept the union and not fight it, which actually unionizes a lot of places that had been very harshly anti-union, such as Ford is a great example of this. Right? Because they're not going to get defense contracts, which is the entire economy without those unions. And so this basically gives the union movement, the CIO, at least, the ability to grow rapidly. And they sign up hundreds of thousands of people and then millions of people. And it kind of connects the union movement to the Democratic Party. So that really is where you really begin to see the assumption that unions are going to sort of vote for Democrats. And as the postwar politics develop, whereas the Democratic Party is kind of split between being pro or anti union, because remember, the Democratic Party is still also the party of the white South.

**[00:21:12] Erik Loomis**

And those white Southerners at that time were also quite anti-union. For the most part. The Republican Party is almost universally anti-union. So unions continue to really tie themselves, you know, increasingly closely to Democrats and to a certain extent that continues today, although obviously, you know, in some of the news about unions not endorsing Harris and and moving to sort of a noncommittal stance and basically opening the door for their members to vote for Trump, you know, that maybe has slipped. One of the things that Taft-Hartley also does is try has wording in there about limiting union contributions to political campaigns and things like that. So it had been a concern going back all the way to that time. But, you know, one of the things that unions did for a long, long time is that they were the one voice in American life that gave working class people a story, an information campaign. Right. That was different than the kind of right wing media that a lot of them are consuming. Donald Trump's secretary of labor was Eugene Scalia, the son of Antonin Scalia, who was extremely anti-union, whereas the Biden administration has gone out of its way to promote unions in a way that we haven't really seen since FDR. So that's a long answer to a complicated story.

**[00:22:56] Nick Capodice**

I think my last question is, as somebody who studies labor, as somebody who teaches labor, you were following along this strike, I imagine, like, what did you notice? Was there anything that, you know, that stuck out to you as something that was like a little different about this strike or sort of more newsworthy about this strike?

**[00:23:12] Erik Loomis**

Well, I mean, I think a few things. I mean, one is that, you know, what is the issue of automation, which is a huge thing about American work generally. I mean, you know, a lot of the stories about these longshoremen was, you know, oh, they get paid so much money and they want even more money. Well, that's true, but it's also very dangerous work. But a big piece of this story is actually about automation. Longshoremen unions and employers have had a kind of a dance for about a half a century now over automation. Right. There's far fewer workers working on these ships than there used to be. And so they kind of come to temporary agreements and things like this and negotiate around it. One of the things that drove this strike was that the workers had discovered that the port of Mobile in Alabama had engaged in unagreed upon new forms of automation that could potentially cost workers, even even more jobs. And so there's a lot of anger around the automation issue. And I think a lot of us are concerned about what is the future of labor in this country if so many jobs can be automated. So I think that's one thing. I think another thing was some reporting on it, I thought was rather poor, including from our largest news organizations, some of the New York Times reporters today and Maggie Haberman among them. Um, she said, oh, you know, this is the most important issue for both presidential candidates to address right now.

**[00:24:31] Erik Loomis**

And it's not actually in truth, because, you know, there's all this talk about inflation, but the companies, American corporations had expected this for some time. We would not actually see any results on the shelves or on the prices for probably at least six weeks after the election. Right. But because of the ways in which a lot of our reporters try to sort of gin up stories without necessarily understanding them, they're making it a bigger deal than it is. And the reality is, is that very few strikes go on for six weeks in this country, right? If a strike has gone on for six weeks, something has really failed. And it's usually very, very bad for the workers, right? Most strikes are short and they should be short. So I was not surprised that the companies came back with a better wage offer. And the Uh, longshoremen said, okay, you know, we're going to suspend the strike for now. We reserve the right to continue it later, but we're going to sit down and talk now. This is how these things go. It would help if, you know, are the times and the post and some of these other big media organizations would report on this with some nuance. But I honestly, they don't know very much about it. And so they end up moving to these talking points. So to me, that was as you could tell, I was a little annoyed.

**[00:25:39] Nick Capodice**

Well, one thing that's interesting to me is that before the pandemic, I wasn't familiar with the notion of a supply chain. I wasn't familiar with, like any of that stuff. And these are folks who were working during the entire pandemic to get stuff off the boats, to get stuff moving around. Like, to me, it seems sensible to reinvestigate how much they were paid and whether or not automation was going to change how they did things in their industry.

**[00:26:00] Erik Loomis**

Oh, absolutely. I mean, these were the ultimate of essential workers. And we focus on, you know, hospital workers and things like this, and for good reason, of course. But these are the workers you don't see. Right? These are the workers who actually get stuff to the shelves. Right. Write them. The truckers, the train workers, these transportation workers that you don't really see are the entire reason that you had toilet paper to hoard to begin with. Without them, you don't have anything. And it's also dangerous labor. I mean, just think back a few months ago to that ship in Baltimore that went out of control and and hit the, you know, destroyed that bridge and killed these these bridge workers, right.

**[00:26:36] Archive**

A major incident in the U.S. state of Maryland where a cargo ship collided with the Francis Scott Key Bridge in Baltimore on Tuesday, causing its collapse. A search and rescue efforts are underway, with six members of a road construction crew still unaccounted for. You know.

**[00:26:53] Erik Loomis**

That is a a ship loaded by these longshoremen. And of course, they didn't have anything to do with the wreck. But this is the kind of dangerous, gigantic workplace with these gargantuan containers that they're dealing with on a daily basis. They deal with so much cargo that it might sound like, you know, their wages are really high, but it's contributing effectively nothing to the price on the shelves because there's so much cargo on these ships that the small number of workers making a lot of money. All that's doing is undermining the profit of these shipping companies by a tiny, tiny bit. And these shipping companies are pulling in billions of dollars. And so if we're thinking about supply chains, we have to think about the workers through the supply chain. And honestly, that includes workers we never think about, which are like the people making your clothes in Bangladesh, right. Who actually are being treated horribly and are engaging, you know, or being forced to engage in what is sometimes something pretty close to slave labor and things like this. So it would be useful for us as consumers to think about the stuff that we get from the point of production to the point of consumption and these, these longshore workers. What they have is an enormous amount of leverage, because if these small number of workers say, we're going to step away, then you're not getting any of your stuff. And so they deserve to get paid a lot of money.

**[00:28:25] Nick Capodice**

Thank you so much, Eric.

**[00:28:28] Erik Loomis**

You bet.

**[00:28:36] Nick Capodice**

Well, that is the Taft-Hartley act. This episode was made by me Nick Capodice with our executive producer, Rebecca Lavoie. Hannah McCarthy is my co-host, and Cristina Phillips is our senior producer. Music. In this episode by Epidemic Sound and Chris Zabriskie. Civics 101 is a production of NHPR, New Hampshire Public Radio. All right.

END OF TRANSCRIPT



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