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SLAVE LABOR: THE TAFT-HARTLEY ACT AND THE TRI-STATE MINING
DISTRICT

By Sally Miller-Downing
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Before World War II, there was an unstable atmosphere to the industrial sector of the United States economy. As World War II began the industries settled down, and the production of means for the war boomed, as the employees joined together against the Axis powers. After the war, the sense of duty that many union members felt disappeared and the mining industries began to reveal extensive problems with labor relations. Because of these two factors, the Taft-Hartley act was compiled through a joint committee in June 1947. In the act, there were many provisions made to protect both the employer and employees from union pressure, protect the unions from infiltration by the 'commies,' and regulate union members' strikes, and much more. Many labor organizations believed this to be an attack on unions and its members. Employers believed the act protected employee and employer alike; but the disagreement over the act between these two sectors of the businesses resulted in a fight for and against the act. The Taft-Hartley act caused a propaganda war between unions and industries in Oklahoma that lasted for a decade and affected legislation and elections from 1947 to about 1952, until the Landrum-Griffin act of 1959 amended the act. The unions launched their campaign against the act during 1947, when the Republican Congress was considering many pieces of labor legislation. They utilized one of their largest unions, the United Mine Workers Association to speak out against this act. One of the major associations that supported the act in Oklahoma was the Associated Industries of Oklahoma. Both, the union and the employers association, were sending their propaganda to Picher, Oklahoma, thus affecting the small mining town's perception on the Taft-Hartley Act. This association of employers launched a campaign to the employers in Oklahoma against the Unions, sending out pamphlets that described horror stories of union intimidation and sabotaging Democrats. These pamphlets, sent by the association, made it to the owners of mines in Picher, Oklahoma, who were trying to persuade them to follow suit and protest against repealing the act.

Because of such propaganda warfare, this act proceeded to be one of the most tumultuous pieces of labor legislation in the twentieth century.

For one to understand the dispute over the Taft-Hartley act, one must know about the act and the history it made. As an answer to the Wagner Act of 1935, the Taft-Hartley Act passed through both houses in June of 1947. The Taft-Hartley Act changed the face of labor and government relations for decades. After World War II, in the 1946 elections, Republicans overtook Congress, with Harry S. Truman as President of the United States. The result was a very unstable relationship between the legislative and executive branches of the government. Congress was aligned with the business and employers, while President Truman sided with the majority of his constituents, the urban laborers of the United States. In the House, the bill was called H.R. 3020 and was not thoroughly discussed. The outcome that was presented by Hartley at the lower chamber was very complex and extremely vague. The House Labor Committee only listened to witnesses from the business sector and discussed the bill for only a few hours. The representatives did not even know the final result until Hartley handed them a copy at the introduction of the bill to the lower chamber. The House bill, co-written by two men involved with the business sector of the economy, was disputed by union members and leaders because of their belief that the bill was biased. On the other hand, the Senate bill, named S. 1126, was thoroughly discussed and the hearing involved many witnesses from both sides of the debate. In fact, the Senate bill that Robert Taft introduced was allowed two days of debate before it was passed to the House. Both the Senate and House made amendments to each bill and collaborated for one piece of labor legislation. But no joint committee was enacted to discuss the bill before Congress voted on the bill.

In the last days of May and first days of June in 1947, the Senate and House chambers agreed to a collaboration of the two bills and passed the Taft-Hartley act. On June 20th, 1947, President Harry S. Truman vetoed the act saying the eightieth Congress, "...took the freedom away from labor," and, "If you give them the chance...they will be making slaves out of the workers."¹ This is where the term 'slave labor' began for the campaign against the bill in later years. On June 23rd, 1947, the Senate overturned the presidential veto, and the Taft-Hartley act became a part of labor legislation history.

There are several, complex, and very vague sections to the Taft-Hartley act, but the unions focused on only a few. These were the basis for their campaign against the act and against the Republican employers. The United Mine Workers, which were a part of the tri-state mining district, joined the other labor unions in this fight. One of the controversial sections was on closed shops. The Taft-Hartley act obliterated the closed shop. A closed shop is a shop or factory that only hires union members as the employees. The act went against this and stated that employees were not required to join a union before working for an industry. As for supporting the unions, the act stated that if a shop contracted with a union, the employee must join the union. The unions did not agree with this. They believed they could no longer keep the attendance numbers to where they used to be before the act passed, and when the union required all employees to be union members. This would also affect the fees that those unions would collect from those members.

The Taft-Hartley act also laid down restrictions on strikes. The unions still had the right to strike but if the government felt that the strike was causing a national emergency, then the government could intervene, or place an injunction. The federal government authorized these

¹ Irving G. McCann, *Why the Taft Hartley Law*, New York: The Committee for Constitutional Government, 1950: 123.

injunctions, specifically the President, which, until 1952, was Harry S. Truman. The unions did not like the injunctions. Because Truman was in support of the labor organizations, these injunctions were hardly used in this five year span. In Oklahoma, including the Tri-State mining district, employers, who pushed for the injunctions to be in the bill, discouraged collective bargaining, which the unions were supportive of. In 1952, the United Mine Workers Association helped pay ten million dollars to another union in order to keep the government from having to produce an injunction. The United Mine Workers believed in free enterprise without intervention from the government.

Also, the act allowed the employee protection from being pulled into a strike or boycott that did not affect their own working relationship with their employer. Without these strikes there could be more work accomplished, without stalling the entire industrial system of the United States. The act dealt with this problem by outlawing jurisdictional strikes. A jurisdictional strike was a strike that pulls the employee into the conflict because the unions claim only their employees can do a certain type of work and put up a picket line. This was used to prevent others from doing such work. These strikes existed so certain unions could provide certain products, with little competition. The act also outlawed secondary boycotts, another method to pull workers into a boycott to not use goods made by another union. Both of these held up production in many shops in the Tri-State district and across America.

The act also affected civil liberties of the employees. The most prominent in the debate between labor organizations and big business was over the Communist affidavit. The act required all union members, emphasizing the union leaders, to sign affidavits that they were not a part of the Communist Party. This was to oust the 'commies' from the labor organizations, and hopefully out of government relations. Labor organizations saw this as a violation of

privacy and a waste of time because the unions had already gotten rid of most Communists in the unions. The fact that the federal government was trying to intervene resulted in frustrated and annoyed union members.

Another section of the act allowed workers to speak their minds, as is their right under the First Amendment. There were two sections of the act that protected the employees' freedom of speech. The first protection covered under the Taft-Hartley act included that the employee could charge the employer with a discrepancy and not have to fear that he or she would lose their job. This also covered free speech in union meetings; he or she could speak their mind if they needed too and not have to be in fear of retribution from the union. When they allowed the union members and non-union members the ability to do this, this in turn allowed them not to have to be afraid that they would lose their jobs or be punished by the unions or employers.

There was also a section that dealt with intimidation and unions. It made the law see to it that the unions could no longer use intimidation to force people to join the unions or sign their contracts, although this section of the act did not always prevent the use of intimidation. In a handout that the Associated Industries of Oklahoma sent out to its constituents in Picher, Oklahoma, they warned of such intimidation. The handout describes a situation that portrays union 'thugs' coming into an employers' office and threatening the employees. The handout specifically says that, "The union in this case not only threatened employees that they could not work if they did not join the union, but attempted to pull an employee from her office chair and eject her from the office..."² It seemed that although there were laws against the act of intimidation against employees who did not want to join the union, this did not stop an union in Oklahoma. The intimidation tactics voided the fact that the law protected the employees and

² "At Long Last," *Worker-Management Digest* 3, no.20 (September 25, 1952), Associated Industries of Oklahoma, Box 71, Picher Collection, Pittsburg State University, Pittsburg, KS.

employers from the each other. Yet another example of how the Taft- Hartley Act affected the labor-relations of that decade.

Before the act was passed, and also throughout the following decade after it was passed, campaigns were filled with propaganda from many labor organizations and the Democratic Party. Both called for the repeal of the act or the amendment of some of its sections. In the early 1950's, under President Dwight D. Eisenhower, the campaign to repeal was in full swing and the industrial corporations were not happy. Example of such propaganda, that was published a month before the act became law, was an advertisement in the United Mine Workers Journal that explained "If you work for a Living, you're Labor...so DON'T BE A NAM FOOL!" The abbreviation NAM in full wording means the National Association of Manufactures, or in other words, employers and businessmen. The United Mine Workers believed that NAM "dictated the (Hartley) SLAVE LABOR BILL, a charge published in the Congressional Record, and never refuted."³ The campaign against the Taft-Hartley act was especially fierce by the United Mine Workers Association, much of it was published in the United Mine Workers Journals, which was usually the only thing many mine workers read, including those in the Tri-State Mining District.⁴

As referred to before, one group that was vehemently against the Taft-Hartley Act was the United Mine Workers Association. In 1947, they were one of the foremost labor organizations against the act and lead the fight to have it vetoed. When the American Federation of Labor, or AFL, announced its support for the bill in 1947, the United Mine Workers Association left the AFL and did not consort with the organization for years after that. The UMWA felt altogether the bill was wrong, but focused on a few extreme problems with the Taft-

³ "If You Work For a Living, You're Labor...so DON'T BE A NAM FOOL!", *United Mine Workers Journal* 58, no.10 9May 15, 1947): 9.

⁴ Elizabeth Levy and Tad Richards, *Struggle and Lose, Struggle and Win: The United Mine Workers*, New York: Four Winds Press, 1977: 90.

Hartley act. The fight against the bill was lead by John L. Lewis, the president of the United Mine Workers Association. He led the fight for years, making speeches across the country to union members and government officials about the indecency of the act. Lewis also discussed the act and how it made government interfere with the system of free enterprise and called for its repeal.

The United Mine Workers believed that the bill would destroy unions. One of the most important parts of their fight was against the Communist affidavits that the government forced union leaders to sign. The United Mine Workers believed it to be a blow against their union members' rights. They used propaganda that would show that the use of 'toryism,' as the United Mine Workers Journal articles would say, would result in 'communism.' They believed that, "The New Deal stands in danger of being replaced by the Red Deal which shall have forced upon labor by the greed of those whose lust for money and power shall have 'killed the goose that lays the golden egg.'"⁵

Also, the United Mine Workers Journal compared the passage of this act to the demise of the free enterprise empire. Invoking such memories as those of Mussolini or Hitler, to really get the point across to the miners of Pitcher, Oklahoma and the rest of the Tri-State mining district, who were reading the journals. The UMWA used the, then recent, images of tyrants to compare their own government to, in order to turn the miners against the act and the employers themselves.⁶ Also, the United Mine Workers Association believed not only that the affidavits for the union members were wrong, but also that they would lead to Communism themselves.

⁵"Anti-Labor Proposals Invite New Crash and Encourage Reds, Congress Told," *United Mine Workers Journal* 58, no.7 (April 1, 1947): 8.

⁶"A Free America cannot exist without Free Labor!" *United Mine Workers Journal* 58, no.9 (May 1, 1947): 5.

Another debate that the United Mine Workers Association led against the Taft-Hartley Act was about the section against coercion by unions and the regulations on unions concerning coercion. Coercion resembled intimidation, which the unions used to get people to join. The unions were placed under a magnifying glass to make sure that they were not breaking the law whatsoever. The unions believed that the government scrutinized the recruiting tactics too much and the federal government went as far as to scrutinize the anti-labor side also.

In one case, the courts were brought in to make a decision. The case was about an employer who was asking about the union his employees were a part of. Seen as a tactic to get information on the unions, or promote anti-union thinking, the unions launched an attack on this employer. The case was brought to court and eventually the precedent was finally decided in the United States Court of Appeals in Chicago, Illinois. They said that, "...an employer doesn't violate the law by questioning employees [*sic*] about union activity if there is no anti-union background or pattern of conduct hostile to unions..."⁷ The fight between the unions and employers was coming to a climax and it was ending in hostility and paranoia. Even questioning employees about their membership in a union was too much scrutiny against the unions and they were not going to accept that as a reality. It even came to a point that the a member of the general counsel of the National Labor Relations Board, a board enacted by the Wagner act in 1935 to function as government oversight of labor, left the counsel because he believed that the act would hurt industry more than help it. That member believed that the act would result in the unions distrusting the government with their problems, problems that could have been easily solved by the government.⁸

⁷"Courts Chew Away at Union Freedoms but Give Employers Wider Latitude," *United Mine Workers Journal* 63, no.10 (April 1, 1952): 9.

⁸ "Ex-NLRB Counsel Assails Labor Act," *New York Times*, July 17, 1947.

In 1952, the United Mine Workers Association strengthened its fight to repeal and get rid of the Taft-Hartley Act. President John L. Lewis went around the upper and lower houses of Congress speaking against the act. He met with the American Federation of Labor's leaders during this time, the first time they were in a room together since the United Mine Workers Association left the AFL in 1947.⁹ In 1952, the United Mine Workers Association also supported Democrat candidate for president, Governor Adlai E. Stevenson of Illinois, because of his stance against the Taft-Hartley act. Stevenson agreed with the United Mine Workers Association and was for the repeal of the act, not the amending of it. But in the end, Stevenson did not win. Instead, the supporters of the Republican Party were the majority and in the election of 1952 they elected Dwight D. Eisenhower as President of the United States. Eisenhower ran on the stance that he would not repeal the Taft-Hartley act, but after a year, things began to change, and groups became nervous that Eisenhower was going to push for a repeal of the act; one of those groups was the Associated Industries of Oklahoma, an association that the employers in the mines at Picher, Oklahoma were a part of.

The Associated Industries of Oklahoma represented the employers of the industry, and the people who owned the mines. Of course, they were in support for the Taft-Hartley Act because of the restrictions it place on unions and the freedoms it gave employers and corporations. They also sent out a campaign against the unions and Democratic Party, specifically against the Taft-Hartley act. Many of the handouts that the association sent out from gave specific Democratic and Republican points of view. The association reveals their bias in many of the handouts by only showing the Democratic view as one sentence, while the Republican views were always completely explained with a paragraph or more. One handout

⁹ "Pres. Lewis Warns of Govt. Intervention In Labor Affairs; Deplores Lack of Unity," *United Mine Workers Journal* 63, no. 10 (May 15, 1952): 7.

was handed out with a letter that claims the handout is un-bias; but after reading the handout one can clearly see that the piece was geared towards employers and their needs, not just an informational piece on the Taft- Hartley Act. The industries acted as if there was a conspiracy against them and the Republican Party, and speak of subliminal messages and even send some confidential messages of their own. In one confidential letter to Oklahoma employers, including those of Picher, Oklahoma, they wrote about the Taft-Hartley act and its effectiveness,

“Since its enactment it has in our judgment gone a long way in stabilizing labor-management relationships, and by and large we think that many union workers think it affords the protection against tyrannical union leadership and gives them a much more effective voice in the orderly conduct of union affairs.”¹⁰

The Oklahoma industries believed in the act and showed that through all of the propaganda they put forth and all the time they spent doing that campaign.

E.J. O'Connor, the executive vice president of the Associated Industries of Oklahoma, was very concerned with the repeal of the Taft-Hartley Act during the presidential election of 1952. He often sent urgent telegrams and messages to Oklahoma employers informing them of Washington's government tactics on 'wrecking Taft-Hartley.' The urgent message that O'Connor sent to all of those employers that were a part of the Associated Industries of Oklahoma includes that,

“The Revisions which the committee propose would (1) drastically limit employers' freedom of speech. Committee proposes to return to doctrine that National Labor Relations Board could set aside elections lost by unions if the board does not like the 'atmosphere' of an employer's speech.”¹¹

¹⁰ E.J. O'Connor to the Oklahoma Employers, October 11, 1952, Picher Collection, Pittsburg State University, Pittsburg, KS.

¹¹ E.J. O'Connor to the Oklahoma Employers, March 24, 1954, Picher Collection, Pittsburg State University, Pittsburg, KS.

Both the unions and the employers were blaming the government of impinging on their civil right of freedom of speech. The telegram goes on to explain the 'tactics' that the government was using to try and destroy the employers benefits gained from Taft-Hartley. At one point they claim that the government wants to return to 'pre-Taft-Hartley era.' The man that they supported to be President was now supposedly conspiring to repeal the act with the Senate. This is even more prevalent in the first year of the Eisenhower administration.

The fight for the Taft-Hartley act lasted for years. In 1953, the Associated Industries of Oklahoma sent out handouts to all employers that were a part of the association, to try and gather support against the Democrats and those who wanted to repeal the act. Joseph H. Ball wrote one of those handouts. Ball believed that the American employer needed to save the Taft-Hartley act from the Democrats and the unions, but now that also included President Eisenhower, who had done nothing to help save the act. Ball believed that even though Eisenhower did pledge to keep the act, he and the Republican Party were trying to do nothing of the sort. He continued to discuss that the Republican administration was doing nothing to protect Taft-Hartley.¹² As this handout was sent to Oklahoma employers and supported by the association that many of them were a part of, one can assume that the Associated Industries of Oklahoma were neither supporters of Democrats or Republicans after the 1952 election, but simply supporters of the Taft-Hartley act and finding a way to protect that piece of legislation. Eventually this fight would end with the amendment of the Taft-Hartley act with the passage of the Landrum-Griffin Act in 1959.

After the amendment of the act in 1959, the war on the Taft-Hartley act ended. During the decade it rocked the industrial nation, the Taft-Hartley act did not achieve as much as it was

¹² Joseph H. Ball, *How to Save Taft Hartley*, September 21, 1953, Picher Collection, Pittsburg State University, Pittsburg, KS.

written for. According to a study done by the *Labor Law Journal* in 1949, in the first couple years of the Taft-Hartley act, the yearly loss of time, because of work stoppages, was actually considerably lower in the years before World War II.¹³ In another study, the United Mine Workers saw an increase in union membership and union shops during the years of the Taft-Hartley act, even though there were requirements of elections by the NLRB to approve such shops. “Despite this extra-tough requirement, NLRB elections went overwhelmingly in favor of the union shop.” According to the study that the NLRB did 46,119 union shop votes; of those, unions won 97.1 percent of the time, or 44,795 votes.¹⁴ One can conclude that the Taft-Hartley act did not amount to much from these studies, but just complicated the relationship between the unions and employers in many states, including the Tri-State mining district.

Through the decade that the Taft-Hartley act was the main piece of labor legislation in the United States, there were many disputes over what that act actually achieved. The unions and employers of Oklahoma of that time period are a perfect example of an extensive propaganda war that was a result of the act. The United Mine Workers, with President John L. Lewis, and the many men and women who worked to put out the message of their campaign against the act were vigilante, but so were the Associated Industries of Oklahoma. But was this propaganda war useful? In hindsight, both were useful at the time in securing support for either side of the debate and both brought important issues to the public by campaigning to their constituents to gain support. In the end, the act itself was complex and vague and the fight to understand the act resulted in a “war” between these two factors of society, the employer and the employee, and the associations that they were a part of.

¹³ “Some Effects of the Taft-Hartley Act,” *The Labor Law Journal* 1, no.2 (November 1949): 107.

¹⁴ “Union Shops in 58% of Labor Contracts,” *United Mine Workers Journal* 63, no. 15 (August 1, 1952): 4.

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