

# Brief History of American Labor Law

Prepared by Missouri First 02/15/2011

- I. **Sherman Antitrust Act** (Sherman Act, February 30, 1890)
  - A. The purpose of the Act was to oppose the combination of entities that could potentially harm competition, such as monopolies or cartels, but later used against unions.
  - B. Popularized under Teddy Roosevelt
- II. **Norris-La Guardia Act** (also known as the Anti-Injunction Bill – 1932)
  - A. The three provisions include 1) protecting worker's self-organization and liberty, 2) removing jurisdiction from federal courts, and 3) outlawing the "yellow dog" contract.
  - B. Seems to primarily have taken federal courts out of the equation, which helped unions with the anti-trust issue.
- III. **Wagner Act** – aka **National Labor Relations Act** -- 1935
  - A. Established the National Labor Relations Board
  - B. Unions established by a vote, overseen by the NLRB, or a majority of workers signing a card.
  - C. The question of union representation is never raised again after the first election, essentially binding the company to the union perpetually.
  - D. Single certified bargaining agent
  - E. Obligates workers to pay union dues
  - F. Requires employers to bargain in "good faith" – must accept the bargaining agent.
  - G. Makes it an "unfair labor practice" for a business to attempt to influence their employees' decision whether to unionize or not.
- IV. **Judicial Procedures Reform Bill** of 1937 - frequently called the (supreme) court-packing plan
  - A. FDR threatened to get Congress to increase judges on the SC, so he could appoint the new judges and change the balance of power.
- V. Supreme Court: **National Labor Relations Board v. Jones & Laughlin Steel Corp.** 1937
  - A. Challenged the "interstate commerce" justification of the Wagner Act.
  - B. Prior to 1937, Supreme Court ruled against virtually all of Roosevelt's significant New Deal bills.
  - C. The **Judicial Procedures Reform Bill** (court-packing plan) coerced the Court into ruling in favor of the Wagner Act. The "switch in time that saved nine". Hughes & Roberts switched.
  - D. Justice Hughes and Roberts voted with the majority, upholding the constitutionality of the Wagner Act, something they wouldn't have done prior to the court-packing plan.
- VI. **Taft-Hartley Act** of 1947
  - A. amended the National Labor Relations Act (NLRA -- the Wagner Act)
  - B. **Allows states to enact Right to Work laws.**