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The Right to Toil: Labor's Fight Against Right to Work Laws

A Thesis

Presented in Partial Fulfillment of Requirements for the Degree of Master of Arts in the

College of Arts and Sciences

Georgia State University

2021

by

Joshua da Cruz

Committee:



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Dr. Alex Cummings, Professor, Chair



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Department Chair

July 27, 2021

The Right to Toil: Labors Fight Against Right To Work Laws

by

Joshua da Cruz

Under the Direction of Alex Cummings, PhD

A Thesis Submitted in Partial Fulfillment of the Requirements for the Degree of

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## ABSTRACT

This thesis is on the passing of Right to Work (RTW) laws in Georgia. It tracks public debate surrounding the passing of Senate bills 10 and 11 in 1947. This thesis examines who was arguing for and against the bills in public forums, mainly in the Atlanta Constitution newspaper and how these bills came to pass. Existing scholarship focusing on the Taft-Hartley Act and RTW laws seemingly overlook the fact that Georgia's RTW laws were passed months before the Taft-Hartley Act was enacted. Most of the challenges to Georgia's RTW laws pointed out the laws were contradicted the Wagner Act, the key labor law passed by Congress in 1935. This thesis follows the American Federation of Labor and Congress of Industrial Organizations who opposed Georgia's RTW laws. This thesis also argues that Georgia's RTW laws paved the way for the passage of the Taft-Hartley Act.

INDEX WORDS: Labor, Unions, Right to Work, Taft-Hartley Act, CIO, AFL

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2021

The Right to Toil: Labors Fight Against Right to Work Laws

by

Joshua da Cruz

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Office of Graduate Studies

College of Arts and Sciences

Georgia State University

August 2021

## DEDICATION

For Amanda, Mom, and Dad

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## 1 INTRODUCTION

In March of 1947, Governor Herman Talmadge made Georgia a so-called Right to Work (RTW) state by passing legislation dubbed “Right to Work” laws.<sup>1</sup> Georgia was not the first RTW state; Florida was the first such legislation in 1943.<sup>2</sup> Georgia, however, is a unique case because of the complex events surrounding the enactment of the law. Interestingly, a string of other states also became Right to Work states around the same time. For example, Arizona, Arkansas, Iowa, Nebraska, North Carolina, North Dakota, South Dakota, Tennessee, and Virginia had enacted RTW statutes in 1947.<sup>3</sup>

This thesis focuses on the political wrangling that led up to the creation of Georgia’s RTW laws and examines the public discourse surrounding RTW laws in general. The premise is state RTW laws, created following the Second World War, provided Right-leaning lawmakers an opportunity to pass the Taft-Hartley Act despite Truman’s presidential veto in 1948. The Taft-Hartley Act, also known as the Labor-Management Relations Act of 1947, is federal legislation that restricts the activities and power of labor unions. Evidence supporting the premise of this work is traced through the anti-union rhetoric in published articles in the Georgia newspaper, *The Atlanta Constitution*; anti-union propaganda efforts run by pro-business organizations; and the unions’ response to RTW laws. I then evaluate the role that Right to Work legislation played in creating the Taft-Hartley Act and demonstrate that there is more to the story of the curtailment of American labor union rights than just the Taft-Hartley Act. Further, this thesis

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<sup>1</sup> *Journal of the Senate of the State of Georgia at the regular session of the General Assembly commenced at Atlanta, Monday January 13, 1947*, by the Georgia General Assembly. UGA Call# GA L402 1947. Page 70.

<sup>2</sup> “Right-to-Work States,” National Conference of State Legislatures, accessed May 26<sup>th</sup>, 2021, <https://www.ncsl.org/research/labor-and-employment/right-to-work-laws-and-bills.aspx>.

<sup>3</sup> “Right-to-Work States,” National Conference of State Legislatures, accessed May 26<sup>th</sup>, 2021, <https://www.ncsl.org/research/labor-and-employment/right-to-work-laws-and-bills.aspx>.

examines the short-term and long-term impacts of RTW laws on union membership and what, if anything, can be done to reverse the effects of anti-union laws.

Researching the Taft-Hartley Act and its impact on labor unions is hardly a novel exercise; however, few researchers have included state-level Right to Work laws in their research on the United States labor movement. To date, most of the research has focused on the Taft-Hartley Act and its impacts. *International Labor Review*, an academic journal covering labor history, dedicated an entire issue to studying the Taft-Hartley Act in 1958. Academics such as Philip Taft, Clyde W. Summers, and Joseph Shister wrote articles entitled “Internal Affairs of Unions and the Taft-Hartley Act,” “Summary Evaluation of the Taft-Hartley Act,” and “The Impact of the Taft-Hartley Act on Union Strength and Collective Bargaining,” respectively.<sup>4</sup> However, few articles in this special edition mentioned the state-level Right to Work laws in reference to the historic federal legislation that followed them. This thesis seeks to help construct a bridge between the local Right to Work laws and demonstrate the direct connection the Taft-Hartley Act has to Georgia’s RTW laws.

Historians have discussed the Taft-Hartley Act outside of academic journals and political events surrounding the federal legislation. Works such as Nancy MacLean’s *Democracy in Chains: The Deep History of The Radical Right’s Stealth Plan for America* (2008), Elizabeth Fones-Wolf’s *Selling Free Enterprise: The Business Assault on Labor and Liberalism 1945-60* (1995), Kim Phillips-Fein’s *Invisible Hands: The Businessmen’s Crusade Against the New Deal* (2010) discuss the

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<sup>4</sup> Taft, Philip. 1958. “Internal Affairs of Unions and the Taft-Hartley Act.” *ILR Review* 11 (3): 352-59; Summers, Clyde W. 1958. “A Summary Evaluation of the Taft-Hartley Act.” *ILR Review* 11 (3): 405–12; Shister, Joseph. 1958. “The Impact of the Taft-Hartley Act on Union Strength and Collective Bargaining.” *ILR Review* 11 (3): 339–51.

intricate web of political dealings that sparked pro-business legislation. In these books, while there is a discussion of the Taft-Hartley Act, the authors barely mention the RTW laws. There is no doubt that the authors knew of the RTW laws; however, a deep discussion of the RTW laws fell outside the scope of these books. This thesis aims to remedy this omission by casting a spotlight on state labor laws in the evolution of labor unions and workers' rights in the United States.

This thesis argues that the Taft-Hartley Act, which is federal legislation, would not exist without the support provided from pre-existing state-level Right to Work laws. This thesis will demonstrate this by examining the unsuccessful challenges to local Right to Work laws and the public discourse surrounding them. To understand this co-dependency, an examination of these two sets of laws is necessary. The Taft-Hartley Act officially ended certain practices, such as requiring all employees to be union members in good standing, commonly known as a closed-shop union. The Act also banned "secondary boycotts," in which unions picketed a company that did business with another company that the union was on strike against. Along with banning foremen from unionizing, the federal legislation required unions to provide 60 days' notice before beginning a strike, placed restrictions on unions' political contributions, mandated union members to sign non-Communist affiliation affidavits, and outlawed many forms of strikes, such as wildcat strikes and secondary boycotts.<sup>5</sup> Most importantly, the Taft-Hartley Act permitted states to create their own Right to Work laws which served to provide legal cover for these state level laws which had not been tested in superior courts yet.<sup>6</sup>

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<sup>5</sup> Act of June 23, 1947 ("Taft-Hartley Act"), Public Law 80-1-1, HR 3020-36.

<sup>6</sup> Act of June 23, 1947 ("Taft-Hartley Act"), Public Law 80-1-1, HR 3020-36; "Anti-Labor Laws Spurn CIO-Gilman," *Atlanta Constitution*, March 17, 1947, Greenhouse, Steven. *Beaten Down, Worked Up: The Past, Present, and*

## 1.1 Purpose of Study

State RTW laws are more granular than the federal legislation and vary from one state to the next. In this case, Georgia's RTW laws is utilized to illustrate how state-level RTW laws differ from the Taft-Hartley Act. Some distinguishing features of Georgia's RTW law included banning mass picketing, prohibiting unions from using "intimidation, violence or threats" to persuade a worker to continue employment or join a labor union, and blocking secondary strikes.<sup>7</sup> While most of these conditions seem similar to the Taft-Hartley Act's provisions, Georgia introduced its RTW legislation in January 1947. The Governor swiftly signed it into law in March of the same year.<sup>8</sup> In contrast, the Taft-Hartley Act was not passed until June of 1947, three months after Georgia's Governor signed RTW laws.<sup>9</sup>

Given that some states, like Georgia, adopted RTW laws before the institution of the Taft-Hartley Act, there were obvious constitutional questions. The predominant Constitutional principle at issue was National Supremacy, meaning that when state law conflicts with federal law, federal law trumps the state law. In this case, labor unions argued that Georgia's RTW law contradicted the existing federal law, which at the time was the Wagner Act. The Wagner Act, also known as the National Labor Relations Act of 1935, guaranteed the right of employees to organize in trade unions, collectively bargain, and strike. To negate those questions of constitutionality, pro-business organizations and Republican lawmakers teamed up to protect corporate interests and to defend the existing RTW laws. Republican lawmakers and business

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*Future of American Labor*. Anchor Books, New York, 2019. 103; "Taft-Hartley Act Overview," FindLaw, accessed June 3<sup>rd</sup>, <https://employment.findlaw.com/wages-and-benefits/taft-hartley-act-overview.html>.

<sup>7</sup> *Journal of the Senate of the State of Georgia at the regular session of the General Assembly commenced at Atlanta, Monday January 13, 1947*, by the Georgia General Assembly. UGA Call# GA L402 1947. Page 70.

<sup>8</sup> "Closed Shop, Check-off, Picketing Banned as Talmadge Signs Bills," *Atlanta Constitution*, March 15, 1947.

<sup>9</sup> Act of June 23, 1947 ("Taft-Hartley Act"), Public Law 80-1-1, HR 3020-36.

leaders created the Taft-Hartley Act to rewrite national labor law. The research presented here fills the gap in the works of labor history on this topic that labor historians often overlook. This work not only examines the chain of events from local RTW laws to the establishment of the Taft-Hartley Act, but it also uncovers the contentious political atmosphere between businesses and labor unions that made it possible for pro-businesses groups to pitch RTW laws to the working class.

The Taft-Hartley Act and the rise of state RTW laws did not occur in a vacuum. For a complete view of the history of RTW laws and the progression towards the Taft-Hartley Act, one can look at the labor movement in the 1930s and early 1940s. Before the Taft-Hartley Act, organized labor had won critical rights through brutally fought battles with businesses. One of the most significant labor union conflicts took place during 1936-1937. Arguably one of the most critical labor conflicts of the twentieth century, the Flint, Michigan sit-down strike of General Motors, helped to establish firm labor union roots in the automotive industry and solidified the United Auto Workers (UAW) union as a powerful force at the bargaining table.<sup>10</sup> The UAW were able to launch such a staunch offensive on General Motors' plants because of the National Industrial Recovery Act of 1933 and the National Labor Relations Act of 1935, also known as the Wagner Act.<sup>11</sup> In addition to the employees' rights established in the Wagner Act, the National Industrial Recovery Act authorized the United States' president to regulate industries regarding their payment of fair wages to employees and reasonable prices to consumers. With the Federal government protecting the right to organize, prospective new union members could worry less

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<sup>10</sup> Greenhouse, *Beaten Down, Worked Up*, 92.

<sup>11</sup> Greenhouse, *Beaten Down, Worked Up*, 82.

about the Pinkerton Detective Agency's spies or GM agents infiltrating union leadership.<sup>12</sup> However, General Motors' union-busting efforts were so successful that auto-union membership in Flint, Michigan, was decimated in the span of only two years.<sup>13</sup>

By 1936, the conflict over labor came to a head when GM rejected the UAW's persistent requests to sit down at the bargaining table to discuss wages and line speed.<sup>14</sup> Instead of sitting down at the bargaining table, workers at the Fisher Body No. 2 plant sat down on the job to halt production.<sup>15</sup> American business leaders fiercely opposed the workers' efforts stating that if workers "can seize premises illegally, hold [them] indefinitely, refuse admittance to owners or managers... and threaten bloodshed [in] all attempts to dislodge them...then freedom and liberty are at an end, government becomes a mockery, superseded by anarchy, mob rule and ruthless dictatorship."<sup>16</sup> With businesses leadership calling this strike "mob rule," it is no wonder that similar rhetoric later influenced anti-union propagandists to dismantle unions altogether.<sup>17</sup> Regardless of the propagandist, business leaders needed swift action to end the illegal strike. They sought out remedy with State Circuit Court Judge Edward D. Black to order the striking workers to leave the building. The ruling was a proverbial "*punch in the gut*" for the union workers, especially since union lawyers discovered that Judge Black owned approximately \$219,900 in GM stock.<sup>18</sup> However, after making this discovery, the ruling was thrown out and the case transferred to another judge.<sup>19</sup> Eventually, the police and the National Guard were called in by the state's

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<sup>12</sup> Greenhouse, *Beaten Down, Worked Up*, 81.

<sup>13</sup> Greenhouse, *Beaten Down, Worked Up*, 81.

<sup>14</sup> Greenhouse, *Beaten Down, Worked Up*, 84.

<sup>15</sup> Greenhouse, *Beaten Down, Worked Up*, 84.

<sup>16</sup> Greenhouse, *Beaten Down, Worked Up*, 86.

<sup>17</sup> Pegler, Westbrook, "What Sort of Labor Law? None at All," *Atlanta Constitution*, March 7, 1949.

<sup>18</sup> Greenhouse, *Beaten Down, Worked Up*, 86.

<sup>19</sup> Greenhouse, *Beaten Down, Worked Up*, 87.

governor to dissuade the strikers from continuing the disruption of the flow of labor.<sup>20</sup> GM finally brought an end to the strike by promising not to retaliate against any worker who participated in the strike, agreeing not to interfere with UAW's organizational efforts, and agreeing to a 10% wage increase that GM insisted was just a response to wage hikes at Chrysler.<sup>21</sup>

The UAW then launched its war with GM. GM retaliated against the strikers in any way it could. For example, GM attempted to freeze the strikers out of the building by turning off the heat in the middle of a Michigan winter; invited the police in to tear gas the strikers; and moved car parts onto railcars, thereby moving production out of the plant and nullify the workers' strike.<sup>22</sup> The strikers were undaunted by GM's efforts. Strikers fought back by throwing anything they could find at police and barricading the gates to keep advancing police out of the plant.

Further adding to business leaders' worry over the ever-strengthening unions, the GM sit-down inspired a tsunami of other sit-downs and strikes across the country. Around five million workers participated in the strikes nationwide and nearly three million more workers joined unions in 1937.<sup>23</sup> The labor battles of the 1930s empowered employees to unionize and organize against the auto industry, causing companies such as GM to succumb to the labor movement's power. The empowerment of labor inspired an even more substantial labor effort into the early 1940s, solidifying unions as a critical pillar of the American war machine leading into World War II.

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<sup>20</sup> Greenhouse, *Beaten Down, Worked Up*. 87.

<sup>21</sup> Greenhouse, *Beaten Down, Worked Up*. 92.

<sup>22</sup> Greenhouse, *Beaten Down, Worked Up*. 85; 87.

<sup>23</sup> Greenhouse, *Beaten Down, Worked Up*. 92.

Unions experienced massive growth in the early part of the 1940s. Membership went from 8.7 million in 1940 to a whopping 14.3 million in 1945. Given the United States' involvement in World War II, employers did very little to impede unionization efforts.<sup>24</sup> During World War II, laborers stopped working 48 hour work weeks and began working only 40 hours per week and even agreed to no-strike clauses.<sup>25</sup> Workers also began demanding higher wages due to the smaller paychecks resulting from the reduced number of hours worked.<sup>26</sup> During union bargaining of the 1940s, many business leaders, Republican politicians, and editorial writers began to denounce unions for their selfishness in the demands for steep pay increases.<sup>27</sup> Given the recent decade of strikes, they had a history to point to when speaking out against the unions. In 1946, one year before Georgia's RTW laws and the Taft-Hartley Act, there were 4,985 strikes involving around 4.6 million workers that took place in the United States.<sup>28</sup> Businesses suffered a black eye across the board from striking workers seeking increases in wages or decreases in working hours and the frustration that came from the no-strike clauses. Business leaders knew something needed to change, but they were running low on options short of attempting to assassinate labor leaders.<sup>29</sup>

When businesses usual methods of clogging unionization efforts began to fail, they turned to a new strategy. The pro-business Right pushed a "Had Enough" platform when it came to labor stoppages from strikes.<sup>30</sup> Given the massive number of strikes that had taken, the message was

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<sup>24</sup> Greenhouse, *Beaten Down, Worked Up*. 94.

<sup>25</sup> Greenhouse, *Beaten Down, Worked Up*. 94.

<sup>26</sup> Greenhouse, *Beaten Down, Worked Up*. 95.

<sup>27</sup> Greenhouse, *Beaten Down, Worked Up*. 99.

<sup>28</sup> Greenhouse, *Beaten Down, Worked Up*. 100.

<sup>29</sup> Greenhouse, *Beaten Down, Worked Up*. 102.

<sup>30</sup> Greenhouse, *Beaten Down, Worked Up*. 103.



well-received, netting the GOP control of both the House and Senate in 1946.<sup>31</sup> In response to the pro-union Wagner Act, which passed more than a decade previously, several states, particularly in the South, began to pass RTW laws to stall unionization efforts. These RTW laws kept union membership down, profits up, and attracted more businesses to these states as they could pay lower wages and take-home greater profits. RTW laws were met with staunch union opposition and challenges to their constitutionality. To protect the businesses' interests in these states, Republican lawmakers pushed through the Taft-Hartley Act to shore up the legal defenses for state RTW laws. This strategy proved effective as RTW laws are still in effect.

During the 1930s and 1940s, several right-wing think tanks and pro-business organizations formed to combat the New Deal era style of governance that allowed unions to flourish. In 1932 a General Motors executive helped create the American Liberty League, an organization to “combat radicalism, preserve property rights, uphold and preserve the Constitution.”<sup>32</sup> Three years after being founded, the organization would be funded almost exclusively by wealthy business leaders.<sup>33</sup> Organizations, such as the National Association of Manufacturers (NAM), launched massive public relations campaigns to market the idea of unchecked freedom for business to the American worker. In 1937 NAM spent over half of its income, roughly 1.5 million dollars, on its public relations (PR) efforts to combat the rising union militancy.<sup>34</sup> There are many examples of pro-business organizations fighting unionization efforts during this time, such as the Chamber of Commerce or the Foundation for Economic Education.<sup>35</sup>

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<sup>31</sup> Greenhouse, *Beaten Down, Worked Up*. 103.

<sup>32</sup> Phillips-Fein, Kim, *Invisible Hands: The Businessmen's Crusade Against the New Deal*, (New York: Norton), 2009, 10.

<sup>33</sup> Phillips-Fein, Kim, *Invisible Hands*, 12.

<sup>34</sup> Phillips-Fein, Kim, *Invisible Hands*, 14.

<sup>35</sup> Phillips-Fein, Kim, *Invisible Hands*, 19.

However, all of these organizations utilized similar anti-union propaganda tactics. The success of these organizations would be instrumental in the creation of RTW legislation and the eventual creation of the Taft-Hartley Act.

## 1.2 Labor and Management

The unions that are the most present in the fight for Georgia against the RTW laws and the subsequent Taft-Hartley Act were the American Federation of Labor (AFL) and the Congress of Industrial Organizations (CIO). Within these unions, one man stands out as leading the charge against the RTW laws. George Googe, Southern Director of the AFL, sensed a storm on the horizon in the world of labor law in 1947.<sup>36</sup> As soon as the RTW laws passed in Georgia, Googe believed that, "The Georgia bills [were] part of a plot to push through such measures wherever possible, and thereby influence Congress to mutilate the Wagner Act."<sup>37</sup> Googe provided a critical understanding into the long conflict between labor and Capital as an insightful participant during those early years of union formation. Googe was replaced by J. L. Rhodes who took over as the Southern Director in December of 1948.<sup>38</sup>

On the other side of this union battle for labor were the business classes that encouraged Republican lawmakers, Senator Robert Taft and Representative Fred A. Hartley, Jr., to create the Taft-Hartley Act. As the bill passed the House on April 17, 1947, it was, without a doubt, influenced by the string of local RTW laws.<sup>39</sup> Further, in covering Georgia's RTW law, the *Atlanta*

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<sup>36</sup> Furniss, Jim, "Georgia CIO, AFL Join Forces To Fight 'Anti-Labor' Legislation, *Atlanta Constitution*, February 12, 1947.

<sup>37</sup> Furniss, Jim, "Georgia CIO, AFL Join Forces To Fight 'Anti-Labor' Legislation, *Atlanta Constitution*, February 12, 1947.

<sup>38</sup> Little, Jim, "Rhodes Takes Over Dixie AFL Helm," *Atlanta Constitution*, December 20, 1948.

<sup>39</sup> "HR 3020 Passage," Govtrack, accessed June 8<sup>th</sup>, 2021, <https://www.govtrack.us/congress/votes/80-1947/h27>.

*Constitution* newspaper shows how prominent members of the local press aligned themselves with the pro-business camp. Journalists Westbrook Pegler and Ralph McGill wrote articles entitled “The Labor Unions and Fascism,” and “The Commies--- At Work and Play,” respectively.<sup>40</sup> Pegler spent most of his career writing articles and speaking out about corruption within labor unions, going so far as to denounce the unions as causing the “worst series of riots and lynchings in the life of our country;” he also advocated joining the *Ku Klux Klan* (KKK) as a means to defend one’s community from unions.<sup>41</sup> Pegler eventually left the *Atlanta Constitution* newspaper to write for the John Birch Society’s magazine, another Right-wing, pro-business organization combating labor unions.<sup>42</sup> *The Atlanta Constitution* newspaper was also home to some moderate voices on the labor movement, such as Thomas L. Stokes. Stokes did not advocate to return the means of production to the worker. Instead, he reported on the labor movement without accusations of radically charged words as Pegler had done. Regardless of their position on the labor movement, these men’s writings made their way into the hands of the many people who read the *Atlanta Constitution* newspaper in the 1940s, likely coloring the local public’s views on unions. This stream of anti-union articles helped pro-business interests better sanitize their message for those on the fence about unions while also cementing the opinions of those whose minds were already made up against organized labor.

The remainder of this thesis is composed of three chapters. Chapter 2 covers the year 1947 and the initial establishment of the RTW laws in Georgia through Senate Bills (SB) 10 and

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<sup>40</sup> Pegler, Westbrook, “The Labor Unions and Fascism,” *Atlanta Constitution*, August 25, 1949; McGill, Ralph, “The Commies--- At Work and Play,” *Atlanta Constitution*, June 4, 1948.

<sup>41</sup> Pegler, Westbrook, “The Labor Unions and Fascism,” *Atlanta Constitution*, August 25, 1949; Pegler, Westbrook, “What Sort of Labor Law? None at ALL,” *Atlanta Constitution*, March 7, 1949.

<sup>42</sup> “Pegler Quits Work For Birch Magazine,” *The New York Times*, April 7, 1964.

11, and the initial response from Unions. Chapter 3 picks up in 1948 with unions' legal battles against the states' RTW laws and the Taft-Hartley Act. This chapter analyzes events surrounding the fight against state RTW laws and the Taft-Hartley Act using the historical theory of Strategies and Tactics developed by the French Jesuit and scholar Michel de Certeau. Chapter 4 summarizes the work while also briefly examining where the labor movement has gone since RTW laws became a reality. This chapter concludes with a discussion of the future of unions in the form of The Protection of the Right to Organize (PRO) Act (2021). The (PRO) Act is a labor law and civil rights bill that was passed by members of the US House of Representatives on March 9, 2021, by a nearly strict partisan vote, 225 Democrats voting for it while 206 Republicans voted against it.<sup>43</sup>

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<sup>43</sup> "H.R.2474 – Protecting the Right to Organize Act of 2019," Congress.gov, accessed April 8, 2021, <https://www.congress.gov/bill/116th-congress/house-bill/2474>.

## 2 HISTORY OF GEORGIA'S RTW LAWS

Georgia became a RTW state when the labor movement's power in the South was challenged by the business community. Union organizers and activists quickly responded to mobilize against the RTW laws in Georgia. At the same time, the American businesses community, or what Karl Marx referred to as the bourgeois class, engaged in a propaganda war to combat perceived union dominance. According to the *Atlanta Constitution*, Atlanta, Georgia's primary daily newspaper, Georgia boasted some 325,000 union members in 1948 who were ready to vote in more substantial numbers than was usual.<sup>44</sup> As impressive as these membership numbers are, unions across the United States were in for the fight of their lives in the form of brand new laws banning closed shop unions, voluntary check-off methods of collecting dues, and the practice of mass picketing.<sup>45</sup> These new laws, commonly referred to as Right to Work (RTW) laws, were passed in states across the South as American businesses began to fuel their propaganda machines to push back against the New Deal policies that supported unions.<sup>46</sup>

Given the long offensive against the New Deal and organized labor, it is no wonder to see so many members of the press fall in line with pro-business propaganda. After all, considering how well-funded organizations such as American Freedom League, the Foundation for Economic Education, and other Right-leaning, pro-capitalist organizations were, it is no surprise that their influence is present in journalists' writing.<sup>47</sup> Even critically acclaimed writers, such as Pulitzer

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<sup>44</sup> Jim Furniss, "Georgia Labor Vote Seen Largest Ever," *Atlanta Constitution*, June 6, 1948.

<sup>45</sup> "Labor Protest Looms on Newly-Passed Laws," *Atlanta Constitution*, March 27, 1947.

<sup>46</sup> Phillips-Fein, Kim. *Invisible Hands: The Businessmen's Crusade Against the New Deal* (New York: Norton), 2009. 11.

<sup>47</sup> Phillips-Fein, *Invisible Hands*, 10, 54.

Prize winner Ralph McGill, equated unions and union bosses to Communists. According to McGill, union members were “liars by oath, and traitors to the United States of America.”<sup>48</sup>

Labor unions in Georgia had to contend with an onslaught from the state's Governor, local lawmakers, the National Farm Bureau, and a national drive to gut the Wagner Act. Even at the height of their power, unions' survival of this onslaught of attacks was a tall order. The unions attempted everything from educational outreach to legal challenges that bore no fruit.<sup>49</sup> The unions could not match the deadliest weapon these Right-leaning organizations and lawmakers had in their arsenal, the RTW laws.

## 2.1 Senate Bill 10 & 11

Georgia Senate Bills (S.B.) 10 and 11 were first introduced into the state Senate by the chairman of the Industrial Relations Committee, Senator Robert Graham Daniell Sr. of the 49<sup>th</sup> District of Georgia, on Wednesday, January 22<sup>nd</sup>, 1947.<sup>50</sup> S.B. 10 ended the practice of closed shop unions in Georgia, and S.B. 11 banned mass picketing to block unions from cutting into business profits during a strike.<sup>51</sup> These two laws became known as the RTW laws that would stunt union growth and power in Georgia, while paving the way for future national labor legislation that became known as the Taft-Hartley Act. Georgia RTW laws were a promise kept by Georgia Governor Herman Talmadge. In his first address to the Georgia General Assembly, Governor Talmadge stated:

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<sup>48</sup> Ralph McGill, “The Commies- - - At Work and Play,” *Atlanta Constitution*, June 4, 1948.

<sup>49</sup> “Keeping Up With Atlanta”, *Atlanta Constitution*, February 7, 1948.

<sup>50</sup> *Journal of the Senate of the State of Georgia at the regular session of the General Assembly commenced at Atlanta, Monday January 13, 1947*, by the Georgia General Assembly. UGA Call# GA L402 1947. Page 70.

<sup>51</sup> *Journal of the Senate of the State of Georgia*, 70.

It is the duty of you and me to encourage the cooperation of labor and management giving equal protection of the laws. Men who work must have the security of a home and the pleasure of decent living conditions, and such security as life in a democratic state affords. Opportunity to advance in job classifications, in salaries, and in wages must not be impaired and social reforms must be protected and maintained. Labor has every right to organize and bargain collectively. That right was granted capital when the first corporation in America was chartered. Labor has no less a right and it is the function of good government to protect each.<sup>52</sup>

Although seemingly in support of union activity, this statement contradicts Governor Talmadge's actions in March when he signed the RTW laws.<sup>53</sup>

One is left to interpret his words through the lens of a more Right-leaning pro-capitalist viewpoint. Through this interpretation, the "cooperation of labor" that Governor Talmadge favored was less cooperation and more coercion. Talmadge wanted these new labor laws enacted so that instead of management meeting laborers' demands under threat of a strike, the workers would have less power during collective bargaining. The public would not get an official reasoning for Talmadge passing the Georgia RTW laws as he never commented during the signing of these impactful bills.<sup>54</sup>

Labor organizations did not take the signing of these bills lightly. Almost immediately after the signing of the bills into law, labor organizations were preparing for a lengthy legal battle to

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<sup>52</sup> *Journal of the Senate of the State of Georgia*, 65.

<sup>53</sup> "Closed Shop, Check-off, Picketing Banned as Talmadge Signs Bills," *Atlanta Constitution*, March 15, 1947.

<sup>54</sup> "Closed Shop, Check-off, Picketing Banned," *Atlanta Constitution*, March 15, 1947.

ensure the laws were repealed or ruled unconstitutional.<sup>55</sup> Labor organizations argued that these rights were engrained in the New Deal model of labor relations and that changing them without changing national laws were in direct violation of the Wagner Act.<sup>56</sup> T. M. Forbes, the Executive Vice President of the Cotton Manufacturers Association of Georgia, made a statement to the press that, “Georgia workers, as well as all employers, should be pleased over Governor Talmadge’s approval of the [RTW laws] ... These laws are not punitive laws. They are corrective laws. They are not anti-labor. They are anti-union monopoly.”<sup>57</sup>

While it would be wonderful if the Georgia RTW laws were a localized cancer that could be eradicated, this is was not the case. RTW legislation subsequently spread throughout the country, with several other states becoming anti-union RTW states. (Even Michigan could not withstand the massive political influence and money wielded by pro-business individuals in 2012.) The issue rose all the way to the federal level with the chairs of the Labor Committee in the House and the Senate. Representative Fred A. Hartley of New Jersey and Senator Howard Taft of Ohio, famed authors of the Taft-Hartley Bill, indicated earlier in the year that the House would move expeditiously and without delay on introducing new changes to existing labor laws.<sup>58</sup> Without these men working diligently to saw the labor movement in half by passing the Labor Management Relations Act of 1947, also known as the Taft-Hartley Act, the AFL and CIO's legal challenges might have succeeded in court. However, as the Taft-Hartley Act would eventually go into effect on June 23<sup>rd</sup> of 1947, any attempt to challenge state-level RTW laws would be difficult

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<sup>55</sup> “Closed Shop, Check-off, Picketing Banned,” *Atlanta Constitution*, March 15, 1947.

<sup>56</sup> “Closed Shop, Check-off, Picketing Banned,” *Atlanta Constitution*, March 15, 1947.

<sup>57</sup> “Closed Shop, Check-off, Picketing Banned as Talmadge Signs Bills,” *Atlanta Constitution*, March 15, 1947.

<sup>58</sup> “GOP Promises Fast Work In Changing Labor Laws,” *Atlanta Constitution*, January 6, 1947.



to carry out now that federal laws backed them up. RTW laws and the Taft-Hartley Act have been bound to one another to this day. Without the state RTW laws already in existence, it is likely that the Taft-Hartley Act would not have had the public support to pass. At the same time, without the backing from a federal law, there was no clear evidence that state-level RTW laws had the authority to ban union shops.

State RTW laws had a devastating impact on unions' strength and its perceived "mob rule." Union mob rule, however, was not the norm. In states that did not have RTW laws, such as Wisconsin, unions had been losing big fights against management. In March of 1947, the CIO's United Automobile Workers (UAW) voted to end a 327-day strike and return to work with no wage increase or any concession from management.<sup>59</sup> It was a total and complete defeat for the UAW; and yet, members of the press wrote that racketeers ran communist unions to enrich themselves at the expense of the worker.<sup>60</sup>

The simple fact is that unions were not these political juggernauts that the press and anti-union politicians attempted to make them out to be. Nor were the union presidents some absurd Machiavellian puppeteer playing 4-D chess with worker's paychecks. Unions were already beatable, as evidenced in Wisconsin when union workers voted to return to work without a contract.<sup>61</sup> Unions could also be intimidated by the threat of Congressional investigation into alleged Communist affiliations.<sup>62</sup> The general public was also not supportive of union strikes. According to a Gallup poll taken in 1947, 58% of respondents said that laws should be passed to

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<sup>59</sup> "Chalmers Strike Ended By Union Voting To Work Without Contract," *Atlanta Constitution*, March 24, 1947.

<sup>60</sup> Westbrook Pegler, "So You Want To Repeal the T-H ACT!", *Atlanta Constitution*, November 15, 1948.

<sup>61</sup> "Chalmers Strike Ended By Union Voting To Work Without Contract," *Atlanta Constitution*, March 24, 1947.

<sup>62</sup> "Chalmers Strike Ended By Union Voting To Work Without Contract," *Atlanta Constitution*, March 24, 1947.

forbid public service industries (such as electric, gas, telephone, and local transportation companies) from striking -- only 30% of respondents indicated there should be no such laws.<sup>63</sup> The same poll also asked whether government employees should have the right to strike. A shocking 69% of responders said “no,” while only 22% of respondents supported such a right.<sup>64</sup> While there are of course questions surrounding the data pool, such as what was the sample size and who were the individuals surveyed, public opinion on the right to strike is worth noting here as the public was also being persuaded by notoriously anti-union members of the press.

A very likely source of this public frustration with strikes is the unparalleled wave of strikes that took place across the country in 1946.<sup>65</sup> However, there were also highly active propaganda campaigns run by the Chambers of Commerce in alliance with groups such as the American Legion, which sought to undermine public opinion in the labor movement generally and in unions specifically.<sup>66</sup> These same conservative groups would eventually back the Taft-Hartley Act, for which the RTW laws helped lay the foundation. Right-leaning groups engaged in an intense lobbying campaign and spent millions of dollars taking out full-page ads in daily newspapers to shape public interest in favor of legislation that would further enrich the American bourgeoisie.<sup>67</sup> Given that the Taft-Hartley Act passed into law despite a presidential veto by one of the most pro-union presidents in American history, Truman, it is easy to see that the propaganda was highly effective.<sup>68</sup>

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<sup>63</sup> “Gallup Poll For Limiting Strike Right,” *Atlanta Constitution*, April 7, 1947.

<sup>64</sup> “Gallup Poll For Limiting Strike Right,” *Atlanta Constitution*, April 7, 1947.

<sup>65</sup> Fones-Wolf, Elizabeth A. *Selling Free Enterprise: The Business Assault on Labor And Liberalism 1945-1960*. (Chicago: University of Illinois Press, 1994.), 2.

<sup>66</sup> Fones-Wolf, *Selling Free Enterprise*, 37.

<sup>67</sup> Fones-Wolf, *Selling Free Enterprise*, 43.

<sup>68</sup> Fones-Wolf, *Selling Free Enterprise*, 44.

The anti-union propaganda, however, did not exist in a vacuum by itself. Propaganda was also present in Virginia, Tennessee, North Carolina, Iowa, South Dakota, and Texas, where RTW laws were adopted in 1947.<sup>69</sup> It should be noted that Arkansas, Florida, Arizona, and Nebraska all adopted RTW laws three years before this massive push to establish RTW laws around the United States. This widespread effort to combat unions became normalized to the point where federal lawmakers could push the Taft-Hartley Act into law with the federal government's full force and provided Senators cover while they went in opposition to a sitting president.

The unions did not roll over and accept defeat. The AFL and CIO put out scathing statements condemning the RTW laws and the Taft-Hartley Act while promising large labor education movements and the addition of new union members.<sup>70</sup> Several high-profile individuals spoke out against the RTW laws, such as James J. Reynolds. James Reynolds was a member of the National Labor Relations Board (NLRB) appointed by President Truman in August 1947.<sup>71</sup> As a member of the NLRB, Reynolds was a moderate voice on unions' rights. "Employers not only may talk about unions-they should but when an employer threatens his employees that if they join a union, he'll shut down the plant, fire them or starve their wives and children," Reynolds said, "he's going beyond the law."<sup>72</sup> According to Reynolds, businesses and unions should bargain in good faith with each other. Shutting down a plant or a factory and moving them to a place where they can find cheaper labor was a practice that, unfortunately, was not something Reynolds could stop on his own and continues to this day. Even if he could end

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<sup>69</sup> "Right To Work States Timeline," National Right to Work Committee, accessed March 3<sup>rd</sup>, 2021, <https://nrtwc.org/facts/state-right-to-work-timeline-2016/>.

<sup>70</sup> "Keeping Up With Atlanta", *Atlanta Constitution*, February 7, 1948; "AFL To Push Test on Laws Hitting Labor," *Atlanta Constitution*, May 23, 1947.

<sup>71</sup> "Asks South To Heed Labor Law," *Atlanta Constitution*, January 24, 1947.

<sup>72</sup> "Asks South To Heed Labor Law," *Atlanta Constitution*, January 24, 1947.

predatory practices of businesses under capitalism, it wasn't his perspective to do so. James Reynolds, much like many of these labor unions, were still working within the parameters of capitalism. Reynolds believed "that a free and self-disciplined labor movement is essential to the preservation of our free enterprise system."<sup>73</sup>

While Reynolds was not the far left, anti-American Marxist that Westbrook Pegler or Ralph McGill would like their readers to believe, he was still standing in the way of the business conservatives' plan to rip up the New Deal in favor of a more pro-business model.<sup>74</sup> This is the crux of the capitalist assault on the labor movement. If there is a roadblock preventing businesses from enriching themselves, management were willing to throw money at that problem until it went away. One way to do that was to encourage Congress to pass a new law to protect businesses from those problems. Kim Phillips-Fein, in her book *Invisible Hands: The Businessmen's Crusade Against the New Deal* (2009), highlights this happening over and over again in the 1950s when businesses began funding think tanks to publish studies or promote arguments ranging from advocating for the destruction of the welfare state to the creation of union-busting consultants.<sup>75</sup> The unions were just another problem which business owners threw money at to eliminate. The creation of RTW laws and the subsequent Taft-Hartley Act in 1947 was a prime example of business leaders using their influence to smooth over opposition to the maximization of profits for management.

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<sup>73</sup> "Asks South To Heed Labor Law," *Atlanta Constitution*, January 24, 1947.

<sup>74</sup> "So You Want To Repeal the T-H Act!", *Atlanta Constitution*, November 15, 1948; "The Commies - - - At Work and Play," *Atlanta Constitution*, June 4, 1948; Phillips-fein, *Invisible Hands*, 44.

<sup>75</sup> Phillips-Fein, *Invisible Hands*, 129, 106.

Labor leaders in February of 1947, about a month after State Senator Robert Graham Daniell, Sr. introduced S.B. 10 and 11 to the General Assembly, offered a grave warning to the State of Georgia when the Georgia Senate passed S.B. 10 and 11 by a vote of 41-1.<sup>76</sup> Georgia's CIO Director, Charles Gillman, was outspoken regarding S.B. 10 and 11 and in response to T.M. Forbes's glowing endorsement of the RTW laws. Gillman said that "the bitterest fights we have had have been for management recognition of unions after a NLRB election has chosen them as bargaining agents for employees."<sup>77</sup> L.W. Flowers, of the Brotherhood of Railway Trainmen, and George Googe, of the AFL, agreed that S.B. 10 and 11 were punitive and anti-labor and they both directly opposed Forbes's high praise of the RTW.<sup>78</sup>

S.B. 10 and 11 received major support from the Georgia Farm Bureau Federation and its President, H. L. Wingate, who stated, "Talmadge wouldn't veto the bills. He knows where his support comes from."<sup>79</sup> Wingate's assertion was a seemingly ominous message that threatened to pull farmers' support from favoring Talmadge. The following year, labor leaders unanimously blamed H. L. Wingate and the Georgia Farm Bureau for the new RTW laws.<sup>80</sup> To understand how serious this threat was, one must understand that this was not a normal governorship. Herman Talmadge started his tenure due to the "Three Governors Controversy," an event in which Eugene Talmadge was elected Governor but died before taking office in 1947. Subsequently, Herman Talmadge, Eugene Talmadge's son, was elected by the General Assembly while at the same time, Ellis Arnall, the outgoing Governor, also claimed the office. The third Governor in this

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<sup>76</sup> "Unions in Georgia Foresee Strife As Senate Votes Closed-Shop Ban," *Atlanta Constitution*, February 25, 1947.

<sup>77</sup> "Unions in Georgia Foresee Strife As Senate Votes Closed-Shop Ban," *Atlanta Constitution*, February 25, 1947.

<sup>78</sup> "Closed Shop, Check-off, Picketing Banned as Talmadge Signs Bills." *Atlanta Constitution*, March 15, 1947.

<sup>79</sup> "Unions in Georgia Foresee Strife As Senate Votes Closed-Shop Ban," *Atlanta Constitution*, February 25, 1947.

<sup>80</sup> "Georgia Labor Vote Seen Largest Ever," *Atlanta Constitution*, June 6, 1948.

controversy was Melvin E. Thompson, the newly elected Lieutenant Governor, who also believed that he should inherit the station as Governor.<sup>81</sup>

During the controversy, Herman Talmadge filled the role of Governor. Eventually, in March of 1947, the Georgia Supreme Court settled the issue by ruling that Melvin Thompson was the rightful Governor, just days after Herman Talmadge signed the RTW laws.<sup>82</sup> Talmadge went even further by making an alleged political deal with Representative Cicero Kendrick of Fulton County. According to this deal, Representative Kendrick voted in favor of Talmadge assuming the governorship following his father's death in exchange for Talmadge vetoing any anti-labor bill that reached his desk.<sup>83</sup> While Representative Kendrick denied the allegation, there was a single stray vote against the RTW laws passing unanimously which likely came from Kendrick.<sup>84</sup> This vote suggests that the backroom deal between Representative Kendrick and Talmadge did take place, yet Governor Talmadge caved to the overwhelming pressure presented by the anti-union General Assembly. After all, Talmadge had political ambitions of his own, as he would go on to run against Melvin Thompson in the special election held later the following year.<sup>85</sup> Talmadge needed the support of the anti-union General Assembly to win the election and thus, decided to burn one political bridge over the 41 others seated in the state Senate.

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<sup>81</sup> "Three Governors Controversy," The New Georgia Encyclopedia, accessed March 3, 2021, <https://www.georgiaencyclopedia.org/articles/government-politics/three-governors-controversy>.

<sup>82</sup> "Three Governors Controversy," The New Georgia Encyclopedia, accessed March 3, 2021, <https://www.georgiaencyclopedia.org/articles/government-politics/three-governors-controversy>; "Closed Shop, Check-Off, Picketing Banned as Talmadge Signs Bills," *Atlanta Constitution*, March 15, 1947.

<sup>83</sup> "Unions in Georgia Foresee Strife As Senate Votes Closed-Shop Ban," *Atlanta Constitution*, February 25, 1947.

<sup>84</sup> "Unions in Georgia Foresee Strife As Senate Votes Closed-Shop Ban," *Atlanta Constitution*, February 25, 1947.

<sup>85</sup> "Three Governors Controversy," The New Georgia Encyclopedia, accessed March 3, 2021, <https://www.georgiaencyclopedia.org/articles/government-politics/three-governors-controversy>.

## 2.2 The Unions Response

Regardless why or how these anti-union laws came about, they became a reality. The labor unions needed to decide what their response would be and how to combat these laws. One of the first substantial statements provided by a union leader came from Van A. Bittner, the Director of the CIO's Organizing Committee in charge of the Southern campaign.<sup>86</sup> In a statement to the House Labor Committee, Bittner said that "repressive labor legislation, if enacted by Congress, will prevent Southern workers from achieving the benefits of a standard of living equal to that of workers in other parts of the country."<sup>87</sup> The "repressive labor legislation" referred to here is the proposed Taft-Hartley Act then making its rounds at the Capitol. Since the Taft-Hartley Act and the State level RTW laws go hand in hand, if organized labor pushed back on one, they could combat the other at the same time. While at the Capitol, Bittner took time to highlight his organizations' political stance by mentioning that the House Labor Committee would have their time better spent combating the rising cost of living and fighting for an expansion of Social Security rather than attempting to cripple unions.<sup>88</sup> These sentiments would eventually be echoed in the CIO's proposals addressing key issues that the CIO believed both political parties fell short on in the next election cycle.<sup>89</sup> Bittner also claimed that the House Labor Committee took its marching orders from the National Association of Manufacturers, which were conducting a drive to eliminate labor unions across the United States to maximize their profits.<sup>90</sup>

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<sup>86</sup> "Anti-Labor Acts Will Block South's Wage Aims - - - Bittner," *Atlanta Constitution*, March 6, 1947.

<sup>87</sup> "Anti-Labor Acts Will Block South's Wage Aims - - - Bittner," *Atlanta Constitution*, March 6, 1947.

<sup>88</sup> "Anti-Labor Acts Will Block South's Wage Aims - - - Bittner," *Atlanta Constitution*, March 6, 1947.

<sup>89</sup> Memo from PAC, CIO Political Action Committee, Vol. 2, No. 12, 1948. Labor Periodicals, Box 230, Folder 6.

<sup>90</sup> "Anti-Labor Acts Will Block South's Wage Aims - - - Bittner," *Atlanta Constitution*, March 6, 1947.

Later in March of 1947, the Georgia RTW laws officially made it through the Georgia General Assembly, and the CIO met the news head-on with challenges from Charles Gilman, the Georgia director for the CIO. Gilman stated that he just came from a meeting with around 200 of the states' labor leaders in which they adopted a resolution to form committees to organize workers in defense of labor rights.<sup>91</sup> Gilman also stated that he did not believe that the Georgia RTW laws will impact many CIO-affiliated labor unions as the CIO unions generally deal in interstate commerce, meaning the CIO union contracts would be protected by Federal law.<sup>92</sup> While the Wagner Act still allowed for close shop unions and voluntary check-off dues collection banned under the Georgia RTW laws, the incoming Taft-Hartley Act attempted to force unions to follow pro-business law. This interplay between the two laws is further evidence that Taft-Hartley and the RTW laws were codependent – namely without the strong ground game originally provided by RTW laws across the United States, the Taft-Hartley Act would not have been needed. Simultaneously, supporters of state-level RTW laws needed federal legislation to gut the Wagner Act, therefore allowing for harsh labor laws throughout the states.

While the CIO had begun fighting against the proposed Taft-Hartley Act and local RTW laws, the AFL was preparing a legal offensive in early March 1947. George Googe, the Southern Director of the Organization of the AFL, stated that his organization would seek to respond immediately to the Georgia RTW laws as soon as the General Assembly finished its deliberations.<sup>93</sup> While the AFL mulled over its next strategic move, pro-labor groups across the South believed that the RTW laws passed in various states fell into a grand, national scheme to

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<sup>91</sup> "Anti-Labor Laws Spur CIO---Gilman," *Atlanta Constitution*, March 17, 1947.

<sup>92</sup> "Anti-Labor Laws Spur CIO---Gilman," *Atlanta Constitution*, March 17, 1947.

<sup>93</sup> "AFL Silent on Labor Law," *Atlanta Constitution*, March 16, 1947.



influence lawmakers to pass the Taft-Hartley Act.<sup>94</sup> Pro-capitalist organizations, such as the Mont Pelerin Society and the National Association of Manufacturers, ran their own campaigns to combat the “radical labor organizations” and to protect capitalism.<sup>95</sup> In doing so, they effectively created a synthetic grassroots movement to prop up the Taft-Hartley Act at the national level.

It was not until the end of March of 1947 that George Googe made a statement on the Georgia RTW laws. Googe kicked off his speech by stating that the “AFL will file a suit to test the constitutionality of the RTW laws which Acting Governor Talmadge signed.”<sup>96</sup> Googe was feeling confident in the AFL’s legal might, as they had already attacked RTW laws in other states, and the AFL legal counsel believed that these laws interfered with existing union contracts operating under the Wagner Act. As the Wagner Act was a federal law, it superseded the state law, further providing a perceived advantage to labor and the AFL.<sup>97</sup> Googe continued to voice concerns over the longevity of the AFL and labor unions in general without the union security agreements currently in place, such as check-offs and the closed shop. Without these security measures in place, Googe worried that the unions would be forced to accept anti-union spies, workers loyal to competing labor organizations, or worse, Communists.<sup>98</sup>

Though it may seem comical now, fear of admitting Communists was a legitimate concern for Googe and his labor union. The press tended to attack unions as Communist organizations, but these unions were simply not the radical, leftist monsters their opponents made them out to be. For example, a 1948 CIO’s Political Action Committee (PAC) memo mentioned that the CIO

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<sup>94</sup> “Labor Protest Looms On Newly-Passed Laws,” *Atlanta Constitution*, March 27, 1947.

<sup>95</sup> Philips-Fein, *Invisible Hands*, 43, 13.

<sup>96</sup> “AFL To Test State Anti-Labor Laws In ‘Constitutionality’ Suit—Googe,” *Atlanta Constitution*, March 30, 1947.

<sup>97</sup> “AFL To Test State Anti-Labor Laws In ‘Constitutionality’ Suit—Googe,” *Atlanta Constitution*, March 30, 1947.

<sup>98</sup> “AFL To Test State Anti-Labor Laws In ‘Constitutionality’ Suit—Googe,” *Atlanta Constitution*, March 30, 1947.

union would not incorporate Communist, Socialist, or even Socialist Labor policies. Instead, the CIO would continue to operate under the existing political order.<sup>99</sup> They were simply looking for minor reforms that were comparable to some proposed Democratic Party platforms, such as supporting a Wage-Hour Law to institute a 75 cent minimum wage, and the use federal aid to support education in the United States.<sup>100</sup>

In his speech against the RTW laws, Googe highlighted the Georgia State Constitution section that contradicts the RTW laws' validity. Googe pointed out that §3, Paragraph 2 of the Georgia Constitution states, "No Bill of Attainder, ex post facto law, retroactive law, or law impairing the obligation of contracts, or making irrevocable grant of special privileges or immunities shall be passed."<sup>101</sup> The RTW laws passed in Georgia would void many existing labor union contracts with closed shop or dues check-off clauses which was prohibited by the Georgia Constitution, and Googe believed that the Georgia Supreme Court would utilize this prohibition to rule in the AFL's favor. Near the end of his speech, Googe softened upon his hardline approach. He reiterated that the AFL is not in the business of breaking the law and will follow the court's decision. Should the RTW laws be upheld after a legal challenge, the AFL will accept them as law and comply with the decision.<sup>102</sup> Googe showed the public that unions did not have crooks or monsters who were in it for themselves but rather were regular law-abiding, working Americans.

While direct and forceful, his comments yielded no change in how management interacted with the unions in Georgia. Following his speech, Googe would eventually tell all AFL-

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<sup>99</sup> Westbrook Pegler, "So You Want To Repeal the T-H Act!," *Atlanta Constitution*, November 15, 1948.

<sup>100</sup> Memo from PAC, CIO Political Action Committee, Vol. 2, No. 12, 1948. Labor Periodicals, Box 230, Folder 6.

<sup>101</sup> "AFL To Test State Anti-Labor Laws In 'Constitutionality' Suit—Googe," *Atlanta Constitution*, March 30, 1947.

<sup>102</sup> "AFL To Test State Anti-Labor Laws In 'Constitutionality' Suit—Googe," *Atlanta Constitution*, March 30, 1947.

affiliated unions to refuse to do business with any company or organization that did not recognize the existing union contracts.<sup>103</sup> There was almost no reason for companies to recognize sections of existing contracts because of the new laws. Upon the contract expiring, the companies would use the new laws to negotiate future contracts. Of course, this required the companies to come to the table in good faith, which was not likely to happen. Businesses used the passage of these new anti-labor, anti-union laws to strike back on labor and seize the advantage after years of capitulating to union strength. Googe highlighted this point because, in Georgia, the lumber industry was 99 percent unorganized, and naval stores were totally unorganized. Considering the lumber industry was the second largest industry in Georgia, and naval stores were the third largest, Googe made clear that industry management does not need extra legislative help to meet their demands.<sup>104</sup>

It was not as if the unions were without political and economic muscle in the fight. In 1946, the AFL had signed up 37,000 new members in the South alone, which helped to bolster their ranks in the upcoming fight against anti-union legislation.<sup>105</sup> Googe also made clear that the AFL, and other pro-union groups, needed the extra help as he is worried that the Taft-Hartley Act, which was pending in Congress, would “change the free trade union movement into social clubs under control of Federal bureaucracies.”<sup>106</sup>

After the Taft-Hartley Act passed over President Truman’s veto, organized labor needed to act fast to prevent their groups from getting steamrolled by management. The Act itself, and

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<sup>103</sup> “AFL To Push Test on Laws Hitting Labor,” *Atlanta Constitution*, May 23, 1947.

<sup>104</sup> “AFL To Push Test on Laws Hitting Labor,” *Atlanta Constitution*, May 23, 1947.

<sup>105</sup> “AFL To Push Test on Laws Hitting Labor,” *Atlanta Constitution*, May 23, 1947.

<sup>106</sup> “AFL To Push Test on Laws Hitting Labor,” *Atlanta Constitution*, May 23, 1947.

the language found within, is tailor-made to protect capitalism and the profits of the American bourgeois from labor unions. The Taft-Hartley Act goes so far as to state unambiguously, “the purpose and policy of this Act, in order to promote the full flow of commerce, [is] to prescribe the legitimate rights of both employees and employers in their relations affecting commerce.”<sup>107</sup> While at first glance the language in the bill seems more common sense rather than vehemently anti-union, the purpose of the Taft-Hartley Act was always to guard businesses from unions while also making it more difficult for unions to grow their numbers.

Against all warnings from union leaders, Taft-Hartley was passed in June of 1947. Some reporters began their coverage of the legislation in opposition to it. Thomas L. Stokes, Pulitzer prize-winning journalist, criticized the fairness of the Taft-Hartley Act, writing that, “Nothing illustrates so well the one-sidedness of the new labor laws as the belated, guilty conscience sort of cautions from management spokesmen that management must not take advantage of the law to injure labor.”<sup>108</sup> Stokes noted that this about-face from management is in direct contradiction to their previous arguments claiming that this law was to bring labor relations back to a full partnership, rather than some alleged union dominance.<sup>109</sup>

George Gooze of the AFL stated one month prior to the passing of the Taft-Hartley Act; there were still massive industries in the South and in Georgia that have yet to be organized by the unions.<sup>110</sup> Hampering union growth, especially in the South, was a plan created by ordinary businessmen over the course of several years to undo the labor union's power and to undermine

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<sup>107</sup> Labor Management Relations Act of 1947, Public Law 80-101, 80<sup>th</sup> Cong., (June 23, 1947),

<sup>108</sup> “Lays Labor Bill Blame on Southerners,” *Atlanta Constitution*, June 26, 1947; “Pulitzer Award Winners Speak in Radio Broadcast,” *Newspapers.com*, accessed March 4, 2021, <https://www.newspapers.com/clip/56612031/pulitzer-award-winners-speak-in-radio/>.

<sup>109</sup> “Lays Labor Bill Blame on Southerners,” *Atlanta Constitution*, June 26, 1947.

<sup>110</sup> “AFL To Push Test on Laws Hitting Labor,” *Atlanta Constitution*, May 23, 1947.

the gains created by the New Deal.<sup>111</sup> This years-long campaign was so successful because of the pro-business gains created by these RTW laws which helped gain national support for the Taft-Hartley Act and helped generate more interest in passing national regulations to strengthen the power of businesses in the RTW States. Before the Taft-Hartley Act, unions were fighting an uphill battle against anti-union propaganda, and management was not eager to allow their workforces to unionize. With the new national labor laws, union leaders were worried that management would use the new provisions in the law to further exploit workers by taking advantage of the Taft-Hartley Act's business-first mentality.<sup>112</sup>

Thomas Stokes laid the blame for passing the Taft-Hartley Act on Southern Dixiecrats for voting with the Republicans on the initial vote and on overriding the presidential veto.<sup>113</sup> It is not surprising that Dixiecrats teamed up with Republicans to pass anti-labor legislation, given that there is massive resistance to unionization in the South even today. It was apparent that Dixiecrats' motivations were to side with the Republicans.<sup>114</sup> Dixiecrats needed this legislation because businesses in the South had already seen the effects of RTW laws through the cancelation of existing labor contracts with unions. These businesses did not want to deal with lengthy courtroom battles over state labor laws not aligning with federal regulations. With the passage of Taft-Hartley, they would not have to.

Thomas Stokes pointed out that businesses needed the South to remain un-unionized to keep the South a low-wage area.<sup>115</sup> If the low-wage economy remained, the South would have a

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<sup>111</sup> Philips-Fein, *Invisible Hands*, xi.

<sup>112</sup> "Lays Labor Bill Blame on Southerners," *Atlanta Constitution*, June 26, 1947.

<sup>113</sup> "Lays Labor Bill Blame on Southerners," *Atlanta Constitution*, June 26, 1947.

<sup>114</sup> "Lays Labor Bill Blame on Southerners," *Atlanta Constitution*, June 26, 1947.

<sup>115</sup> "Lays Labor Bill Blame on Southerners," *Atlanta Constitution*, June 26, 1947.

better chance at attracting new businesses looking to cut spending costs and maximizing investor profits. This cold and calculated model for business growth meant that the American bourgeois would do almost anything to maintain a labor pool full of exploited and alienated workers in an effort to keep an exploitable working class. The same line of thought is applicable to contemporary issues such as minimum wage laws and for-profit prisons. The ultimate lesson here is that a small minority can dictate policy for the majority of the country that is not to their benefit.<sup>116</sup> The only hope to restore the balance between labor and business is to repeal the Taft-Hartley Act and RTW laws across the country.

### 2.3 Unions Challenge the RTW Laws

It did not take long for the AFL and George Googe to challenge the Georgia RTW legislation in court. In August of 1947 union officials from the North Carolina Buildings Trades Council were convicted for signing a union contract that had a closed shop and involuntary check-off provisions built-in.<sup>117</sup> Of course, these provisions were banned by the RTW laws in North Carolina and Georgia.<sup>118</sup> A Superior Court ruling could allow for the United States Supreme Court to review the Taft-Hartley Act and local RTW laws. Triggering a Supreme Court review of existing labor laws is undoubtedly what George Googe and the AFL had in mind when the North Carolina Supreme Court got involved with the case.<sup>119</sup> Googe clearly stated that if North Carolina upheld the lower court's decision, the AFL would appeal directly to the United States Supreme Court.<sup>120</sup> A few days

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<sup>116</sup> "Lays Labor Bill Blame on Southerners," *Atlanta Constitution*, June 26, 1947.

<sup>117</sup> "Labor Court Test Shaping Up in N.C.," *Atlanta Constitution*, August 20, 1947.

<sup>118</sup> Williams, Wiley J. "Right-To-Work Law," NCPedia, accessed March 5, 2021, <https://www.ncpedia.org/right-worklaw>.

<sup>119</sup> "Labor Court Test Shaping Up in N.C.," *Atlanta Constitution*, August 20, 1947.

<sup>120</sup> "Labor Court Test Shaping Up in N.C.," *Atlanta Constitution*, August 20, 1947.

after his pledge to challenge the constitutionality of the RTW laws with the Supreme Court, George Googe made another public statement reiterating the AFL's commitment to fighting RTW laws and the Taft-Hartley Act. Googe said that "not since the days when a labor union was a conspiracy has the weight of law and government been thrown so savagely and so patently against the right of the working people to organize."<sup>121</sup>

While labor organizers continued to make statements to the press, the AFL planned their next strategic move for the legal battles ahead, the press was editorializing the Taft-Hartley Act to soften the blow to Georgians. In a series of articles designed to "Explain in simple, non-technical language the provisions of the controversial Taft-Hartley labor Law," journalist Phelps Adams argued that the Taft-Hartley Act was an effort to broaden the appeal of anti-labor laws in general.<sup>122</sup> Adams noted that instead of the "slave labor act" that labor leaders described it as, the Taft-Hartley Act actually seeks to give American workers "complete freedom in choosing a job or a union."<sup>123</sup> Under the Taft-Hartley Act, the American worker now has the right *not* to choose to work under a union and is now protected against "intimidation and coercion from any source."<sup>124</sup> Adams proceeded to highlight the fact that no employee could be forced to work against his will, and that any individual may quit their job at any time.<sup>125</sup> Being able to quit a job at any time sounds good in theory, but the modern-day reality for failing to provide a two weeks' notice prior to quitting could lead to a poor reference by an employer preventing ease of transitioning to new employment. On the other hand, employers can terminate an employee on

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<sup>121</sup> "Labor Mans Big Guns for Blast At 'Anti' Laws as Holiday Nears," *Atlanta Constitution*, August 31, 1947.

<sup>122</sup> Phelps Adams, "Primer of Labor's Bill of Rights," *Atlanta Constitution*, December 5, 1947.

<sup>123</sup> Phelps Adams, "Primer of Labor's Bill of Rights," *Atlanta Constitution*, December 5, 1947.

<sup>124</sup> Phelps Adams, "Primer of Labor's Bill of Rights," *Atlanta Constitution*, December 5, 1947.

<sup>125</sup> Phelps Adams, "Primer of Labor's Bill of Rights," *Atlanta Constitution*, December 5, 1947.

the spot. This lack of true equality under the RTW laws highlights the fact that these new regulations defended capitalists over the working class. Adams concluded that “Finally, the law seeks to make union officers the servants – not the masters – of their union membership. To a few notorious union bosses, such a condition might well appear to be “slavery” indeed.”<sup>126</sup>

Implying that union leaders were simply grumpy because they could not get their way any longer under the Taft-Hartley Act was yet another way to paint union organizers as criminal mob bosses seeking to enrich themselves. Even if union leaders were to enrich themselves, who would stand to hurt the most from workers organizing? The simple answer is businesses. It is in business owners’ best interest to pay low wages, work employees long hours, and provide few benefits. We see this same business incentive today as companies fight against raising the minimum wage in America; and it is the same reason why companies to this day engage in union-busting activities.<sup>127</sup>

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<sup>126</sup> Phelps Adams, “Primer of Labor’s Bill of Rights,” *Atlanta Constitution*, December 5, 1947.

<sup>127</sup> Palmer Annie, “How Amazon Keeps a close eye on employee activism to head off unions,” *CNBC*, October 24, 2020. Accessed March 5, 2021, <https://www.cnbc.com/2020/10/24/how-amazon-prevents-unions-by-surveilling-employee-activism.html>.



### 3 THE UNIONS' POLITICAL WAR

1948 was a new year that brought about new challenges to anti-labor laws across the country and across union lines. Both CIO and AFL affiliated unions began to push harder against the Taft-Hartley Act and local RTW legislation. Both unions had “invited a test of a section of the Act prohibiting expenditures of union or corporation funds in connection with a Federal primary or election.”<sup>128</sup> The unions believed this portion of the Taft-Hartley Act to be unconstitutional and thus began financially supporting pro-labor candidates in races across the United States, such as Estes Kefauver of Tennessee and Edward Garmatz of Maryland.<sup>129</sup> Even more terrifying to the Dixiecrats was that Kefauver won the Democratic nomination, proving that labor still had fight left in them. Allowing labor to regain strength was out of the question, so the power of the federal government mobilized against the CIO and the head of the organization, Philip Murray. A federal grand jury indicted the CIO and Philip Murray on the grounds that the CIO newspaper, created with union funds, was illegal under the Taft-Hartley Act.<sup>130</sup> Across the nation, unions were pushing back against RTW laws as they faced a torrent of challenges from states in order to crush the labor movement. In Arizona, the State Supreme Court ruled in favor of RTW laws, seemingly pushing the national needle in favor of management and capitalists.<sup>131</sup>

Though the charges were brought against Murray, the government began to waver on how much they should exploit the new laws in their favor. The attorney general, Tom C. Clark,

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<sup>128</sup> “Taft-Hartley Test Case Soon to Face U.S. Jury,” *Atlanta Constitution*, February 5, 1948.

<sup>129</sup> Memo from PAC, CIO Political Action Committee, Vol. 2, No. 12, 1948. Labor Periodicals, Box 230, Folder 6; “Murray, CIO Indicted Under T-H Law Ban,” *Atlanta Constitution*. February 12, 1948; “Taft-Hartley Test Case Soon to Face U.S. Jury,” *Atlanta Constitution*, February 5, 1948.

<sup>130</sup> “Murray, CIO Indicted Under T-H Law Ban,” *Atlanta Constitution*. February 12, 1948.

<sup>131</sup> “Taft-Hartley Test Case Soon to Face U.S. Jury,” *Atlanta Constitution*, February 5, 1948.

announced that additional prosecutions were being prepared against the union and Phillip Murray while also admitting that a delicate constitutional issue was involved.<sup>132</sup> Even Senator Taft, the Taft-Hartley Act's co-author, for some reason conceded that the government might have made a mistake bringing charges against the union. Senator Taft could have said this out of guilt or to stave off a more radicalized labor response to the prosecution of a labor leader. Whatever the reason, Taft still stood by his anti-labor law and advocated for the courts to clear up any questions that may arise from the Act.<sup>133</sup> Further, the labor unions were not a political super giant that single-handedly won Estes Kefauver or Edward Garmatz an election. While the AFL and CIO did back Kefauver and Garmatz politically, there were other factors that led to both candidates winning their elections. What was happening here is capital, the state, the right, and management using these small wins as a rally cry to enact even more strict laws and punishments against the unions.

### 3.1 De Certeau's Strategy vs. Tactics

Compared to the overwhelming power demonstrated by capital and management, these temporary wins are a prime example of the historical theory of tactics and strategies developed by Michel de Certeau. De Certeau theorized that when a person or entity was in a position of power, they would employ grand strategies to maintain that power. In contrast, those not in the positions of power would employ tactics to gain small and temporary wins against their foe.<sup>134</sup> In this case, the labor unions' tactics would be to engage in strikes, establish closed shop policies, utilize dues check-offs, and endorse pro-labor candidates. The grand strategy employed by

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<sup>132</sup> "Taft-Hartley Test Case Soon to Face U.S. Jury," *Atlanta Constitution*, February 5, 1948.

<sup>133</sup> "Taft-Hartley Test Case Soon to Face U.S. Jury," *Atlanta Constitution*, February 5, 1948.

<sup>134</sup> Certeau, Michel de. *The Practice of Everyday Life* (Berkeley, University of California Press, 1984), xix.

capital and management had been use of anti-union propaganda and attempts to convince the working class to vote in favor of management under the guise of benefitting workers. Thus, in highlighting every misstep taken by labor and making them out to be a massive political force, management was free to make laws and restrictions that could stand up to the “monster” called labor unions.

On February 13<sup>th</sup>, 1948, George Googe asked the Governor of Georgia, Melvin Thompson, to request its Attorney General to issue an official ruling on the Georgia RTW laws.<sup>135</sup> Googe was right to start involving the Governor as he had spoken with roughly 900 smaller local unions in Georgia who were stressed from the restrictive, and quite possibly unconstitutional, RTW laws.<sup>136</sup> In a statement to reporters, Googe highlighted that “Many features of the state laws conflict with the Taft-Harley Act. The state laws not only restrict freedom of contracts but unlawfully prohibit labor organizations from organizing in constitutionally-protected activities for the benefit of a majority of the employees in any given unit.”<sup>137</sup> The issue of renewing union contracts was initially brought up in 1947 by Googe.<sup>138</sup> Renewing contracts became progressively more difficult for unions at a time when negotiations for creating new contracts and even renewing existing contracts had ground to a halt as a result of the RTW laws.<sup>139</sup> George Googe and the AFL were furious with the RTW laws because they painted the unions in a corner and they struggled to get

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<sup>135</sup> “Thompson Asks Ruling on State Laws Banning Closed Shops, ‘Check Off’,” *Atlanta Constitution*, February 14, 1948.

<sup>136</sup> “Thompson Asks Ruling on State Laws Banning Closed Shops, ‘Check Off’,” *Atlanta Constitution*, February 14, 1948.

<sup>137</sup> “Thompson Asks Ruling on State Laws Banning Closed Shops, ‘Check Off’,” *Atlanta Constitution*, February 14, 1948.

<sup>138</sup> “AFL To Test State Anti-Labor Laws In ‘Constitutionality’ Suits—Googe,” *Atlanta Constitution*, March 30, 1947.

<sup>139</sup> “Thompson Asks Ruling on State Laws Banning Closed Shops, ‘Check Off’,” *Atlanta Constitution*, February 14, 1948.

out. The provisions of the RTW laws made it illegal to carry out existing contracts while also making it nearly impossible for the unions to negotiate new contracts in which they would have any real influence.<sup>140</sup> Pro-business individuals were able to fall back on the courts and sway public opinion as a grand strategy in combating unions, while the unions had to rely on tactics such as strikes and public rallies to fight for small gains within the system of capitalism. Further highlighting De Certeau's theory of strategies versus tactics.

This dilemma was what instigated the passage of the RTW laws in the first place. The new restrictions did not directly affect non-union workers, and, as a result, those not in a union cared a lot less about the underlying implications held in the RTW laws. Further, even some active union workers bought into company propaganda portraying labor unions as a form of Communism and actively sought to curb union power from within the unions themselves. Several companies took advantage of the active campaigns to equate unions with Communism and began to publish their own anti-communist propaganda.<sup>141</sup>

Pending some miracle in the courts, the AFL and CIO were going to have to find ways to work around the RTW laws if they were to exist. The union's second route to the capitalists' foothold came in the form of influencing the election of the Georgia governor. With a resolution to the "Three Governors Controversy" dilemma, the governorship was up for grabs again, and the unions were ready for another battle. According to labor organizers, Georgia's 325,000 union members were prepared to vote in larger numbers than ever before.<sup>142</sup> Unfortunately, given the

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<sup>140</sup> "Thompson Asks Ruling on State Laws Banning Closed Shops, 'Check Off'," *Atlanta Constitution*, February 14, 1948.

<sup>141</sup> Phillips-Fein, *Invisible Hands*, 60.

<sup>142</sup> Furniss, Jim, "Georgia Labor Vote Seen Largest Ever," *Atlanta Constitution*, June 6, 1948.

momentous political strength wielded by the Georgia Farm Bureau Federation, neither front-runner for the governorship would openly promise to revise Georgia labor laws.<sup>143</sup> Labor leaders were furious with H. L. Wingate and his band of farmers for forcing through the stiff anti-labor legislation and thus were forced to accept that neither Herman Talmadge nor his opponent, former Governor Melvin E. Thompson, would actively fight for more substantial union rights.<sup>144</sup>

There were, however, other ways to court union support than just fighting for their right to exist. Herman Talmadge made a promise to the AFL that he would fight against the CIO, which of course, garnered positive attention from the AFL.<sup>145</sup> Making a deal with the AFL was a tactful political move for Talmadge for a few reasons, but mainly because he made a promise to the AFL, which acknowledged their political strength and would garner him a sizeable chunk of those 325,000 union voters. Moreover, Talmadge was strengthening the power of the Georgia Farm Bureau by pitting the unions against each other, thereby weakening the strength of all unions, even as George Googe visited with Talmadge's camp to promote the interests of the AFL.<sup>146</sup>

The 1948 Georgia gubernatorial special election concluded with AFL's Herman Talmadge securing the primary in a landslide and then elected Governor.<sup>147</sup> There was, however, one more important election that AFL organizer George Googe had a vested interest in. That election was, of course, the 1948 presidential race, in which President Truman won Georgia by a significant margin.<sup>148</sup> Googe believed that this election showed Georgia lawmakers that Georgia voters were

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<sup>143</sup> Furniss, Jim, "Georgia Labor Vote Seen Largest Ever," *Atlanta Constitution*, June 6, 1948.

<sup>144</sup> Furniss, Jim, "Georgia Labor Vote Seen Largest Ever," *Atlanta Constitution*, June 6, 1948.

<sup>145</sup> Furniss, Jim, "Georgia Labor Vote Seen Largest Ever," *Atlanta Constitution*, June 6, 1948.

<sup>146</sup> Furniss, Jim, "Georgia Labor Vote Seen Largest Ever," *Atlanta Constitution*, June 6, 1948.

<sup>147</sup> "GA Governor – Special D Primary," Our Campaigns, accessed March 8, 2021, <https://www.ourcampaigns.com/RaceDetail.html?RaceID=379682>.

<sup>148</sup> Furniss, Jim, "Georgia Labor Vote Seen Largest Ever," *Atlanta Constitution*, June 6, 1948.

far more progressive than some may have realized and that it spelled the end for the restrictive anti-labor laws plaguing the country.<sup>149</sup> Labor organizations showed up to support the re-election of President Truman. This resulted in some business leaders believing the Nation was barreling toward a “labor government” by recognizing the role labor played in President Truman’s re-election.<sup>150</sup> We again see business leaders ratcheting up a make-believe threat to encourage those with right-leaning political beliefs to become more staunch in their anti-union beliefs. Business leaders would like for the general population to believe that unions, and specifically union bosses, had the President in their pocket. Business leaders believed that this would then lead to Communism destroying American democracy and replacing the free enterprise system with some form of barbaric authoritarianism, which would result in the deaths of thousands.<sup>151</sup>

Of course, none of this happened, and America is still a profit-driven capitalist economy. These same protections that remained in place for businesses has arguably been instrumental in the making of the ultra-rich businessmen we see today. To the relief of business leaders then and now, capitalism is here to stay. There was, however, one other man who would be relieved that America bought into the idea of Capitalism. George Googe was, as demonstrated earlier, quite anti-Communist. He was also, evidently, anti-Socialist. Googe stated that “there was no comparison with the labor government in England and the labor movement in America. The English labor movement was socialistic, while the American labor movement was based on the profit system of Capitalism.”<sup>152</sup> This statement from Googe further showed him attempting to

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<sup>149</sup> Furniss, Jim, “Georgia Labor Vote Seen Largest Ever,” *Atlanta Constitution*, June 6, 1948.

<sup>150</sup> Furniss, Jim, “Georgia Labor Vote Seen Largest Ever,” *Atlanta Constitution*, June 6, 1948.

<sup>151</sup> Phillips-Fein, *Invisible Hands*, 60.

<sup>152</sup> “George Hails election As Victory for South,” *Atlanta Constitution*, November 4, 1948.

separate the labor movement from accusations that those engaging in labor activism were all communist or socialist traitors to America. It was evident that Googe was “reading the room” and attempting to make the labor movement more palatable for the average American who might not be sure what to make of labor activism in America, no matter how much they enjoy their weekend.

Moreover, the re-election of Truman could also be read as a rebuke to the corporate propaganda machine. State Senator Walter George stated that “Mr. Truman’s magnificent victory proved that the rank and file of Americans did not wish to change administrations when all people have a job or can get a job. The election of a Democratic President and Democratic Congress meant the continuation of America’s present foreign policy and that farmers felt more comfortable under a Democratic administration.”<sup>153</sup> The farmers here are a reference to the Georgia Farm Bureau Federation, in an apparent challenge of H. L. Wingate’s political hold on Georgian farmers.

George Googe was no doubt content with the results of the presidential election, as he believed that a Truman presidency would spell the end for not only the draconian RTW laws in Georgia but also the Taft-Hartley Act itself. Googe expected labor leaders to be consulted for the next set of labor laws that would govern the country’s labor unions.<sup>154</sup> On the other side of the labor issue, Herman Talmadge was shocked by the presidential race, viewing it as a noticeable blow against his anti-labor efforts across his career in government thus far.<sup>155</sup> Regardless what Talmadge thought, there was no doubt labor leaders genuinely believed they had a shot at ending

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<sup>153</sup> “George Hails election As Victory for South,” *Atlanta Constitution*, November 4, 1948.

<sup>154</sup> “George Hails election As Victory for South,” *Atlanta Constitution*, November 4, 1948.

<sup>155</sup> “George Hails election As Victory for South,” *Atlanta Constitution*, November 4, 1948.

the Taft-Hartley Act. Though even with seemingly a good chance at legal challenges going their way, labor unions' tactics were not strong enough to keep up with pro-business strategies.

All the while, businesses greatest ally, the press, continued to publish propaganda on their behalf. Articles entitled "Protect the Right To Work" and "Hurting Labor's Cause" were published during the RTW fight in Georgia in the *Atlanta Constitution* newspaper, framing picketing as a violation of strike breakers' constitutional rights and the unions needed to be held accountable for their actions which harm Americans.<sup>156</sup> The articles further argued that the RTW is just as important as the right to strike.<sup>157</sup> The articles, however, also editorialized the events to paint unions as criminals, in which case the police should intervene.<sup>158</sup>

### 3.2 Googe's Retirement and Rise of Rhodes

The existence of RTW laws made unions much harder to maintain and even harder for unions to gather political capital to spend on improving workers' rights. Googe fought all he could against the RTW laws. Nevertheless, George Googe stepped down from his post within the AFL in December of 1948.<sup>159</sup> Googe left the AFL because he had recently accepted the Vice President's position for the International Pressman's and Assistants' Union, an AFL affiliate.<sup>160</sup> Googe spent 20 years in service to the AFL, and this was an acceptable way to bow out of his position as leader of the AFL by accepting a promotion with a respectable union. Googe morphed into a union boss, ironically the same thing that business leaders had been out to get since the Great Depression.<sup>161</sup>

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<sup>156</sup> "Protect the Right to Work," *Atlanta Constitution*, May 21, 1948; "Hurting Labors Cause," *Atlanta Constitution*, March 1, 1947.

<sup>157</sup> "Protect the Right to Work," *Atlanta Constitution*, May 21, 1948.

<sup>158</sup> "Protect the Right to Work," *Atlanta Constitution*, May 21, 1948.

<sup>159</sup> Little, Jim, "Rhodes takes Over Dixie AFL Helm," *Atlanta Constitution*, December 20, 1948.

<sup>160</sup> Little, Jim, "Rhodes takes Over Dixie AFL Helm," *Atlanta Constitution*, December 20, 1948.

<sup>161</sup> Phillips-Fein, *Invisible Hands*, xi.



George Googe remained active in the AFL, fighting for his new union and the rights of all workers. However, his time in the spotlight of the fight against the RTW laws and the Taft-Hartley Act ended.

George Googe's replacement was no slouch and was well suited to re-energize labor for the fight. J. L Rhodes replaced Googe as the leader of the AFL. As soon as Rhodes stepped into his new position, he put a significant emphasis on the AFL's organizational, educational, and legislative work.<sup>162</sup> Rhodes stated that the AFL's legislative work on public welfare would be the union's primary focus, while management and labor would come second.<sup>163</sup> This announcement was an explicit concession from labor that they did not have the political capital required to combat these anti-labor laws that battered them for two years now. Even still, the AFL remained committed to bettering the lives of the working class through other means, such as their push to raise the minimum wage.

Alternatively, this concession can be interpreted as the AFL and Rhodes's attempt to launch a new approach. By committing themselves to the betterment of the public good, they could preemptively work against current and future anti-union propaganda. Rhodes also made it clear that the AFL will absolutely fight Georgia's RTW laws until they were "made no more restrictive than that of other sections of the country."<sup>164</sup> Clearly, Rhodes was attempting to make the AFL look more appealing to the average American thereby contradicting anti-union propaganda currently circulating in the media.

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<sup>162</sup> Little, Jim, "Rhodes takes Over Dixie AFL Helm," *Atlanta Constitution*, December 20, 1948.

<sup>163</sup> Little, Jim, "Rhodes takes Over Dixie AFL Helm," *Atlanta Constitution*, December 20, 1948.

<sup>164</sup> Little, Jim, "Rhodes takes Over Dixie AFL Helm," *Atlanta Constitution*, December 20, 1948.

After Rhodes was welcomed into the AFL, he immediately went to work chipping away at the RTW laws and the Taft-Hartley Act. Rhodes sought support from Southern legislators to fuel a repeal of the Taft-Hartley Act.<sup>165</sup> In a speech to the Southern Director of Organizing, Rhodes read an impressive list of names of Southern Senators and Representatives he believed would be on the side of labor when debating new legislation at the Capitol.<sup>166</sup> While Rhodes never published the list since he believed that it would be unethical to do so, one is left to wonder how many allies labor actually had in its corner.<sup>167</sup> Given the recent legal problems the CIO found themselves in when supporting political candidates like Estes Kefauver, would lawmakers capitulate to labor organizations with less to offer than businesses? Joseph Shister, in his article, "The Impact of the Taft-Hartley Act on Union Strength and Collective Bargaining," published in 1958, noted that in the ten years following the passage of the Act, union membership increased. Shister wrote that "between 1947 and 1957 trade union membership in this country increased from approximately fourteen million to approximately seventeen and one-half million."<sup>168</sup> If the base of union members was large enough, and AFL and CIO unions were becoming more and more politically active, then Rhodes stood a good chance that politicians would side with the unions on specific labor issues in order to secure a voting block for themselves.

However, others believed that a block of Republicans and Southern conservatives would push back on any attempt to repeal or replace the Taft-Hartley Act.<sup>169</sup> Conservatives putting up a blockade to prevent repeal made sense as the Taft-Hartley Act allowed states to create RTW

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<sup>165</sup> Boring, Bill, "Southern Aid Claimed for T-H Repeal," *Atlanta Constitution*, December 28, 1948.

<sup>166</sup> Boring, Bill, "Southern Aid Claimed for T-H Repeal," *Atlanta Constitution*, December 28, 1948.

<sup>167</sup> Boring, Bill, "Southern Aid Claimed for T-H Repeal," *Atlanta Constitution*, December 28, 1948.

<sup>168</sup> Shister, Joseph. "The Impact of the Taft-Hartley Act on Union Strength and Collective Bargaining." *ILR Review* 11 (3), 1958, 339.

<sup>169</sup> Boring, Bill, "Southern Aid Claimed for T-H Repeal," *Atlanta Constitution*, December 28, 1948.

legislation to block union shops in at the state level.<sup>170</sup> If states had RTW laws already in place, there would be no need to appeal to the unions because they have more or less already been soundly defeated. As George Googe demonstrated in 1947, there was not much that the unions could do to prevent RTW laws from being established or from being repealed. Further, if lawmakers were capitulating with management, there would be no need for any cooperation with the unions as that was not their voting base. If conservative politicians were seeking votes from anti-union individuals, it would be in their best interest to keep the Taft-Hartley Act in place so as not to strengthen unions who could then vote them out of office. Managements' support of the Taft-Hartley Act also had the benefit of enriching the same capitalists who were donating to conservative politicians' re-election campaigns. As has been demonstrated throughout this thesis, money was one of the primary motivators in establishing RTW laws.

Regardless what the Republicans and Conservatives were thinking, the AFL continued to receive inquiries about the process of forming a union under the banner of the AFL.<sup>171</sup> Rhodes stated that the idea that the Taft-Hartley Act hampered the ability of labor groups to form new unions was unfounded. Rhodes insisted that there were industries such as lumber, textiles, retail stores, and white-collar workers who were actively looking to unionize.<sup>172</sup> Joseph Shister pointed out that union membership continued to increasing during this time. Shister still conceded that it was more than likely that union growth would have been significantly higher without the roadblocks put in place by the RTW laws or the Taft-Hartley Act. Further, the long-term effects

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<sup>170</sup> Shister, Joseph. "The Impact of the Taft-Hartley Act on Union Strength and Collective Bargaining." *ILR Review* 11 (3), 1958, 339.

<sup>171</sup> Boring, Bill, "Southern Aid Claimed for T-H Repeal," *Atlanta Constitution*, December 28, 1948.

<sup>172</sup> Boring, Bill, "Southern Aid Claimed for T-H Repeal," *Atlanta Constitution*, December 28, 1948.

of the Taft-Hartley Act have been devastating for the labor unions. The Bureau of Labor Statistics reported that there were only approximately 4,000 employed union members in Georgia in 2020.<sup>173</sup> Four thousand is a sharp decrease from the once gargantuan 325,000 recorded in 1948.<sup>174</sup>

The writing was on the wall for the labor unions and Rhodes knew it. Rhodes and the AFL devised a massive two-pronged drive that would work to repeal RTW laws across the South and to organize workers across the South to create new AFL-affiliated unions or get them to join existing AFL unions.<sup>175</sup> However, labor's tactics began to falter in the face of the pro-business strategy. The American labor movement would succumb to the unchecked might of pro-business organizations and their propaganda campaigns. The RTW laws proved insurmountable for the labor unions. The American labor movement was on life support, even for those moderate unions who sought to protect American capitalism. Without real support from lawmakers in their defense against egregious pro-business legislation, the American labor movement would become dormant.

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<sup>173</sup> "Table 5. Union affiliation of employed wage and salary workers by state," U.S. Bureau of Labor Statistics, accessed March 8<sup>th</sup>, 2021, <https://www.bls.gov/news.release/union2.t05.htm>.

<sup>174</sup> Furniss, Jim, "Georgia Labor Vote Seen Largest Ever," *Atlanta Constitution*, June 6, 1948.

<sup>175</sup> Boring, Bill, "Southern Aid Claimed for T-H Repeal," *Atlanta Constitution*, December 28, 1948.

## 4 CONCLUSION

The years 1947 and 1948 were challenging for labor unions to overcome, especially in the South. While the AFL and CIO continued to strengthen labor's position in the Southern States, members of the pro-business community challenged them in the form of anti-union propaganda and new legal battles. In reaction to pro-business opposition, labor unions doubled down on their political activism. During this period in Georgia, the AFL's and CIO's dissatisfaction with Governor Thompson and Talmadge was relatively limited.<sup>176</sup> Knowing they were losing political capital, the unions understood they must do something to preserve the American labor movement. After winning a couple of local elections in the North, the labor movement focused on more significant political gains.<sup>177</sup> Jack Kroll, the director of the CIO's Political Action Committee (PAC), determined that the CIO would become an "every-year, all-year, and across-the board" political machine capable of winning big elections and paying attention to critical local elections as well.<sup>178</sup> The attention to local elections was, without a doubt, a response to the incredibly successful political initiative to establish the Taft-Hartley Act through local RTW laws. By focusing on local elections, labor unions could seek to prevent the spread of RTW laws and look for opportunities to repeal existing legislation.

In July of 1949, CIO President Philip Murray announced a pending purge of anti-labor Senators who voted with Senator Robert Taft on the Taft-Hartley Act.<sup>179</sup> The CIO was not alone in this push against anti-union Senators. The AFL also announced that there would be an AFL

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<sup>176</sup> "Georgia Labor, Stung by 'Anti' Laws, Seeks Gubernatorial Entry for '48," *Atlanta Constitution*, May 25<sup>th</sup>, 1947.

<sup>177</sup> Thomas L. Stokes, "Labor Is Out for the Votes," *Atlanta Constitution*. May 27, 1949.

<sup>178</sup> Thomas L. Stokes, "Labor Is Out for the Votes," *Atlanta Constitution*. May 27, 1949.

<sup>179</sup> "Labor Out To Purge Senators 'Remove Obstructionists' Who Voted With Taft, Murray Tells CIO," *Atlanta Constitution*, July 3, 1949.

conference later in July where the focus would be the Labor's League for Political Education and the discussion of political strategy for the coming year.<sup>180</sup> The International Association of Machinists conducted a tally of Senators to decide who was for and against labor to identify potential political targets for a 1950 offensive. They identified 13 Senators who would be running for re-election in 1950.<sup>181</sup> The Machinists' President Al Hayes stated that "labor is only five votes short of a majority in the Senate. Of those who voted against labor in the Senate, 13 will have to stand for re-election next year if they wish to continue in the Senate. Next year's election gives us another opportunity [to]... repeal the un-American Taft-Hartley Act."<sup>182</sup>

Al Hayes was right to be confident since during 1949 there were still active labor drives in the South targeting African American workers. To regain their political strength, the unions would need more than just a few new members to combat the rising business influence. The CIO and AFL began to contemplate putting their competitive natures aside and work together on the campaign trail. In October of 1949, CIO President Philip Murray marched with the AFL in a labor unity parade to propose pooling the two labor organizations' political resources and forming a combined war chest.<sup>183</sup> Throughout 1949, labor won several fights but lost a few too. Their most disappointing loss was the failure to repeal the Taft-Hartley Act.<sup>184</sup> Following the union's endorsement of President Truman in 1948, the unions gained more political capital in the 1949

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<sup>180</sup> "Labor Out To Purge Senators 'Remove Obstructionists' Who Voted With Taft, Murray Tells CIO," *Atlanta Constitution*, July 3, 1949.

<sup>181</sup> "Labor Out To Purge Senators 'Remove Obstructionists' Who Voted With Taft, Murray Tells CIO," *Atlanta Constitution*, July 3, 1949.

<sup>182</sup> "Labor Out To Purge Senators 'Remove Obstructionists' Who Voted With Taft, Murray Tells CIO," *Atlanta Constitution*, July 3, 1949.

<sup>183</sup> "Murray Joins Lewis' Labor Unity Plea Proposes War Chest Pooling Resources Of All Unions," *Atlanta Constitution*, October 16, 1949.

<sup>184</sup> "Labor Both Took and Gave in 1949; Worst Defeat, T-H Law Repeal Drive," *Atlanta Constitution*, January 2, 1950.

election cycle by earning a share of the Democratic Party's election victories.<sup>185</sup> The unions also secured improvements in pensions, welfare, and a 75-cent minimum wage increase, all following strikes. Reporters portrayed the CIO's purge of Communists from their ranks as a significant win for unions.<sup>186</sup>

This was viewed as a win for the unions because with Communists in their ranks, the unions' political capital would be stunted until they solved that issue. Communism played the role of ideological "boogiemán" for most of the 1900's – from the 30s onward. The purge of Communists from the unions' ranks was also seen as solidifying the status quo. In the 1930s Communism was seen as an ideology which led to the "hatred of god, destruction of property, social and racial equality and class hatred, advocating of violence, strikes, riots, destruction of all forms of representative and democratic governments."<sup>187</sup> Further, as the Communist ideology was viewed as "an evil brought in by foreign organizers" from exotic lands, such as Russia or sometimes even Pittsburg, those in power wanted to confront this ideological invasion with militant loyalty to one's nation and culture.<sup>188</sup> These notions led to the idea that one drop of American blood is worth more than an entire river of Communist blood.<sup>189</sup> The anti-Communist ideologies went so far that a U.S. Senate subcommittee was formed in the mid 1930's to investigate civil liberties' violations across the country.<sup>190</sup> The Senate subcommittee investigation

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<sup>185</sup> "Labor Both Took and Gave in 1949; Worst Defeat, T-H Law Repeal Drive," *Atlanta Constitution*, January 2, 1950.

<sup>186</sup> "Labor Both Took and Gave in 1949; Worst Defeat, T-H Law Repeal Drive," *Atlanta Constitution*, January 2, 1950.

<sup>187</sup> Gaventa, John, *Power and Powerlessness: Quiescence and Rebellion in an Appalachian Valle*, (Chicago, University of Illinois Press, 1980), 110.

<sup>188</sup> Gaventa, *Power and Powerlessness*, 110.

<sup>189</sup> Gaventa, *Power and Powerlessness*, 110.

<sup>190</sup> D.G. Kelley, Robin, *Hammer and Hoe: Alabama Communists During the Great Depression*, (Chapel Hill, University of North Carolina Press,) 131.

found numerous affidavits from Communists and trade union organizers who had experienced vigilante violence and police repression because of their organizing activities.<sup>191</sup> Regardless of the violence or brutality facing Communist union members, cutting Communists out of the unions to appease anti-union propagandists did not reduce the amount of disinformation being published. Anti-union propaganda had taken many forms, most recently in Amazon's attempt at using artificial intelligence (AI) Twitter bots to post anti-union propaganda. (In 2021, Amazon successfully quashed a push for unionization at an Alabama facility).<sup>192</sup>

#### 4.1 Westbrook Pegler and Anti-Union Writing

Organized labor invested over \$1 million into political campaigns in the 1950 election to give their pro-working class candidates a better chance to win their elections.<sup>193</sup> Of course, as the Taft-Hartley Act forbids unions from contributing directly to political campaigns, unions reported this money under "educational" funds.<sup>194</sup> The use of so-called "educational funds" for campaigning is hardly the most egregious breach of campaign finance laws; however, certain critics of the labor movement took issue with the unions circumventing the law. Critics such as Westbrook Pegler published several anti-union articles for the *Atlanta Constitution* newspaper when the Taft-Hartley Act was created. Pegler took issue with the labor education programs and even had the opportunity to denounce them in front of a Congressional Committee in 1949.<sup>195</sup>

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<sup>191</sup> D. G. Kelley, Robin, *Hammer and Hoe*, 131.

<sup>192</sup> Irina Ivanova, "Twitter bans fake Amazon worker accounts posting anti-union messages." *CBS News*, March 31, 2021.

<sup>193</sup> Joseph A. Loftus, "Labor Put Over Million Behind Its Candidates," *Atlanta Constitution*, November 8, 1950.

<sup>194</sup> Joseph A. Loftus, "Labor Put Over Million Behind Its Candidates," *Atlanta Constitution*, November 8, 1950.

<sup>195</sup> Westbrook Pegler, "What's Wrong With the Unions," *Atlanta Constitution*, July 6, 1949.



Westbrook Pegler was one of many journalists who helped to promote the far-right propaganda campaign used to crush the labor movement. Pegler ultimately bought into the idea that Communists were running unions for their own monetary gain.<sup>196</sup> He wrote his condemnation of Communists in labor unions in 1949 when labor unions were purging those same Communists further highlighting the dishonesty that members of the press demonstrated when writing on unions.<sup>197</sup> Additionally, even into 1949, as Right to Work laws had been popularized, Pegler was still writing about how closed shop rules in unions were harming workers.<sup>198</sup> Pegler wrote about the coercion of workers without once criticizing capitalism or labor exploitation. Instead, Pegler was of the mindset that labor laws should not exist to protect workers in this country. Opting to repeal the Taft-Hartley Act, pass no other labor law, and encourage both management and the United States Government to ignore unions altogether.<sup>199</sup> He would, however, allow unions to bargain collectively. Outside of legal strikes, Pegler would have the United States military take action should the need arise.<sup>200</sup>

Pegler highlighted his anti-Union stance when he sympathized with business leaders after they “submit to mob violence-lynching-by [labor union] goons.”<sup>201</sup> To further demonstrate his indifference to Unions, Pegler added that “[The Wagner Act] was designed to drive millions of people into unions as taxpaying serfs under the worst aggregation of rascals that this country had seen since Reconstruction and to provide financial and political power for Wagner’s party. It has

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<sup>196</sup> Westbrook Pegler, “What’s Wrong With the Unions,” *Atlanta Constitution*, July 6, 1949.

<sup>197</sup> “Labor Both Took and Gave in 1949; Worst Defeat, T-H Law Repeal Drive,” *Atlanta Constitution*, January 2, 1950.

<sup>198</sup> Westbrook Pegler, “What’s Wrong With the Unions,” *Atlanta Constitution*, July 6, 1949.

<sup>199</sup> Westbrook Pegler, “What Sort of Labor Law? None at All,” *Atlanta Constitution*, March 7, 1949.

<sup>200</sup> Westbrook Pegler, “What Sort of Labor Law? None at All,” *Atlanta Constitution*, March 7, 1949.

<sup>201</sup> Westbrook Pegler, “What Sort of Labor Law? None at All,” *Atlanta Constitution*, March 7, 1949.

also caused the worst series of riots and lynchings in the life of our country.”<sup>202</sup> This hyperbole that unions were responsible for the worst series of lynchings in our country’s long history, including during the Reconstruction era, were outdone by himself later when he wrote that the New Deal was Fascist and that Roosevelt was a cheap imitation of Mussolini and Hitler.<sup>203</sup> Furthering his argument that labor unions are fascist, Pegler condemned the CIO unionizing the South by writing, “[fascist attacks] are trifling by comparison with the wild insurrections, the bloody onslaughts and nocturnal terrors which the CIO employed in its organizing days to conquer the manhood of citizens holding out against the goons. If I were a Southern man, having read the threats of the CIO to ‘invade’ the South in the old manner of Michigan, Ohio, and Pennsylvania, I would join the Klan for defense.”<sup>204</sup> By denouncing the unions for executing the most lynchings in United States history and then turning around to fantasize about joining the KKK, Pegler espouses the far-right in his writing. The defense of the Klan does not stop there, as Pegler continues by saying that, “the old Ku Klux never aspired to be or to dominate a government. It established a code and a fear which made peaceful living possible and then vanished.”<sup>205</sup> Peaceful, for who? He never says. Pegler labeled the unions as fascist and terrorist organizations while defending the Klan as peace-seeking Southerners.

Westbrook Pegler is just one example of anti-union propagandist. Still, his anti-union stand of the RTW laws, Taft-Hartley Act, and other anti-union legislation is not unique to him. Other anti-union groups still operate today, such as the Heritage Foundation, Americans for

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<sup>202</sup> Westbrook Pegler, “What Sort of Labor Law? None at All,” *Atlanta Constitution*, March 7, 1949.

<sup>203</sup> Westbrook Pegler, “The Labor Unions and Fascism,” *Atlanta Constitution*, August 25, 1949.

<sup>204</sup> Westbrook Pegler, “What Sort of Labor Law? None at All,” *Atlanta Constitution*, March 7, 1949.

<sup>205</sup> Westbrook Pegler, “What Sort of Labor Law? None at All,” *Atlanta Constitution*, March 7, 1949.

Prosperity, The American Enterprise Institute, and the National RTW Foundation, push content to influence public opinion on RTW laws and other anti-union measures. Using these organizations to publish pro-business propaganda, wealthy individuals can use RTW laws as political pawns to create more lucrative business opportunities. Limiting bargaining rights for unions and keeping wages low allowed for business owners to cultivate fertile ground in which to grow their business and enrich themselves and their shareholders. This mirrors what happened in Georgia and other Southern States when the RTW laws were used to pave the way for the Taft-Hartley Act to become national law. When the RTW laws were implemented in the South, business leaders came out in such strong support for the new laws that Senator Robert Taft saw an opportunity to push his new labor law. With the help of business leaders, the Taft-Hartley Act sailed through the voting process overcoming a presidential veto to become law. Following the enactment of the Taft-Hartley Act, Senator Taft won his re-election in Ohio in 1950 and immediately hinted at his bid for the presidency in 1952.<sup>206</sup>

#### **4.2 Where Does Labor Go From Here**

Following his landslide win in Ohio, Senator Taft stated in a victory speech that, “[The people of Ohio] have rejected President Truman’s program for imposing a socialistic planned economy on the American people and expressed their lack of confidence in his foreign policy and the State Department.”<sup>207</sup> Senator Taft attempted to kill the labor movement by starting locally at the state level, then working his way up to the federal level to become President. Should he

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<sup>206</sup> A. Baskin, “Landslide Said Spur To Taft Race in ‘52, GOP Claims Labor’s Defeat Can Be Made Nationwide,” *Atlanta Constitution*, November 9, 1950.

<sup>207</sup> A. Baskin, “Landslide Said Spur To Taft Race in ‘52, GOP Claims Labor’s Defeat Can Be Made Nationwide,” *Atlanta Constitution*, November 9, 1950.

have succeeded, who knows what other anti-labor legislation would have become law. Regardless, Taft fell short of getting the Republican nomination for president in 1948 and 1952 and died in 1953.<sup>208</sup> While Taft did not become US President, one is left to wonder what would have happened if he had succeeded? Unfortunately, using RTW laws as a steppingstone in order to gain something greater is not as uncommon as it may seem. This strategy has been implemented as recently as the 2016 election.

In 2012 Governor Rick Snyder signed House Bill 4003 and Senate Bill 116 to add Michigan to the list of RTW states.<sup>209</sup> Governor Snyder had this opportunity because of Dick DeVos and his Mariana Trench-sized deep pockets. Some Republican Senators were initially on board with passing RTW laws, but not enough for the bills to pass. Dick DeVos took matters into his own hands and met with state lawmakers and offered to fund their campaign if they voted in favor of the RTW laws.<sup>210</sup> The promise of funding convinced some lawmakers to give DeVos their vote, but some lawmakers were not so easily swayed. Dick DeVos had a special plan for these lawmakers. He threatened to run those who would not vote in line with his agenda out of town by endorsing other Republican candidates against them in upcoming primaries.<sup>211</sup>

After strong-arming the lawmakers, DeVos moved to the next step of his plan: a propaganda campaign. DeVos provided talking points to Republicans, re-labeled the RTW law to the Freedom to Work, and bought several television ads. The RTW law was then passed in five

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<sup>208</sup> Philip A. Grant, Jr. "The 1952 Republican Presidential Primary," *The South Dakota State Historical Society*, 1977, <https://www.sdhspress.com/journal/south-dakota-history-8-1/the-1952-republican-presidential-primary/vol-08-no-1-the-1952-republican-presidential-primary.pdf>.

<sup>209</sup> "Freedom to Work," Department Of Licensing And Regulatory Affairs, accessed April 7, 2021, <https://www.michigan.gov/lara/0,4601,7-154--292490--,00.html>.

<sup>210</sup> Michelle Kaminski, "How Michigan Became a Right to Work State: The Role of Money and Politics," *Labor Studies Journal*, Vol. 40, no. 4, (2015), 370.

<sup>211</sup> Kaminski, "How Michigan Became a Right to Work State," 370.

weeks by the State lawmakers.<sup>212</sup> It was apparent that DeVos pushed this issue to weaken the Democratic Party in Michigan and make the state easier for a Republican to win in a presidential election and kill collective bargaining.<sup>213</sup> The 45<sup>th</sup> President of the United States, Donald Trump, would eventually win the State's 16 Electoral College votes over former Secretary of State Hillary Clinton in the 2016 presidential election.<sup>214</sup> Moreover, President Trump won the state by fewer than 11,000 votes, an amount that could have been a direct result of the defeat of labor in the State.<sup>215</sup>

Further, almost as a thank you to Dick DeVos, President Trump appointed his wife Betsy DeVos as the Secretary of Education.<sup>216</sup> Here was a wealthy business advocate with ties to the American Enterprise Institute, Americans for Prosperity, and other right-wing think tanks, who manipulated the RTW laws in a State arguably to swing a Presidential election in his favor.<sup>217</sup> In return, his family was rewarded with a cabinet position and presidential pardons for Blackwater mercenaries after they killed Iraqi civilians in 2007.<sup>218</sup> (i.e. Erik Prince, brother of Betsy DeVos and founder of Blackwater.)<sup>219</sup>

RTW laws have been used since their creation to provide political advantages for the conservative business owners. RTW laws are a two-fold political chess piece that holds invaluable

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<sup>212</sup> Kaminski, "How Michigan Became a Right to Work State," 371.

<sup>213</sup> Kaminski, "How Michigan Became a Right to Work State," 371.

<sup>214</sup> "2016 Presidential Election Results," *New York Times*, accessed April 7, 2021, <https://www.nytimes.com/elections/2016/results/president>.

<sup>215</sup> "2016 Presidential Election Results," *New York Times*, accessed April 7, 2021, <https://www.nytimes.com/elections/2016/results/president>.

<sup>216</sup> Michelle Mark, "Meet Betsy DeVos, the polarizing charter-school advocate Trump has tapped as education secretary," *Business Insider*, November 25, 2016.

<sup>217</sup> Kaminski, "How Michigan Became a Right to Work State," 369.

<sup>218</sup> Maggie Haberman and Michael S. Schmidt, "Trump Pardons Two Russia Inquiry Figures and Blackwater Guards," *New York Times*, December 22, 2020.

<sup>219</sup> Kaminski, "How Michigan Became a Right to Work State," 369.

strength for the ruling class. Not only can RTW laws limit the power of unions leading to more profits for businesses, but they also slow down unionization altogether. Further, striking such a massive blow against the Left and Democrats leads to more political capital for those on the Right. RTW laws have been critical in the fight against labor by leading to the creation of the Taft-Hartley Act, but RTW laws were also essential in the election of Donald Trump to the President's office – a President who significantly lowered the corporate tax rate through the Tax Cuts and Jobs Act of 2017.<sup>220</sup> As argued in other works, such as *Selling Free Enterprise* (1994) and *Invisible Hands* (2009), the American business class has been at war with the American working class using propaganda as their primary weapon. Given the success of RTW laws and how easy they have been to adopt, this is a war the business class has been winning.

The American business class won the propaganda war, but the effects of them doing so also have implications that ripple through states' union numbers. In 1948 Georgia had roughly 325,000 union members, with 37,000 of those joining the AFL just the year before.<sup>221</sup> <sup>222</sup>Considering at the time, some of the largest industries in Georgia were still unorganized, these were encouraging numbers for labor in the South. Initial studies conducted on labor union growth showed that trade union membership increased between the years 1947-1957, demonstrating that unions still had a chance to overcome the disadvantage they held against management.<sup>223</sup> However, as of 2020, Georgia only had 194,000 union members currently employed. These

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<sup>220</sup> Tax Cuts and Jobs Act, H. Res. 1, 115<sup>th</sup> Cong., 1<sup>st</sup> sess. (January 3, 2017).

<sup>221</sup> Jim Furniss, "Georgia Labor Vote Seen Largest Ever," *Atlanta Constitution*, June 6, 1948; "AFL To Push Test on Laws Hitting Labor," *Atlanta Constitution*, May 23, 1947.

<sup>222</sup> "AFL To Push Test on Laws Hitting Labor," *Atlanta Constitution*, May 23, 1947.

<sup>223</sup> "AFL To Push Test on Laws Hitting Labor," *Atlanta Constitution*, May 23, 1947; Shister, Joseph. 1958. "The Impact of the Taft-Hartley Act on Union Strength and Collective Bargaining." *ILR Review* 11 (3): 339.

numbers mean that Georgia union workers only account for 4.6 of the state's total employed workers.<sup>224</sup> In combination with other anti-union propaganda, RTW laws have decimated organized labor in the South and in Georgia.

For labor to make a comeback, unions would need a miracle. That miracle's name is H.R. 2474, more commonly known as the PRO Act of 2019. The Protecting the Right to Organize Act (PRO Act) was introduced on May 2<sup>nd</sup>, 2019, by Representative Robert C. Scott from Virginia.<sup>225</sup> The Act passed the House in February of 2020 and is currently waiting in the Senate for a vote.<sup>226</sup> This Act walks back many aspects of the Taft-Hartley Act and prior RTW laws, allowing for labor unions to encourage their members to join a strike started by another labor organization (also known as a secondary strike) and for collective-bargaining agreements to require all workers represented by the bargaining unit to contribute fees to the labor organization for the cost of representation, among other protections for labor organizations.<sup>227</sup> Most importantly, the PRO Act would allow for unions to essentially ignore RTW laws.<sup>228</sup> The American business class power base would be knocked out from under them, and the working class in America would be able to join a union with serious bargaining power more efficiently. Further, The PRO Act would ban employers from participating in National Labor Relations Board meetings, and provide safeguards from management forcing employees to go through anti-union

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<sup>224</sup> "Union affiliation of employed wage and salary workers by state," U.S. Bureau of Labor Statistics, last modified January 22, 2021, <https://www.bls.gov/news.release/union2.t05.htm>.

<sup>225</sup> US Congress, House. 2019. Protecting the Right to Organize Act. H. Res. 2474. 116<sup>th</sup> Cong.

<sup>226</sup> "H.R.2474 – Protecting the Right to Organize Act of 2019," Congress.gov, accessed April 8, 2021, <https://www.congress.gov/bill/116th-congress/house-bill/2474>.

<sup>227</sup> US Congress, House. 2019. Protecting the Right to Organize Act. H. Res. 2474. 116<sup>th</sup> Cong.

<sup>228</sup> Don Gonyea, "House Democrats Pass Bill That Would Protect Worker Organizing Efforts," *NPR*, March 9, 2021, accessed April 8, 2021, <https://www.npr.org/2021/03/09/975259434/house-democrats-pass-bill-that-would-protect-worker-organizing-efforts>.

propaganda seminars, making it easier and more convenient to join a union than ever before.<sup>229</sup>

The Act will not provide any protection from anti-union propaganda being published in newspapers or through right-wing think tanks, but it will protect workers from being forced to sit through job-sponsored classes on why unions harm workers.<sup>230</sup>

This Act has not cleared the Senate to get to the President's desk, however. Therefore, the PRO Act's future is still in limbo. Even though President Biden supports the Act and the Democrats control the Senate, there is worry that Senate Republicans will use the filibuster to kill the Act.<sup>231</sup> Senate Republicans are more likely to listen to pro-business groups, such as the National Retail Federation and the U.S. Chamber of Commerce, who are vehemently against the PRO Act.<sup>232</sup> The Chamber of Commerce said, in a press release titled "Stop the Extreme Agenda," that the PRO Act would destabilize American workplaces by ensnaring employers in unrelated labor disputes, disrupt the economy, and force individual Americans to pay union dues.<sup>233</sup> The U.S. Chamber of Commerce has promoted anti-union propaganda since the 1930s and supported anti-worker laws such as the Taft-Hartley Act, and as such, would obviously oppose new legislation canceling out their decades of dominance.<sup>234</sup> The National Retail Federation (NRF) is also against the PRO Act for many of the same reasons that the U.S. Chamber of Commerce is.

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<sup>229</sup> US Congress, House. 2019. Protecting the Right to Organize Act. H. Res. 2474. 116<sup>th</sup> Cong.

<sup>230</sup> US Congress, House. 2019. Protecting the Right to Organize Act. H. Res. 2474. 116<sup>th</sup> Cong.

<sup>231</sup> Don Gonyea, "House Democrats Pass Bill That Would Protect Worker Organizing Efforts," *NPR*, March 9, 2021, accessed April 8, 2021, <https://www.npr.org/2021/03/09/975259434/house-democrats-pass-bill-that-would-protect-worker-organizing-efforts>.

<sup>232</sup> Don Gonyea, "House Democrats Pass Bill That Would Protect Worker Organizing Efforts," *NPR*, March 9, 2021, accessed April 8, 2021, <https://www.npr.org/2021/03/09/975259434/house-democrats-pass-bill-that-would-protect-worker-organizing-efforts>.

<sup>233</sup> "Labor's Litany of Dangerous Ideas: The Protecting the Right to Organize (PRO) Act," U.S. Chamber of Commerce, accessed April 8, 2021, <https://www.uschamber.com/stop-the-pro-act>.

<sup>234</sup> Phillips-Fein, Kim, *Invisible Hands: The Businessmen's Crusade Against The New Deal* (New York, NY: Norton, 2009), 16.



Specifically, the NRF is worried about strikes harming corporate profit and the end to RTW laws.<sup>235</sup>

There is staunch opposition to the PRO Act. RTW laws are a critical tool for pro-business capitalists in the fight against labor. Organized labor has taken a political back seat for decades since RTW laws gradually decimated their numbers. The Taft-Hartley Act has supported RTW laws at the Federal level. While the pro-business community will not let the PRO Act pass easily, labor unions have already begun to apply pressure where they can. The AFL-CIO held a “digital day of action” on Instagram on April 8, 2021, to call on Senators to vote on the PRO Act.<sup>236</sup> Should the PRO Act pass, the American ruling class will lose one of their most historically impactful tools in the form of RTW laws. Without the RTW laws, labor unions across the United States will be injected with funds, members, and political enthusiasm, the likes of which have not been seen since the heyday of American labor unionism in the 1940s.

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<sup>235</sup> “10 reasons to hate ‘the worst bill in Congress’: Why the PRO Act is a disastrous bill,” National Retail Federation, accessed April 8, 2021, <https://nrf.com/blog/10-reasons-hate-worst-bill-congress>.

<sup>236</sup> AFL-CIO, “PRO Act Digital Day of Action,” Instagram, April 8, 2021, accessed April 8, 2021, <https://www.instagram.com/p/CNaBn-5jHHX/>.

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