

Labor History: The Wagner Act

By Ed Leavy

The Great Depression of the 1930s forced politicians and economists to reconsider long-held beliefs about what was required for a strong economy and civil order. President Franklin Roosevelt's New Deal created a series of government programs that were designed to inject money into the economy. What is often overlooked today is that he also sought to guarantee labor rights to ensure that the money was distributed throughout the population, and that one member of the Senate in particular took up that fight. The conflict between labor and corporate interests is of course still with us today, but at a time of financial crisis in this country Congress actually supported labor.

Part of the foundation of the New Deal was the National Industrial Recovery Act, which created a structure to organize and oversee industry and commerce. The NIRA and similar laws looked to regulate competition and therefore stabilize prices and wages. President Roosevelt also looked to build greater equity in the relationship between labor and business by limiting lockouts and union-busting contracts. While these proposals were popular with the voters, business leaders were not surprisingly unhappy with the laws. In May of 1935, *Schechter Poultry Corporation vs. United States* was heard before the Supreme Court. The company argued that though they bought the chickens from out of state, they did so through a middle man who was located in New York with them. The company did not engage in interstate commerce, and was outside the jurisdiction of the Federal government. The Court – composed entirely of men appointed before Roosevelt took office – unanimously agreed with the company, and in effect declared that portion of the NIRA unconstitutional.

Roosevelt was furious; “a nation-wide problem demands a nation-wide remedy,” he had stated, and now that remedy had been struck down. Senator Robert F. Wagner immediately began to write legislation that would return more power to the workers. Wagner viewed the Depression as less of an economic crisis than a moral one: “We are not in a mere business recession. We are in a life and death struggle with the forces of social and economic dissolution.” He believed strongly in independent unions rather than the “company union” many businesses set up, which claimed the façade of worker's rights while in reality being a “marionette of the employer.”

Wagner's bill, today also known as the National Labor Relations Act, prohibited employers from interfering with the union's right to organize workers. It prohibited companies from firing an employee for joining a union. It banned company-sponsored unions. Perhaps most importantly, it created on-site elections for union representations which would certify a union if the majority of workers voted for it. The law also created the National Labor Relations Board to ensure that would ensure union legitimacy in collective bargaining.

President Roosevelt worried that the bill would be too far-reaching to be accepted by business and not extensive enough to be supported by labor, but Wagner fought for it. The debate in Congress ultimately centered on two questions: What is the role of the worker in industrial society? What is the role of government in regulating industry? Wagner was able to get the bill passed, and President Roosevelt signed it into law. Workers were given a far stronger voice in their lives than they had ever been given before.

Some of the effects of that law, such as the National Labor Relations Board, are still felt today. However, as anyone who pays attention to the news, or visits a “right to work” state, or shops at Walmart knows, much of the spirit of the law has been drained from it. Companies routinely block attempts at organizing; a Walmart worker who tries to hand out union cards is quickly unemployed. The central questions debated during the Wagner Act hearings are still not resolved today, and we as a country have taken several steps backwards from where Senator Wagner led us. The law that removed the teeth from the Wagner Act is next month’s subject. This month, let us remember Senator Robert F. Wagner, a fearless and dedicated man who believed that public service truly meant service to the public at large, not just the wealthy. We would be a better country if more politicians were like him.

Information for this article was taken primarily from There is Power in a Union by Philip Dray, as well as various articles found on the internet.