Norris-LaGuardia Act - (1932)

PASSED IN 1932, THE NORRIS-LAGUARDIA ACT MARKED A PROFOUND CHANGE IN U.S. GOVERNMENT OVERSIGHT OVER LABOR RELATIONS. IT WAS THE MOST FAVORABLE LEGISLATION TO DATE FOR A U.S. LABOR MOVEMENT THAT HAD ALWAYS HAD TO FIGHT FOR ITS VERY EXISTENCE.

The Norris-LaGuardia Act outlawed yellow-dog contracts (pledges by workers not to join a labor union) and further restricted the use of court injunctions in labor disputes against strikes, picketing, and boycotts. Imposing strict procedural limitations on issuing injunctions against strike activity, the act pointed the direction towards a more even-handed relationship between the judiciary and the nation's labor relations systems. Although it had few enforcement powers, the act was one of the first federal labor laws supporting organized labor and it marked a significant victory in labor reform. Its passage fostered a trend toward more favorable government labor policies.

Industrialization of the late nineteenth century brought unsafe factory conditions, low wages, repetitious work over long hours, little job security, no benefits: these conditions led workers to favor unions. But the very legality of labor unions was in dispute for much of the nineteenth century. At the anti-union end of the spectrum, many nineteenth century judges considered unions to be in restraint of trade, because they called strikes. Later the courts began to recognize the validity of workers seeking shorter workdays and higher wages. But, injunctions requiring unions to refrain from certain activities (like picketing on company property or otherwise trying to persuade workers from entering company property during a strike) became a major weapon of employers beginning in the 1840s. Later antitrust laws added further legal authority to such orders by prohibiting organizations from restraining free market competition through cooperative relationships. During this period, the Sherman Anti-Trust Act was more often used against unions than against the companies.

In 1877 and again in 1894 the federal government used troops to end major strikes, actions that radicalized some in the labor movement. In 1905 the Industrial Workers of the World (IWW) was formed, espousing the goal of replacing the capitalist system with socialism. After some successful early strikes, however, it was smothered by government repression.

During the labor shortage of World War I, the Clayton Anti-Trust Act of 1914 Congress finally acted to exempt unions from antitrust laws. Employers turned to other means. Forcing employees to sign "yellowdog contracts" became a condition of employment. The contracts pledged employees to refrain from joining a union, or to renounce membership if they already belonged to one. Some state legislatures moved to prohibit these agreements but the Supreme Court ruled in 1915 that such state prohibitions unconstitutionally violated freedom to contract.

But, after the crash of the stock market in 1929 and the long stagnation in investment that characterized the 1930s, the high unemployment of the Great Depression made it difficult for workers to express their unified preference for union representation. By the third year of the Depression, however, workers with jobs began to push for unionization anyway. Labor solidarity was borne of desperation. The formation of the Congress of Industrial Organizations (CIO) with the specific purpose of "organizing the unorganized" unskilled and semi-skilled workers in basic industry, sparked an explosion in the size of the union movement. In spite of the high unemployment during the Great Depression, the union movement grew by more than 300 percent. In 1933 national union membership had fallen to less than three million. By 1941 it stood at over ten million.

The Norris-LaGuardia Act was part of this change in labor relations. Even before the New Deal began, Senator George William Norris from Nebraska and Congressman Fiorello H. LaGuardia from New York City, both progressive Republicans, introduced new labor reform legislation, the Norris-LaGuardia Act. With passage of the act, the groundwork was laid for an even more important labor bill, the National Labor Relations Act of 1935, called the Wagner Act. The Wagner Act continued the mission of reforming labor relations. It set out to regulate the nation's labor relations. It granted unions fundamental rights and powers, including the right of collective bargaining, defined unfair labor practices, and established penalties for violating them. Passed in 1932, the Norris-LaGuardia Act marked a profound change in U.S. government oversight over labor relations. It was the most favorable legislation to date for a U.S. labor movement that had always had to fight for its very existence.