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INTERNAL AFFAIRS OF UNIONS AND THE TAFT-HARTLEY ACT

PHILIP TAFT

ALMOST from the very time of its enactment, demands for revision of the Wagner Act were made by employers and legislators dissatisfied with the effect of this legislation upon the power of trade unions and the right of the employer to operate his own business free from interference by an organization of labor. As union organization expanded and membership swelled, new types of problems also appeared. It was charged that labor organizations were guilty of improper handling of their finances, that their dues and initiation fees were excessive, and that many workers belonging to labor unions were held captive by union security arrangements. On the other hand, there were also claims that unions through closed shop provisions in their contracts with employers were excluding workers from particular labor markets

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One of the prime objectives of the Taft-Hartley Act was clearly to introduce a greater element of democracy into the internal affairs of labor unions. Provisions such as those on the closed shop, the union shop polls, filing requirements, and decertification elections were all based to some extent on the belief that union leaders often do not represent the wishes of their members. The thesis of this study is that these provisions have had little of the effect desired by their framers, either in the areas where real abuses needed to be corrected or in those areas where the Act, if effective, would have only caused mischief.

Philip Taft is professor of economics at Brown University. He is grateful to Dr. Benson Soper for a number of suggestions made in the preparation of this article.—EDITOR

and thereby creating unfair monopolies in the allocation of employment. Complaints were made of serious Communist influence within some unions and fears that others might use their financial resources for political purposes.

Consequently, the Taft-Hartley Act, as it was finally written, represented a new departure in federal labor legislation. It not only sought to protect labor's right to organize and to bargain collectively, as had the Wagner Act, but for the first time an attempt was made to impose standards of operation upon certain aspects of internal union management.

THE CLOSED AND UNION SHOP

Union security arrangements designed to compel reluctant workers to pay dues to a union have encountered opposition on several grounds. The libertarian argument has been that no private organization should be permitted to levy a tax upon unwilling citizens, and that permitting the union to engage in such practices violates the fundamental rights of the individual. In addition, employers have opposed these kinds of arrangements on other grounds. Some employers regard union security requirements as a means by which the position of the union is strengthened by assuring it a stable income. There is also the view that maintenance of membership is the job of the union and the employer should not be compelled to act as its recruiting agent.

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