

Relations industrielles Industrial Relations



The Reshaping of the National Labor Relations Board : National Labor Policy in Transition 1937-1947, by James A. Gross, Albany : State University of New York Press, 1981, 381 pp., ISBN 0-87395-270-7.

Robert H. Babcock

Volume 38, Number 1, 1983

URI: <https://id.erudit.org/iderudit/029342ar>

DOI: <https://doi.org/10.7202/029342ar>

[See table of contents](#)

Publisher(s)

Département des relations industrielles de l'Université Laval

ISSN

0034-379X (print)

1703-8138 (digital)

[Explore this journal](#)

Cite this review

Babcock, R. H. (1983). Review of [*The Reshaping of the National Labor Relations Board : National Labor Policy in Transition 1937-1947*, by James A. Gross, Albany : State University of New York Press, 1981, 381 pp., ISBN 0-87395-270-7.] *Relations industrielles / Industrial Relations*, 38(1), 188-189. <https://doi.org/10.7202/029342ar>

Tous droits réservés © Département des relations industrielles de l'Université Laval, 1983

This document is protected by copyright law. Use of the services of Érudit (including reproduction) is subject to its terms and conditions, which can be viewed online.

<https://apropos.erudit.org/en/users/policy-on-use/>

Érudit

This article is disseminated and preserved by Érudit.

Érudit is a non-profit inter-university consortium of the Université de Montréal, Université Laval, and the Université du Québec à Montréal. Its mission is to promote and disseminate research.

<https://www.erudit.org/en/>

ouverte à la génération de 36», un appel à la responsabilisation. La dernière partie offre, sous le titre «Les influences», une bibliographie essentielle.

L'ouvrage se termine, comme il a commencé, sur la qualité de vie au travail, partie dans laquelle l'auteur nous offre une gerbe de définitions personnelles de la QVT.

Ce livre, pertinent et complet dans sa brièveté, qui, en parlant de l'individuel, du groupe et du direct, n'oublie pas l'indirect et le collectif, rassemble dans une rédaction nette et personnelle -nourrie et illustrée par l'expérience-, les idées-clefs de ce qu'on appelle, mal ou bien, la dimension organisationnelle de l'entreprise. On ne pouvait en souhaiter de meilleurs prolégomènes, adressés au grand nombre. Et les lecteurs français découvriront -avec surprise ou ravissement-la similitude des situations existantes sous des cieux dont on s'est plu à nous décrire jusqu'à présent plutôt les distinctions. Des rapprochements ne manqueront pas d'être opérés. À moins que — et ce n'est pas là le moindre mérite de Gérard Lefebvre — les lecteurs hexagonaux aient tout simplement la conviction de lire un de leurs propres concitoyens.

Dimitri WEISS

Université du Maine
et Institut d'Administration des
Entreprises, Paris

The Reshaping of the National Labor Relations Board: National Labor Policy in Transition 1937-1947, by James A. Gross, Albany: State University of New York Press, 1981, 381 pp., ISBN 0-87395-270-7

This is the second volume of a major study of the collective bargaining system that emerged in the United States during the New Deal era. In an earlier book the author, a professor of industrial relations at Cornell, described the circumstances leading to the passage of the Wagner Act in 1935 and the creation of the National Labor Relations Board. In this volume he draws upon NLRB

files, Congressional records, newspapers, and extensive interviews with the principals to describe the first crucial decade of the NLRB's work. It is not a success story, for the author argues that the Board "was transformed from an expert administrative agency that played the major role in making of labor policy into a conservative, insecure, politically sensitive agency preoccupied with its survival." (4) This bold assertion transforms what might have been yet another dull exercise in administrative history into a provocative and stimulating read.

While the first volume chronicled the rise of the NLRB, this book details its "fall". The original members of the Board were idealists who vigorously enforced the Wagner Act and helped mightily to alter the balance of power between employers and workers. He gives them very high marks indeed for enforcing the Wagner Act with a vigor "unmatched in the history of administrative agencies." (23) As a result both trade unionism and the level of industrial conflict escalated in the United States. But then a political reaction set in. Although the Board won court decisions upholding its authority and rules, it began to receive a bad press. That was its own fault, he says, because some of its decisions appeared to tolerate violations of law and order by workers. Congressmen began to complain that the Board was, to quote one diatribe, a "partisan, prejudiced, perfidious, persecuting, penalizing, putrid institution to browbeat, bulldoze, and bully the people." (51) Gross presents a damning indictment of the AFL for risking the demise of the Wagner Act in order to advance its own selfish and bitter struggle against the CIO.

Although the Roosevelt administration had given birth to the Wagner Act, it failed to come to the NLRB's defence. FDR was trying to keep in good graces with both wings of the labour movement. He appointed a respected mediator to the Board in an effort to improve its public image, but the new Board member promptly precipitated an internal power struggle that only weakened the Board's ability to withstand its critics. More important,

the Board's enemies in Congress triumphed in the 1938 elections over FDR's attempt to purge them. The resulting coalition of Republicans and southern Democrats brought a halt to the New Deal and nearly scuttled the Wagner Act. Led by Howard Smith of Virginia, a special House of Representatives committee launched a ruthless investigation of the NLRB in 1939 that was supported by the AFL, business groups, and the Republican party. Smith subpoenaed NLRB records and manipulated testimony to produce much unfavorable publicity for the NLRB. Denied access to their own records, Board members struggled to defend themselves. But their dry recitation of facts was no match for unuendos and allegations carefully timed to appear in the evening newspapers, and "the result was a one-sided and often distorted appraisal" (203) of the Board's work. Smith's bill to abolish the NLRB never became law. But Gross concludes that the hearings "triggered drastic and long-lasting changes in American labor policy" (225) by creating the climate for passage of the Taft-Hartley Act in 1947, a law which confirmed the near-fatal transformation of the NLRB from the vigorous independent agency its founders had intended into a much weaker sister.

The author blames the NLRB, Congress, and the AFL for undermining the Wagner Act. The Board should have been more sensitive to political pressures, but in my view he goes too far when he implies that civil servants should not have the same freedom as ordinary citizens to exercise their political rights (chapter 7). Gross criticizes Congress for reducing the effectiveness of the Board by abolishing its research staff. The author's heaviest ammunition is saved for the AFL, whom he accuses of acting irresponsibly and deceiving their own membership. AFL leaders, he says, were largely responsible for the "abhorrent" Taft-Hartley Act.

The book is a good read, but it is not a particularly easy one. The author's long, awkward sentences, his heavy reliance upon purely informational quotations, and his

devotion to extraneous detail are often bothersome. Gross was not well served by a publisher who should have revised the manuscript to eliminate repetition in both content and writing style, corrected the numerous typographical errors, and improved the overall organization. Yet the author's arguments are persuasive and well-documented, and the book excels at reconstructing the fascinating political ocean on which the NLRB foundered and nearly sank during its first decade.

If only because P.C. 1003 (1944) was modelled upon the Wagner Act, the book is worthwhile for Canadians to ponder. A recent article by Laurel MacDowell (*Labour/Le Travailleur* 3, 1978) reveals that the outcome was the same despite the very different political context. Far from desiring to shore up the bargaining power of workers, the King government sought only to eliminate wartime industrial unrest. By wedding the compulsory conciliation features of Canada's old labour law to the Wagner Act model, P.C. 1003 anticipated Taft-Hartley's "cooling-off" provisions. Thus for both Canadians and Americans, the New Deal intervention into the historic struggle between employers and workers both legalized and politicized industrial relations.

Robert H. BABCOCK

University of Maine at Orono

International Labour Conventions and Recommendations, I.L.O., Geneva, 1982, 1167 pp.

Au terme d'une revue en profondeur des normes internationales du travail, le Conseil d'administration de l'O.I.T. décida en 1979 de la publication d'une nouvelle compilation des conventions et recommandations élaborées sous les auspices de l'O.I.T. Rappelons que le dernier ouvrage de ce genre remontait déjà à 1966: **Conventions and Recommendations**, I.L.O., Geneva, 1966. Depuis lors, de nombreux instruments furent adoptés par la