

# LAW AND CONTEMPORARY PROBLEMS

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## FOREWORD

The maintenance of an adequate supply of trained industrial and agricultural labor is a matter of stark necessity to the nation which wages total war. Yet however imperative the end, the adjustments essential to its attainment are nonetheless delicate. Experience has already shown how refractory are the problems involved in distributing scarce materials to the fabricators of the tools of war, but, once we have arrived at comparable shortages in labor supply, it is manifest that the obstacles to the efficient utilization of manpower will be still greater.

Appropriate measures of recruitment and training can augment the supply of labor and stave off crises at least for a time. But labor lacks the mobility of a commodity; to bring the man (or the thousand men) with the needed skill to the place where it is needed at the time when it is needed is not merely a problem in transportation. Variations in wage rates, the normal means of directing the flow of labor, do not operate with the requisite speed and precision; left uncontrolled, their tendency would be inflationary. In consequence a quest has begun for new controls over the employment process and relationship, and with it has come the task of adapting old controls to wartime conditions. It is with such undertakings that this symposium is concerned.

The first two articles survey the problem broadly, the former chronicling legislative and administrative measures taken by the Federal and State Governments to meet defense and then wartime needs, the latter sketching the federal agencies dealing with wartime labor problems. The third, fourth, and fifth articles are directed to the problems of labor mobilization now coming steadily to the fore. The next two inquire into the matter of wartime labor disputes, the first describing the machinery for their conciliation, the second, the "law" governing their adjudication. To these articles should be added a third which appears at the end of the symposium and which describes the procedure developed by the National War Labor Board. The prospect of change in that procedure led to a delay in the preparation of this article which has been printed out of its logical place in order to advance the date of publication.

The eighth and ninth articles enter an area where controversy has been acute. The former presents the wage and hour problem as seen by a former administrator of the federal law; the latter reports the succession of bills designed to restrict the powers and privileges of organized labor which have been introduced in the Congress since the outbreak of the war in Europe.

In few areas of wartime policy-making is foreign experience likely to be of greater significance than in the field of labor supply. The war has imposed like demands upon the economies of all the warring nations, however widely their political and social structures may vary. The two studies here presented of the responses to these demands, on the one hand, by Britain and the Dominions and, on the other, by National Socialist Germany, reveal parallels and divergencies at the successive stages of their respective mobilizations which throw light on the choices which are now opening to us.

The period during which this symposium was in preparation has been protracted, in part by delay in the periodical's publication schedule, in part by wartime demands on contributors. During this period, Professor Paul H. Sanders, who had organized the symposium, withdrew to join the legal staff of the National War Labor Board, and the editing of the individual articles was undertaken by me. The temptation to defer publication still longer to provide for treatment of such measures as may be adopted in response to the President's Labor Day message has been resisted with difficulty; it is believed, however, that what has been brought together can contribute importantly to the understanding of any new developments that may lie ahead.

DAVID F. CAVERS.