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MOBILIZATION OF MANPOWER

The Nation is waging total war. To be successful against totalitarian governments we must either mobilize both material and human resources in the manner of our opponents, or establish a more efficient alternative of our own making. Mobilization of manpower should be handled so that not only our human resources will be victoriously

³⁹ An Ohio theatre employee was reinstated after his discharge from army service when the district attorney prepared to sue his former employee. *Indianapolis Star*, March 6, 1942, p. 1, col. 4.

⁴⁰ See *Johnny Gets His Gun, Keeps His Job* (Aug. 17, 1940) *BUS. WK.* 15; *TOBIN & BIDWELL, MOBILIZING CIVILIAN AMERICA* (1940) app. 252; *Re-employment & Post War Planning* (1942) 220 *ANNALS* 186.

⁴¹ From the New Zealand Rehabilitation Act of 1941, 5 *GEO. VI*, No. 25 (1941).

utilized, but so those individuals affected can appreciate that they toil for freedom and not bondage.

The term "complete mobilization of manpower" is used to designate a government program which takes every man and woman and places him where his present or potential capacities can be most efficiently utilized in the prosecution of total war. One way to mobilize industrial manpower is to conscript labor.¹ Today "conscription of labor"² is usually discussed without mention of a similar conscription of industrial assets. In this regard, labor conscription is distinguishable from military conscription in that ". . . the former contemplates forced labor in private plants operated for profit while the military forces are engaged in the direct service of the government."³ While the man in uniform can feel that his sacrifices contribute to the cause of his homeland, certain proponents of labor conscription may wonder whether the man in overalls, compelled to work at the time, place, and for the pay the government deems necessary, can long be convinced that his inconveniences aid the America he loves rather than the corporate shareholders.

To date the methods used by the United States to harness its human resources differs not only from that of the totalitarian nations but also from those methods used in other democracies.⁴ Germany,⁵

¹ A War Department representative stated that labor conscription was unnecessary and would confuse. See *Hearings before Committee on Military Affairs on S. 25*, 75th Cong., 1st Sess. (1937) pt. 2, 142. That labor should be unfettered, see General McArthur in *Hearings before War Policies Comm.* (1931) 374.

² That "Conscription of Labor" has become an "epithet" rather than a definitive term, see Hoague, Brown, & Marcus, *Wartime Conscription and Control of Labor* (1940) 54 HARV. L. REV. 50, 99. But see Note, *Defense and Labor Compulsion* (1941) 9 INT. JURID. ASSN. MONTH. BULL. 109.

³ See Note, *Defense and Labor Compulsion* (1941) 9 INT. JURID. ASS'N. MONTH. BULL. 109; BARUCH, TAKING THE PROFITS OUT OF WAR 33. BING, WARTIME STRIKES AND THEIR ADJUSTMENTS (1921) 233.

⁴ See Note, *Labour in the National Defense Programme of the United States* (1941) 44 INT. LAB. REV. 42.

⁵ Each worker is required to carry a "labor book" giving his training and occupational history. HAMBURGER, HOW NAZI GERMANY HAS MOBILIZED AND CONTROLLED LABOR (1940) 11 *et seq.*, de Wilde, *Defense Economics of the U.S.: Labor Problems* (1941) 17 FOR. POL. REP. 162, 163. After the invasion of Poland neither leaving nor firing was allowed without official permission. Note, *Labor Policy in Germany* (1940) 50 MONTH. LAB. REV. 1374, 1375. Hiring may also be prohibited. ROBSON, LABOR UNDER NAZI RULE (1940) 25. Hiring of workers employed in agriculture at any previous time has been prohibited. *Id.* at 21. Boys and girls from 10 years upward can be forced to work for varying periods. Note (1941) 53 MONTH. LAB. REV. 607,612.

In 1916 Germany first required labor of all males between 16 and 60. TOBIN & BIDWELL, MOBILIZING CIVILIAN AMERICA (1940) 116. The Hitler regime has long sponsored measures having the effect of labor conscription. de Wilde, *Germany's Wartime Economy* (1940) 16 FOR. POL. REP. 86, Hinrichs, *Supply of Labor for Essential Industries* (1942) 19 PROC. OF POL. & SOC. SCI. 440, 449.

Italy,⁶ and Japan⁷ early conscripted virtually all classes of labor. Great Britain subjected industrial manpower to government control when it passed the Control of Employment Act⁸ and the Emergency Powers (Defense) Act;⁹ Australia has conscripted a labor army for war work;¹⁰ New Zealand has a similar statute, but is still relying upon voluntary action;¹¹ and South Africa has acted to protect mining and agriculture.¹²

Advocates of labor conscription in this country usually assign the

⁶ Since April 1940 all persons over 13 years, including women, have been subject to mobilization. (1940) 17 BULL. OF INT. NEWS 504.

⁷ In July 1939 compulsory labor service from the ages of 12 to 60 was ordered under the General Mobilization Act of 1938. Ogishima, *The Organization of Employment in Japan* (1940) 41 INT. LAB. REV. 154, 146. The order did not apply to government employees, doctors, veterinarians, apothecaries, seamen, and office clerks whose salaries exceeded 100 yen per month. Note (1940) 50 MONTH. LAB. REV. 1376. In September 1940 the "pass-book" system was instituted, under which the employer takes custody of the book. The worker cannot leave to take a new job as without the pass-book in the new employer's possession no legal relation can exist. Brady & Oshima, *War Organization in Japan* in STEINER, ECONOMIC PROBLEMS OF WAR (1942) 12. With 90% of all farmers in government-controlled guilds, agricultural labor control is simplified. *Ibid.*

⁸ 2 & 3 GEO. VI, c. 104 (1939). The Minister of Labour was given authority to prevent advertising for workers. Schoenfeld, *Development of British War Labor Policy* (1941) 52 MONTH. LAB. REV. 1079; Murphy, *The War and British Workers* (1941) 20 HARV. BUS. REV. 94. The first orders issued under the Act applied to carpenters, joiners, bricklayers, shipbuilding workers, repairmen, merchant seamen, coal miners, building contractors, civil engineers, and truckers. SPIEGEL, THE ECONOMICS OF TOTAL WAR (1942) 153-4.

⁹ 3 & 4 GEO. VI, c. 20 (1940). Mr. Bevin in cooperation with the Minister of Agriculture has used this power to prevent the movement of workers from coal mining and agriculture. Note, *The Labor Market* (1940) 139 ECONOMIST 69; Note, *County War Agricultural Executive Committees* (1940) 104 JUST. P. 7.

¹⁰ N.Y. Times, March 3, 1942, p. 1, col. 7. Up until that time there was nothing to induce an unemployed worker to accept a productive civilian occupation, though there was some attempt to steer men in that direction. Walker, *Wartime Labour Problems in Australia* (1941) 44 INT. LAB. REV. 389, 396; Note (1941) 53 MONTH. LAB. REV. 607, 611. The policy toward the munitions industry was stricter, however, as a man engaged in war work could not be hired by another employer nor could certain tradesmen (as electrical fitters, mechanics, forgers, and machinists) be hired at all without permission from the Department of Labour. Walker, *Wartime Labour Problems in Australia* (1941) 44 INT. LAB. REV. 389, 395.

¹¹ The Minister of National Service has the power to compel labor by persons from 16 years upward. Social Security returns were used to compile a national register. Note (1941) 53 MONTH. LAB. REV. 607, 611.

¹² In these occupations, one may not volunteer without the authorization of his employer and an Exemption Tribunal. Note (1941) 53 MONTH. LAB. REV. 607, 608. Even India has compelled some labor for the purposes of training munitions workers. (1940) 17 BULL. OF INT. NEWS 900.

lack of a skilled labor supply, mal-distribution of what supply exists, and the prevalence of defense strikes as the chief reasons for the measure.¹³ As to the latter, neither unions nor management are without guilt. Viewed realistically, organized labor in certain instances is attempting to take advantage of its present superior bargaining position which its leaders realize will be gone after the war. To meet these instances management, under the guise of patriotism, may be seeking to prevent further union inroads and in some instances to nullify labor gains of the past few years.¹⁴ While labor has done the expected in opposing complete mobilization,¹⁵ a few representatives of management have viewed such a measure as the answer to their present difficulties without considering what far-reaching effects such a program might have upon the economic system which makes profits possible. Even compulsory arbitration of labor disputes runs far short of a plan that asks employee groups to give up all their rights, and management none. The federal government has taken steps to resolve the problems created by strikes and lockouts¹⁶ without resorting to a modern equivalent of involuntary servitude.¹⁷

There can be little argument that volunteering for military service and the Selective Service program (although the provision for occupational deferments¹⁸ has prevented the immediate diminution of skilled forces) coupled with the demand for increased war production is now making unprecedented demands upon the available labor supply.¹⁹ This

¹³ See Hoague, Brown & Marcus, *Wartime Conscription and Control of Labor* (1940) 54 HARV. L. REV. 50, 51; Note, *Defense and Labor Conscription* (1941) 9 INT. JURID. ASS'N. MONTH. BULL. 109, 110.

¹⁴ Congressman Anderson of New Mexico has asserted that systematic attacks are being made on labor for the purpose of diverting attention from huge war profits. 88 Cong. Rec., March 17, 1942, at 2687. That military men are generally unsympathetic toward strikes at any time and would likely use their power to conscript labor to resolve strikes, see Note (1940) 9 INT. JURID. ASS'N MONTH. BULL. 16.

¹⁵ AFL, CIO, and the Railway Brotherhoods opposed conscription of labor. See N.Y. Times, Aug. 6, July 31, and Aug. 7, 1940.

¹⁶ The War Labor Board, composed of twelve men equally divided between labor, industry, and the public, is the chief group concerned with resolving labor difficulties in defense plants.

¹⁷ "Enforced and involuntary service for a private master is and has been clearly and repeatedly referred to by our Supreme Court as slavery inhibited by the Thirteenth Amendment." BARUCH, TAKING THE PROFITS OUT OF WAR 34. For a discussion of the constitutionality of labor conscription, see Hoague, Brown, & Marcus, *Wartime Conscription and Control of Labor* (1940) 54 HARV. L. REV. 50, 82-89.

¹⁸ Sel. Ser. Reg. §§ 622.21 and 622.22 (1942).

¹⁹ See Mee, *Personnel Problems in a War Economy* in STEINER, ECONOMIC PROBLEMS OF WAR (1942) 3. That there is greater possibility of a general labor shortage now than in 1917, see Wolman, *American Labor in Another War* (1939) 18 FOREIGN AFFAIRS 80, 84. But see Hinrichs, *Supply of Labor for Essential Industries* (1942) 19 PROC. ACAD. OF POL. & SOC. SCI. 440, 443 (recognizing specific demands but contends employers overgeneralize as to a general shortage. Immigration does not seem to be feasible now, though it

applies to agricultural as well as factory labor.²⁰ Nevertheless, "the existing labor supply . . . can be made adequate in time to meet any production schedules that have been laid out so far."²¹

Throughout the last decade little effort was made to train apprentices,²² so abundant was the available pool of skilled operatives. Many of those constituting that surplus, though now generally older men, may be given "refresher" courses.²³ Likewise, many of the four or five million unemployed of last October²⁴ can be trained for skilled or semi-skilled functions. Those who have been dropped from pay-rolls because of conversion to war production or because the system of priorities has extinguished the consumers' industry in which they found their means of livelihood,²⁵ present another group sufficiently

was used on a small scale in the last war. Leighton, *The Crisis in Man Power* (1942) 184 HARPER'S 459, 460; Christenson, *The Labor Market and National Defense* (1941) 6 IND. UNIV. BUS. REP. 38, 40, 48.

²⁰ "By 1943 a real general shortage of farm labor may begin to develop." Wickard, *Agricultural Supplies for War* (1942) 220 ANNALS 125, 129. Germany has imported many thousands of farm laborers from Italy. Note (1941) 43 INT. LAB. REV. 584; (1940) 17 BULL. OF INT. NEWS 224, 504, 511. That lower standards have been prescribed for non-Germans, see (1940) 51 MONTH. LAB. REV. 313.

²¹ Hinrichs, *Supply of Labor for Essential Industries* (1942) 19 PROC. ACAD. OF POL. & SOC. SCI. 440, 452.

²² "It was not until the spring of the year 1941 that there was widespread recognition of the magnitude of the training problem . . ." Hinrichs, *Supply of Labor for Essential Industries* (1942) 19 PROC. ACAD. OF POL. & SOC. SCI. 440, 443. Skilled workers in 1939 were at least 13%, and perhaps 20%, below the 1930 level. See Slichter, *The Present Nature of the Recovery Problem* (1940) 18 PROC. ACAD. OF POL. & SOC. SCI. 3.

²³ "During the long period of unemployment after 1930, many workers lost their skills . . ." See TOBIN & BIDWELL, *MOBILIZING CIVILIAN AMERICA* (1940) 141; Note (1942) 100 FACTORY MANAGEMENT 60. The Kokomo, Indiana, Chamber of Commerce brought more industry there upon the basis of a census which uncovered many skilled workers of this type.

²⁴ See Hinrichs, *Supply of Labor for Essential Industries* (1942) 19 PROC. ACAD. OF POL. & SOC. SCI.; Note, *Defense and Labor Compulsion* (1941) 9 INT. JURID. ASS'N. MONTH. BULL. 109, 110.

²⁵ Governor Van Wagener of Michigan has estimated that there are 200,000 auto workers among the "priority unemployed." H.R. REP. NO. 1553, 77th Cong., 1st sess. (1941) 41 (national defense migration); Note, *Priorities Unemployment* (1941) 10 INT. JURID. ASS'N. MONTH. BULL. 57.

Yet the Bureau of Labor Statistics estimates that even Detroit will experience shortages by the fall of 1942. See Hinrichs, *Supply of Labor for Essential Industries* (1942) PROC. OF POL. & SOC. SCI. 440, 446. Obviously, the solving of the short-run problem should not be the guiding consideration. See NEAL, *INTRODUCTION TO WAR ECONOMICS* (1942) 84. Germany and England attempted to alleviate this problem by adjusting the closing of non-essential industries to the openings in war industries. de Wilde, *Germany's Wartime Economy* (1940) 16 FOR. POL. REP. 86, 88. During the first four months of the present war unemployment in England increased by 250,000. SPIEGEL, *THE ECONOMICS OF TOTAL WAR* (1942) 69. Germany has been free of this problem in the present war, but so serious was it in 1914 that a program of public works

familiar with the mass production process that they will be able to perform related operations in less time than is ordinarily required to train a worker from the beginning.²⁶ The recent amendment to the Selective Service Regulations which gives deferment priority to men (now deferred on dependency grounds) who are contributing to the war effort²⁷ will encourage many skilled workers to remain in or to enter defense employment. Abandonment of race and nationality discriminations would make immediately available an unascertained number of already trained or partially trained men.²⁸ Finally, the experience of Great Britain and Germany has shown that women can be trained in certain skills vital to war production.²⁹ In all for the same amount and quality of work.³⁰

The present distribution of skilled labor,³¹ as in the last war,³² is

was proposed. GREBLER & WINKLER, *THE COST OF THE WORLD WAR TO GERMANY AND AUSTRIA-HUNGARY* (1940) 24.

²⁶ For a description of the "Buffalo Plan" designed to shift this group into defense jobs, see H.R.REP. NO. 1553, 77th Cong., 1st sess. (1941) 73-84.

²⁷ Sel. Ser. Reg. §§ 622.31 and 622.31-1 (effective April 23, 1942); see Note, *Dependency* (1942) 17 IND. L.J. *supra*.

²⁸ Negroes, Jews, and persons of German and Italian origin are those chiefly affected, even in non-defense plants. See *Labor Shortages and the Restoration of Employment to Citizen Workers* (Fed. Sec. Agency 1941) *passim*; Hinrichs, *Supply of Labor for Essential Industries* (1942) 19 PROC. ACAD. OF POL. & SOC. SCI. 440, 451; Leighton, *The Crisis in Man Power* (1942) 184 HARPERS 459, 464.

²⁹ German experiments particularly have been quite detailed. See Note (1941) 44 INT. LAB. REV. 617, 640; cf. Gossek, *Betriebsschutz bei der Frauenarbeit* (April 1941) R.K.W.NACHRICHTEN 5 (translated (1941) 44 INT. LAB. REV. 213).

Older women, whose husbands work in industrial plants, adjust most quickly. Peters, *Woman's Great Share in the Total War in Germany*, and Woodward, *Woman's Great Share in the Total War in Britain* N.Y. Times Mag. (Mar. 9, 1941).

The British have reserved certain occupations for women. Note (1941) 43 INT. LAB. REV. 572. Women constituted one-fifth of the labor force in Canadian arms plants by June 1941, and it was reported that women would provide 60% of all new labor in the aircraft industry in the United States. Out of a sample group of 1,894 occupations including some defense industries, the Federal Security Administration indicated that only 331 were definitely unsuitable to women. SPIEGEL, *THE ECONOMICS OF TOTAL WAR* (1942) 70.

³⁰ In Australia, unions have opposed the introduction of "cheap female labor." The courts have alleviated the difficulty, however, by prescribing the same pay where the woman does a man's work. See Walker, *Wartime Labour in Australia* (1941) 44 INT. LAB. REV. 389, 401.

³¹ "it was inevitable that general labor shortages should begin to develop in some localities." Hinrichs, *Supply of Labor for Essential Industries* (1942) 19 PROC. ACAD. OF POL. & SOC. SCI. 440, 445. See Leighton, *The Crisis in Man Power* (1942) 184 HARPERS 459, 464 (Flint pattern makers). The Bureau of Employment Security has classified the registered unemployed by skill and location. Clogue, *Labor Supply and the Defense Program* (July 1940) 3 SOC. SEC. BULL. 161.

³² TOBIN & BIDWELL, *MOBILIZING CIVILIAN AMERICA* (1940) 122. Hoague, Brown, & Marcus, *Wartime Conscription and Control of Labor* (1940) 54 HARV. L. REV. 50, 57.

the chief justification for positive measures of labor control. It is usually presumed that labor supply will move around to meet the demand for a price. But in spite of the large-scale migrations which are a consequence of the defense program,³³ skilled workers have shown amazing lack of mobility.³⁴ The North Central states ordinarily supply most of the value added by manufacture,³⁵ and it is in that area that the greatest expansion in defense industry has occurred.³⁶ Already widespread "pirating" has been reported.³⁷ In this section of the country particularly, industry may find it necessary to resort to "dilution"³⁸ and "upgrading"³⁹ in the event the sources of labor supply indicated above become exhausted.

Apparently with the realization that the effective solution of these problems demands unification of governmental policy, the President by Executive Order recently established a War Manpower Commission of nine members with the Federal Security Administrator as Chairman.⁴⁰ It is significant that the order places the real power in the Chairman to ". . . establish basic national policies to assure the most effective mobilization and maximum utilization of the Nation's

³³ See H.R. REP. NO. 1553, 77th Cong., 1st sess. (1941) *passim* (national defense migration); Bolles, *The Great Defense Migration* (1941) 183 HARPERS *passim*. In a given month 6% of new Indianapolis workers were new residents, while in San Diego the figure was 20%. Spencer & Burns, *Labor Supply* (1941) 30 SURVEY GRAPHIC 619.

³⁴ See Bliss, *Problems Posed For Industry* (1942) 220 ANNALS 106, 113 (New York machinists).

³⁵ The Great Lakes area supplied 31.% of all value added by manufacture in 1939. *Ibid.*

³⁶ The Great Lakes States, 27.5%; the entire central area, 51%. *Ibid.*

³⁷ See de Wilde, *Defense Economics of the U.S. Labor Problems* (1941) 17 FOR. POL. REP. 162, 167. That the facilities of the U.S. Employment Service will be insufficient to halt labor pirating, see Mee, *Personnel Problems in a War Economy* in STEINER, ECONOMIC PROBLEMS OF WAR (1942) 4.

³⁸ Concentrating skilled labor on the more complicated operations, and bringing in the untrained to handle the simpler tasks under the direction of skilled laborers. See Christenson, *The Labor Market and National Defense* (1941) 6 IND. UNIV. BUS. REP. 38, 42-43. Faced with a large group of unemployed but with a scarcity of skilled men, Australia has diluted the skilled workers in defense industries. Note (1941) 43 INT. LAB. REV. 576.

³⁹ Promotion and transfer of partially trained workers to the place where they can be most effective. See NEAL, INTRODUCTION TO WAR ECONOMICS (1942) 76. In industries where promotions are necessary management has been advised to employ men not subject to the draft, as failing to promote a man merely because he is subject to the draft lowers morale. See Mee, *Personnel Problems Created by Industrial Mobilization* (1941) 6 IND. UNIV. BUS. REP. 58, 62-3.

⁴⁰ *Executive Order Establishing the War Manpower Commission in the Executive Office of the President and Transferring and Coordinating Certain Functions to Facilitate the Mobilization and Utilization of Manpower*, April 18, 1942. The other members of the Commission are representatives of the War, Navy, Agriculture, and Labor Departments, the War Production Board, the Labor Production Division of the War Production Board, the Selective Service System, and the Civil Service Commission.

manpower. ,” as the other members need only be “consulted.” All agencies concerned with the critical industrial, agricultural, transportation, and governmental employment activities must conform to the regulations of the Chairman.

The effect of this new development is potentially sweeping. Forceful exercise of the powers conferred and effective administration by the Chairman and the executive officer of the Commission will go far in creating a national manpower policy.⁴¹ The creation of the Commission will facilitate the collection of vital occupational statistics. It will make it possible to place every productive person where he is most useful, and assure him that he is contributing to the prosecution of the war.

⁴¹ See Fuller, *Mobilization of Manpower* (1942) 106 NEW REPUBLIC 233 *passim*; Note (Feb. 1942) 100 FACTORY MANAGEMENT 58.