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## Book Review

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## Book Reviews

*Reviewed by Robley D. Evans\**

LABOR AND THE NEW DEAL, Edited by Milton Derber and Edwin Young. Published by The University of Wisconsin Press, Madison, Wisconsin; 393 pp. (1957).

The decade from 1929 to 1939 was an important period to the labor movement in the United States. An understanding of the happenings relating to labor and management in this ten-year period is vital to any comprehension of the developments in this area since 1939. This "New Deal Decade" has been covered minutely in magazine articles and books exhaustively treating the various aspects and relationships of the period, but nowhere has there been so concise a summary of what happened, why, with what effect, and with what inter-relation to the other happenings, as is contained within this book.

A joint project of the Economics Department of the University of Wisconsin and the Institute of Labor and Industrial Relations of the University of Illinois, *Labor and the New Deal* has brought together the trained thinking of an unusual group of labor historians and analysts. Some of these men and women were among the group of "Brain Trust" advisers to Franklin D. Roosevelt, and played definitive roles in shaping the policies and events they are discussing. For this reason, although the volume has been carefully researched, emphasis is placed more on the interpretation than on the gathering of material.

In a fine foreword by the editors, we are told that they have endeavored to overcome the usual variances in basic assumptions, definitions and concepts which appear in collections of essays by different authors, by setting up the following basic assumptions which form the basis for each of the essays:

1. The history of labor during the 1929-1939 decade must be regarded as a continuation of its experience in the American environment since the earliest days of the nation.
2. This history is essentially the result of labor's pragmatic trial and error adjustments to the changing American environment in the search for "a better deal" in industry

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- and the community, rather than a doctrinaire or ideological struggle for a "new society." This is not to deny that social ideas influenced this development, but these ideas were constantly tested against experience and the doctrinaires never dominated the main current.
3. The labor movement is not a monolithic, homogeneous mass, but an institution comprised of numerous components, many of which have different or even opposing goals and methods.
  4. Outstanding personalities (like Gompers, Lewis and Roosevelt) have unquestionably affected particular events and developments, but the major trends have transcended personalities and have been the product of broad economic and social and political forces such as the growth of population and markets, the fluctuations of the business cycle, war, and scientific and industrial innovations.
  5. Since the eighteenth century (if not earlier) the general course of American history has favored the expansion and deepening of workers' rights and dignity.
  6. The New Deal was a typical American reaction to the catastrophe of the 1929 depression—pragmatic, non-philosophical, experimental. But it was a great crystallization, a "social revolution" in keeping with the magnitude of the problems with which it had to deal.
  7. The period between 1929 and 1939 saw a quickening of the process of governmental growth, but it was a growth protecting and strengthening democratic capitalism (quite in keeping with past trends), rather than a move in the direction of Communist or fascist totalitarianism.

With these ideas as bases which were set firmly in the minds of the writers by group discussion prior to any actual writing being done, these essays become as nearly a homogeneous book as is possible to anything written in this fashion. For this reason, as well as by reason of the obvious knowledge and interest of the essayists, the impact and conviction of each article is enhanced by all the others.

What happened during this "New Deal Decade" that made it so important to the labor movement in the United States? Aside from the social legislation mentioned above, the 1929-1939 period encompassed the "Great Depression," the New Deal and its Recovery Acts, an important schism in the ranks and philosophy of the American labor movement, the beginnings of generally comprehensive labor legislation, a second depression, and above all, a political atmosphere in Washington which resulted in a complete change of climate in labor-management relations

in this country. Each of the above subjects has its treatment in this collection of essays, and each is shown to be not only a cause but an effect of some of the others.

Despite the limitations set by the necessity of writing of the happenings only within the covered decade, and with only brief excursions into happenings since 1939, the authors are able to explain much and clarify even more of what happens today in the labor movement in this country. Part of the reason for this, obviously, is the perspective which has been gained by the passage of nearly twenty years since this vital period ended. This perspective allows us to see where such beginnings as were made then have led, reasonably, logically, almost irresistibly. But this perspective is not the only advantage held by these writers. Each apparently has an overall grasp of the field that makes possible greater penetration into the specific problem discussed by him. This advantage accrues to the reader.

*Labor and the New Deal* is not in any sense a primer, an introduction to the history and methods of the labor movement in this country. It presupposes knowledge on the part of the reader, much knowledge, and of many facets of the subject. Terms are not always defined, and knowledge of the content, even the context, of much of the legislation affecting labor that was passed during the first two Roosevelt administrations is taken for granted. To the reader who has this knowledge, such assumptions are an asset, for it leaves the author free to discuss trends and to analyze results without the necessity of encumbering his text with long paragraphs of explanation. The picture of the time is presented in detail with regard to the specific effect it had on labor and/or management, but the background of legislation and administration, of history and personality is sketched only in the broadest of detail, with flesh added to the bare bones only when necessary in order to clarify and illuminate the foreground events.

To the student of labor, this book is an invaluable addition to a library which contains far too much detail and too little summary. It provides a single volume reference which can and will replace a dozen books covering, less adequately, the same material. The problems, legal and social, that are treated in *Labor and the New Deal* are handled not as isolated instances for exhaustive study, but rather as a part of a whole. The relation of each problem to the other is shown, and all are dis-

cussed in relation to the time that bred them. It is this integration into a whole that has not been done heretofore, and it is this completed picture that makes the book as valuable as it is.

No student of the law should shrug the book aside as being something out of his field. In this New Deal period we find the beginnings of much of the social legislation that forms the foundation of so much of today's practice of law. In this book, the background of this legislation is clearly set forth, and its development traced, step by step, from its early beginnings to its culmination during this New Deal period. Such legislation as Social Security, Unemployment Compensation, the Fair Labor Standards Act and others are treated in great detail. Beyond this, the background furnished by these essays is of great help, both to the practicing attorney and to the law student, in understanding the decisions of the courts and of the National Labor Relations Board during and after this controversial period.

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*Reviewed by Jack F. Smith\**

THE DEFENDANT'S RIGHTS, by David Fellman. Published by Rinehart & Co., Inc., New York 16, N. Y., 258 pages (1958).

Professor Fellman begins this book with the sentence, "American public law is deliberately weighted in favor of defendants accused of crime." This correct statement of fact is followed by an explanation of the reason underlying the statement—that truth will be discovered and justice done, with the assurance to the community that prosecutors and judges and juries will behave properly, only by strict adherence to the procedural safeguards set up by the law in order to protect the innocent accused of crime.

Our system of criminal law is built upon the belief, engendered by centuries of experience, that procedural safeguards are necessary and must be complied with in order to insure the discovery of truth and to avoid injustice.

Professor Fellman discusses the procedural rights which are accorded to all persons accused of crime. This discussion is

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