war generally means the suspension of the law of nations. However, this does not mean that international law does not exist, any more than the violation of national law indicates its nonexistence. And if Dr. Scott at his age is not pessimistic about the future of the law of nations, younger men should certainly take hope and see that out of the present catastrophe in Europe and the Far East, there shall come a keener realization of the need for international law and organization to keep our civilization from destroying itself.

Besides extensive footnotes and a lengthy index, Dr. Scott's work contains two invaluable bibliographies, — one of general books and the other of source materials.

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Mr. Brooks believes that an increase in the economic and political power of organized labor is eminently desirable. It is desirable, says he, not only for the betterment of the workers themselves, but also as a protection for all of us against the evils of pressure group influence on government,1 of over centralization of power in Washington,2 indeed, as a guarantee against the possibilities of despotism here and the creation of a totalitarian state.3 With this belief firmly in mind, and ever in the foreground the author undertakes a study of the effect of the National Labor Relations Act on labor's right to bargain collectively.

The reader whose convictions on the broad problems of the labor movement are not quite in line with the author's will wonder slightly at the selection of "typical" cases in the opening chapter,

1 "The chief danger of group-pressure politics is that the better organized minority groups may exercise greater pressure upon government policy than the loose organizations of majority interests. In extreme form this superior pressure of minority groups might result in their complete domination of the machinery of government and the suppression of the organizations of opposed economic interests . . . . To just the extent that the National Labor Relations Act promotes the organization of workers, it serves to prevent the capture of governmental machinery by minority interests." P. 250.
2 "Through the N. L. R. A., the federal government is atoning for its concentration of power by assisting the progress of a check upon itself." P. 248.
3 It is difficult to imagine a policy more completely at variance with despotic ambitions than the encouragement provided by the N. L. R. A. to an independent labor movement. P. 248.
since all but one result in decisions in favor of the employer or decisions to which the employer agrees, and in the one where the decision is adverse, the employer presented no defense. He will be even more surprised when he reads\(^4\) that our judges through social association with employers of labor and owners of property have had a biased viewpoint and have as the result of that biased labor with unfair rulings, one of the guilty parties being a judge named Holmes,\(^5\) a man of hitherto unimpeached character, and a record singularly free from charges of prejudice of that nature. The reader will possibly begin to doubt the author’s sincerity when he reads\(^6\) the bland statement that in an injunction proceeding “the issuing judge . . . acts in the capacity of prosecutor and jury as well as judge” and later finds nine pages\(^7\) of argument purporting to demonstrate that the National Labor Relations Board is free from criticism on this score.

Also a bit startling is Mr. Brooks’ listing of obstacles to the advance of organized labor. Not only does he complain of putting an organizer in jail for calling a meeting to urge disregarding an injunction,\(^8\) but we find\(^9\) that “there are the ordinary state criminal laws against murder, kidnapping, assault and battery, threats and intimidation, mayhem, arson, and destruction of property which may be enforced against union members or leaders if their behavior takes any of these forms.” The obstacles here mentioned do not involve the manner of enforcement, but the laws themselves.

The author’s information on the subject of the legal background for the arguments pro and con on the question of incorporation of labor unions is a bit hazy. His view\(^10\) is that since today labor unions may be sued as entities and the judgment enforced against the union treasuries and the members individually, incorporation would actually lessen liability since corporate liability is limited to the par value of the stock.\(^11\) Of course the current common law view is that labor unions may not be sued as entities\(^12\) and that

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\(^4\) Pp. 25 et seq.
\(^5\) P. 26, rule 3.
\(^6\) P. 34.
\(^7\) Pp. 226 et seq.
\(^8\) P. 30, note 19.
\(^9\) P. 30.
\(^10\) Pp. 195 et seq.
\(^11\) P. 196.
\(^12\) See for instance West v. B. & O. R. R., 103 W. Va. 417, 137 S. E. 654 (1927). For full collection of materials on this question, see Landis, Cases on Labor Law (1939) 570, note 2. It is generally recognized today that the Coronado case, 259 U. S. 344, held in favor of suability only under existing federal legislation with particular emphasis on the Sherman Act. See 2 Warren, Corporate Advantages Without Incorporation, c. 9.
union treasuries are exempt from attachment through suit against individual members. The responsibility created by incorporation is of course based on the fact that judgments against the union would be collectible from the union treasury, a point which Mr. Brooks apparently has not thought of. If he had he probably would not say, "The idea that the magic spell of responsibility can be cast over 600,000 coal miners by the legal abracadabra of incorporation is just fantastic enough to make it a seven day's wonder, like flag-pole sitting." If union officers cannot control 600,000 coal miners in order to protect the corporate treasury, it is a bit hard to understand how that group represents our best hope for good government.

On the other side of the ledger, it should certainly be noted that much that is contained in this volume is of considerable value. Of particular merit are the historical analysis of the government's attempt to enforce the right of collective bargaining, the discussion of the board's efforts to work out a fair method of determining the appropriate unit, and the arguments against the wisdom of opening the National Labor Relations Board to appeals on behalf of the employer except in the matter of calling elections. It is unfortunate that the analytical value of this book should be impaired and obscured by fantasies in the nature of those heretofore noted.

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13 See LANDIS, op. cit. supra n. 12, and Sturgis, Unincorporated Associations as Parties to Actions (1924) 33 YALE L. J. 383 at 385.
14 P. 196.
15 C. II.
16 C. VI.