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Book Reviews

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STATE LABOR RELATIONS ACTS: A STUDY OF PUBLIC POLICY.

By Charles C. Killingsworth. Chicago: University of
Chicago Press, 1948. Pp. 328.

With the very decided increase in state legislation regulative of labor relations in the past few years, the study by Mr. Killingsworth of the policies involved in that legislation comes at a very appropriate time and should serve a highly useful purpose. He observes at the outset that the policy expressed in the National Labor Relations Act of 1935 and certain state acts of about the same period of encouraging and protecting free collective bargaining has largely given way to a policy more restrictive of activity on the part of organized labor.

As illustrative of this change of policy or direction in labor relations legislation it is emphasized that the heart of the earlier acts was a series of restrictions on activities of employers labeled "unfair labor practices" and calculated to stay the hand of the employer in any effort at throttling free collective bargaining by the employee, while the one chief characteristic of the current legislative picture, both state and national, is one of restriction upon union activity with the "unfair labor practice" category being extended to union activity.

Mr. Killingsworth has analyzed this new development to show how employee and union practices now being outlawed as "unfair" are not restricted to acts of violence and similar tactics but include also peaceful picketing under certain circumstances and other non-violent activities.

The widespread limitation upon various types of union security is another common characteristic of the newer legislation, as well as restrictions upon the internal organization and handling of union affairs such as regulation of finances and membership policies.

Besides analysis of and comments upon the trend of legislative content by way of substantive provisions, the author also presents a rather complete and interesting picture of the procedural provisions, both administrative and judicial, set up in the new legislation for the prevention of unfair labor practices and the application of penalties and other remedial devices in case of violation. A state-by-state survey of these measures makes up a rather substantial portion of the book. Somewhat similar analyses of provisions regarding "Employee Representation and Elections" and "Election and Postelection Procedure" make up other important divisions of the study. The handling under the new statutes of "Mediation, Fact-finding, and Arbitration" and "Jurisdictional Problems" completes the survey of the present legislative picture.

In his concluding chapter on "Conclusions and Interpretations," the author suggests the desirability of additional protection for the collective bargaining process, but appears to indicate a preference for broadening the scope of the injunctive process in preference to reliance upon administrative procedures in such matters as jurisdictional dispute tending to impede collective bargaining.

Some emphasis is placed upon the public character of the modern labor union and its responsibility, but a word of caution is interposed against carrying regula-

tion to the extent of making "unions little more than wards of the state." Something between that and mere token regulation is recommended. The author lists three categories of restrictive provisions as particularly meriting this word of caution. First, restrictions on organizing tactics; second, restrictions on bargaining weapons; and third, restrictions on union objectives. The basic alternatives in the field of labor relations he finds to be collective bargaining, individual bargaining, or a further determination of labor standards by governmental action. In any event, he sees the need for continuing some degree of governmental regulation, both state and national, of the labor relations field, and believes progress toward the solution of one of our major social-economic policy problems may come from continued state experimentation.

In addition to the author's analysis of the various types of state regulatory measures in the main body of this little volume, his appendices containing detailed listings in appropriate categories of all types of regulatory measures passed by the states in the past decade; a detailed table of work stoppages due to labor-management disputes in the period of 1934 to 1946; and a listing of cases handled by the national and state labor relations boards during a like period constitute very valuable portions of this timely study. A selected bibliography of official reports and documents, periodicals and books in the labor relations field, together with a table of cases add to the usefulness of the volume.

Considered as a whole, Mr. Killingsworth's little book is a worthwhile contribution to the rapidly growing volume of literature on a very important phase of our social, economic, legal and political development.

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BOOK NOTE

THE CONSTITUTIONS OF THE AMERICAS. Edited by Russell H. Fitzgibbon. Chicago: The University of Chicago Press, 1948. Pp. XIX, 847. In this book, Professor Fitzgibbon and his associates, Professors Cullen B. Gosnell, William A. Strozier and William B. Stubbs, have brought together in English the constitutions, as of January 1, 1948, of all 22 American nations (including the United States and Canada). The constitutions are arranged alphabetically by states, each being preceded by a brief one or two-page historical note giving the exact dates of previous constitutions of the particular state. There is a selected bibliography of relevant articles and books written in English, and a topical, country-by-country index. This book should be of great value to students of comparative law and government. In view of the frequent inclusion of matters which would be covered by statute or administrative regulation in the United States (*e. g.* the detailed provisions governing hours of labor, conditions in labor contracts, duty of employers to furnish living quarters at rents based on the value of the property, etc., appearing in Title VI, "Concerning Work and Social Security," of the Mexican Constitution, pp. 545-549), it also should be useful to lawyers having clients with Latin American interests.