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Smith: LABOR LAW: CASES AND MATERIALS

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RECENT BOOKS

This department undertakes to note or review briefly current books on law and materials closely related thereto. Periodicals, court reports, and other publications that appear at frequent intervals are not included. The information given in the notes is derived from inspection of the books, publishers' literature, and the ordinary library sources.

BRIEF REVIEWS

LABOR LAW: CASES AND MATERIALS. By *Russell A. Smith*. Indianapolis: Bobbs-Merrill. Pp. xxxi, 1450. \$8.50.

This is a tremendous book—tremendous both in content and in quality. To regard it as only a casebook for a law school course in labor law is to ignore what may be its greatest utility. It is a comprehensive text and source book which any lawyer having occasion to be interested in the subject would want to have at hand. I am literally awed by the industry and scholarship which the book plainly manifests.

The volume starts with a hundred page "Introduction" consisting of sixty-five pages on the "history, organization and structure of American labor organizations," some twenty pages on early American labor law and legal theory and some fifteen pages of summary of the "development of American legislative policy with respect to unionism." This is all text written by the author with extensive citation of sources and references. It is, of course, summary and topical, and subject to differences of opinion as to its omissions, inclusions, adequacy and analysis. But it is good hors d'oeuvres; it is tasty in itself, whets the appetite, and introduces the meal so as to make it more satisfying.

The volume closes with two appendices. One, taking almost a hundred pages, reprints the Railway Labor Act, the NLRA, the LMRA 1947, the Norris-LaGuardia Act, the Fair Labor Standards Act, the Portal-to-Portal Act of 1947 and the NLRB's Statements of Procedure and Description of Organization. This is a little more than the other casebooks on labor law do. The other appendix is a whole lot more. It is a seventy page syllabus, with extensive citations, of the regulations and decisions under the FLSA and its supplementary legislation, the social security legislation, the fair employment practices acts and the veterans' reemployment laws. To do justice to the magnitude of the syllabus, it should be said that, were it printed in type to be read without a magnifying glass, it would require about twice the number of pages it takes.

Between the Introduction and the Appendices are some 1180 pages jam-packed with information on almost all aspects of the law relating to collective bargaining and the "non-legal" problems in labor management relations. About two-thirds of this is devoted to the Labor Relations Act, the law with respect to the privileges and obligations of concerted labor action, and the "institutional problems of unionism." The remainder deals with the making, the subject matter and the legal status of the collective agreement, the arbitration of labor disputes, unionism among government employees, and the problems of the "critical" industrial disputes. The material consists of court and Board decisions,

arbitration awards, excerpts from collective agreements, excerpts from writings of individuals and diverse private and public agencies, and frequent and extensive notes by the author summarizing information, analyzing problems and posing questions. Unlike Cox¹ or Handler and Hays,² Smith has undertaken to provide very extensive reference service to the reader. And his notes are more numerous, more informational and less argumentative than Gregory's.³ The result is an excellent text and source book marred by two avoidable defects.

In an effort to compress what should be two volumes into one, the publisher resorted to small print—and I mean small. Were it not for the fine balance and objectivity manifested by the author in his materials and notes, one might be tempted to believe that he was party to a conspiracy to impair the eyesight of readers still subject to military service. But if neither subversive nor malicious, the small print is certainly cruel. The problem of space could be partly alleviated by binding the appendix of statutes in a separate pamphlet; that would make for greater convenience in any event.

The book has no index. Roscoe Pound wrote with respect to the want of an index in a mere pamphlet of 74 pages: "Sir Frederick Pollock used to say that a man who would publish a book without an index ought to be banished ten miles beyond Hell where the Devil himself could not go because of the stinging nettles."⁴ Smith does not otherwise deserve such banishment; he should promptly claim his rightful place in Heaven by providing these essential tools for a 1450 page book.

Considered as a casebook for a law school course, the volume will doubtless evoke reasonable differences of opinion. Its very great merit as a treatise and source book may be deemed its weakness as a casebook. The author has striven—successfully—for extensive coverage to provide a "minimum foundation of knowledge of the materials relating to labor-management relations." Whether for the purpose of conserving space or for other reasons, he has cut and edited the reported opinions mercilessly; and he has employed without stint the method of brief summary and digest, either his own or the Board's. But the result of the author's great range and industry is a book with ample information and stimulation for any course in labor law that an instructor or student may desire.

*Harry Shulman**

¹ COX, *CASES ON LABOR LAW* (1948).

² HANDLER AND HAYS, *CASES ON LABOR LAW* (1950).

³ GREGORY AND KATZ, *LABOR LAW: CASES, MATERIALS AND COMMENTS* (1948).

⁴ 60 *YALE L. J.* 200 (1951).

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