

Book Reviews

Follow this and additional works at: <http://digitalcommons.law.umaryland.edu/mlr>

Recommended Citation

Book Reviews, 18 Md. L. Rev. 178 (1958)

Available at: <http://digitalcommons.law.umaryland.edu/mlr/vol18/iss2/12>

This Book Review is brought to you for free and open access by the Academic Journals at DigitalCommons@UM Carey Law. It has been accepted for inclusion in Maryland Law Review by an authorized administrator of DigitalCommons@UM Carey Law. For more information, please contact smccarty@law.umaryland.edu.

Book Reviews

History Of Employers' Associations In The United States. By Clarence E. Bonnett, Ph. D. Vantage Press, 1957. Pp. 573. \$5.00.

Dr. Clarence E. Bonnett has spent a lifetime gathering and collating the material which forms the substance of the *History of Employers' Associations in the United States*.

There are many fascinating nuggets of information which make the reader quicken with the realization that nationwide strikes, like the steel and coal strikes of a few years ago, are not isolated moments in history but part of a pattern of activity that has a quality of universality. For example: "About 800 B.C. subversive unionism was employed by Sparta to help defeat Athens in the war between the two cities: 20,000 men struck the mine owners of Laurian (near Athens) at the instigation of Spartan employers who promised the strikers better earnings and working conditions under a new regime" (p. 22).

Since the earliest times, employer associations have been used in attempts to defeat the efforts of workers to extract from unwilling employers better wages, hours and working conditions. In more recent times employer associations have become largely appeasatory, acting as buffers to keep the demands of employees as expressed through their very potent trade unions, down to such a level as to make it possible for their conflicting interests to be kept within livable bounds.

Dr. Bonnett displays in this volume such a colossal fund of information and erudition as to keep the reader in a state of awe.

"An Epidemic of Labor Troubles hit Baltimore Employers in 1853. The mechanics struck and resorted to mass picketing. A group of the most prominent lawyers of the city, at the request of the president of the Employers' Association of Master Mechanics involved, gave an opinion that mass picketing accompanied by violence and the blocking of entrances to workplaces by crowds of strikers, so that workmen desiring to work were forced to quit, made a conspiracy. The lawyers cited three authorities and two were the conspiracy cases of the eighteen hundreds. The *Baltimore Sun* commented favorably on this opinion, and referred to the salutary typographical union in contrast to the turbulent one on strike. The union attorney

cited Roscoe's *Criminal Evidence* that the common law gave workers the right to combine to raise wages — as well as employers to fix wages — but warned the strikers that they must refrain from intimidation" (p. 62).

This quotation has a topical flavor very reminiscent of 1957 and is not at all dated nor does it seem peculiar to the 1850's.

While the scope of the study is vast and the marshalling of detail overwhelming, the flow of expression seems choppy, circumlocuted and, at times, rather difficult to follow:

"Among the devices used to check unionism were: increasing number of apprentices, women workers (notably compositors), importation of workmen from Europe, Negro strikebreakers, requiring letters of recommendation from former employers (all of these had to be written by hand), machines, and anti-union shops. . . ."

In a word the book is tediously long and much of its contents seems to be made up of the raw material of notes, taken during the course of research which have been little altered but rather strung together without much effort at harmonizing them with fluid sentence structure. Seamed through the quartz of Professor Bonnett's book are flecks of golden information. The question the reader must ask of himself is how to equate the labor of the mining with the rewards for the effort required?

It is interesting to note that Dr. Bonnett, a scholar who has spent a lifetime in the study of trade associations and trade unions, has come to a highly condemnatory conclusion with respect to the values of trade unions:

"Collective bargaining between association and union has been well established in the building industry as well as in coal mining. In the building industry, strikes and jurisdictional disputes have been probably more prevalent than in any other industry. The devastating effect of a series of jurisdictional disputes has been highly illustrated recently in the building of atomic energy installations throughout the country. The abuses have long been admitted, device after device has been tried to eliminate them, but the atomic energy experience adds only further proof that they are inherent in trade unionisms, . . ." (p. 488).

If the reader were to juxtapose some of the voluminous testimony of the McClelland committee and substitute the names of Messrs. Beck, Hoffa, et al., and the Teamsters Union for those cited in the above quotation it can be seen at a glance that there is much truth in Dr. Bonnett's cynicism about the contribution to present day society made by labor unions.

As a last blast, the volume concludes with a ringing call to protect the poor consumer in the following blistering passage:

"Legislation is long, long overdue in behalf of the consumer, that is, all of us outside the great conspiracies fostered by NRA and its successors — Wagner acts and the like. Laws directed solely against 'labor monopolies' may have merit, but they are largely futile when governments bless the conspiracies of associations and unions as great 'social gains' and resort to conferences of such conspirators to enact further legislation in the name of all of us. 'Collective bargaining' practically ceases to benefit even the working man when it is distorted into an instrument for the price-fixing association. The consumer is entitled to more of the social and economic gains of improved machines and processes of our economic system. It is not the true function of government to foster conspiracies against him" (p. 493).

Many so called "liberals" may wince at some of Dr. Bonnett's conclusions. Certainly labor representatives will heap calumny on him and his work. However the proponents of a working democracy whose principal interest is the protection of the interests of the broad membership of the body politic might well pause and consider whether it is not in fact time for the consumer to be accorded the protection his vulnerable position entitles him to receive from both a rapacious trade union and employer society. If we let unbridled power be reposed in both labor and industry's hands are we not inviting the corruption that is present in both camps. And by the same token might it not be well to reach out the protective mantle of government inspired laws to protect the consumer.

BERNARD J. SEFF*

* Of the Baltimore City Bar.

My Native Grounds. By Royal W. France. New York. Cameron Associates, Inc., 1957. Pp. 255. \$3.75.

Mark Twain once philosophised that "to man all things are possible but one — he cannot have a hole in the seat of his breeches and keep his fingers out of it." Judging from the modeling of his autobiographical apparel, Royal W. France, Esquire, is very much man. This is an awkward book. But, when a lawyer accepts an after-dinner suggestion to jot down his private history in his spare hours and relay them to a friend for typing, he can't be expected to rival Cellini, or even Lincoln Steffens.

When the first parade of Confederate troops marched through Richmond, Mr. France's maternal grandfather, whose house lay along the route, hung out the Union flag. Not being accorded the respect later shown Barbara Fritchie, he moved his family rather hastily to Washington. This capacity for courageous and ill-advised assertion of private conviction was dutifully passed to his lineal heirs. His grandson, Joseph Irwin France, was Maryland's answer to the respectable conservatism of the United States Senate forty years ago. To youngsters like the reviewer the fact that Henry Mencken saw fit to praise the Senator leaves little doubt that he was a pretty unusual fellow. His brother, the author of this discursive, off-hand study in liberalism and dissent, passed quietly through Hamilton College, George Washington University, the Albany Law School, into Wall Street, patent law, and politics, both Republican and Bull Moose. The first hint that he might turn out to be worthy of his maternal grandfather came when Mr. France, called in to run the old Triangle Film Company during a management feud, produced *Ten Nights in a Bar Room*.

An officer of the Brooklyn Young Republican Club, Mr. France voted for Wilson in 1916. After trying, during the Chicago convention of 1920, to land his brother on the Republican ticket, he got mixed up with the unseated socialist New York legislators and wound up in a Philadelphia jail. He quit his law firm, only to bob up as president of the Salts Textile Company, a failing concern. When the bondholders took consolidation steps to secure their interests, he resigned, returning to law practice. But in 1928 he again left the law, this time to assume the responsibilities of teaching economics at Rollins College, and to vote for Al Smith. The Florida climate affected his faith in the two-party system and by 1932 he was not only backing

Norman Thomas but had become the leader of the state's Socialist Party. When F. D. R. gave the country even more than Mr. Thomas had dared promise, he returned to Democracy.

But twenty-odd years of teaching Keynes and dabbling in Central American affairs seemed to lose their utility and, armed with righteousness, Mr. France returned to the national scene in 1951 "to take his stand with Gideon's host in the defense of our liberties".¹ The last two-thirds of his book is devoted to a meander through the acquaintances, experiences and thoughts acquired in his personal effort to bring legal assistance to those caught in the net of our security-conscious seiners who went forth to haul Reds, and red herrings. The reader will meet Harry Sacher, Simon Gerson, the late Jack Peurifoy, ex-Senator Robert C. Hendrickson (Rep. N.J.), Morton Sobell, the Bradens of Louisville, Robert Thompson, Representative Francis E. Walter (Dem. Pa.) and others too numerous to mention.

As the pages run on, a portrait of Mr. France appears out of the mish-mash: a talented, vigorous, honest, terribly deluded man; a person with great courage, and precious little judgment; a man wed to causes, strongly impelled by a big heart, poorly guided by a small head. When he emerged from the cocoon of classical economics to the rough-and-tumble of Smith Act trials and ambitious committee investigations, Mr. France was told that the Communists would "use" him. Replied the lamb, "I wish to be used . . . I have a Constitutional and moral right to work for and with Communists for ends in which I believe."²

Of his losing appeal from the conviction of the Baltimore Six³ he reflects, "[w]hen I looked into the hard faces of the judges I knew that we were doomed to lose . . . [Chief Judge Parker] was a bitter and prejudiced man . . . I knew that the judges' minds were tight as closed traps and their hearts pitilessly cold where anything touching upon communism was concerned."⁴ Such pie-tossing antics, like the 13th stroke of the old clock, not only are foolish in their own right but also cast doubt on all previous assertions.

ROGER D. REDDEN*

¹ FRANCE, 95.

² *Ibid.*, 100, 231.

³ Frankfeld v. United States, 198 F. 2d 679 (4th Cir., 1952).

⁴ FRANCE, 113. Bracketed material added.

* Of the Maryland Bar; former Editor, MARYLAND LAW REVIEW.

Racial Discrimination And Private Education. By Arthur S. Miller. Chapel Hill. The University of North Carolina Press, 1957. Pp. ix, 136. \$3.50.

Within the confines of this short book, Professor Miller has done a remarkably thorough job of analyzing and considering the legal problems which private educational institutions, particularly the southern schools, now face, or undoubtedly will face in the immediate future, as a result of the Supreme Court's decisions in the *Segregation Cases*.¹ The author is a lawyer and college professor (Emory University), and although his approach is primarily that of a lawyer interested in the legal aspects of the problem, his style and language are non-technical so that any intelligent laymen may easily understand and appreciate his discussion of the problems.

He considers the position of private education in this country, its relation to the public school system, and the extent to which it may be subject to regulation and control by the state and federal governments. In addition possible non-governmental sanctions which might be imposed by individuals or private organizations, such as accrediting agencies, are discussed. Although such regulations and sanctions might conceivably be used either in favor of or in opposition to integration, it seems clear that, except for court action, most of the pressure will be exerted in attempts to prevent or delay integration. The pressure, as Professor Miller indicates, is likely to be very great, and the delaying tactics adopted by private and public agencies such as to prevent effective integration for some time. However, the author makes it clear that, in his opinion, most of the tactics which are likely to be employed by governmental authorities will probably not stand up when subject to court action. On the other hand there are a number of private institutions which are quietly proceeding with integration on a small scale, and the success of these experiments may well have great influence in the future on both private and public education in the South.

This book contains an excellent discussion of the legal problems which private educational institutions face as a result of the integration movement. Although it does not offer much solace to those interested in defeating integration, the book should prove very useful and informative to all who have to deal with those problems.

LAURENCE M. JONES*

¹ *Brown v. Board of Education*, 347 U. S. 483 (1954).

* Professor of Law, University of Maryland School of Law.

NEW PUBLICATION

Third Edition

OF

**A CLASSIFIED INDEX OF MOTOR
VEHICLE CASES**

IN THE

COURT OF APPEALS OF MARYLAND

(indexed through 211 Md. Reports)

First and Second Editions

by

ROSZEL C. THOMSEN

Third Edition

by

**GEORGE EDWARD THOMSEN
OF THE BALTIMORE BAR**

Price

\$7.50

(if mailing is required, add 16¢)

THE DAILY RECORD COMPANY

P. O. BOX 296

15 E. SARATOGA STREET

BALTIMORE 3, MD.

PLaza 2-3849

Please mention the Review when dealing with our advertisers.