

the devotion of full time to legal services and the compensation for such services which are so nearly absent in the beginnings. It was inevitable, it seems to the writer, that devoting full time to the profession necessitated attention to compensation; that compensation, even though inequitable and at times inadequate or excessive, is better than a system dependent on gifts or spoils. Yet, the commercial aspects of the lawyer's activities lead to practices that are indefensible and to a lowering of professional ideals to the level of the commercial enterprises which are served.

In the opinion of the undersigned, the seed of most of the trouble, however, lies not in compensation evils, but in the profession's acceptance of too great loyalty to the client's causes. An accepted rule of conduct, it seems, is to serve your client at all times and places in and out of court, allowing the client to determine the course which will best serve his cupidity, and let your adversary do the same for his client. Thus represented, neither side will get anything that he does not deserve. This philosophy is too complacent to stand the tests of experience. Such a code will permit an attorney to defend the action and conduct of a client which he would unhesitatingly refuse to practice himself or to tolerate among his intimate friends and associates; will cause them to accept employment in actions which are indefensible and to give their utmost in an unjust cause in the hope "that a break in the game" may "Give them the ball" and that, "that God given grace," the Statute of Limitations or laches, may bring to naught the efforts of the aggrieved.

The book is pleasant reading. It evidently comes from the pen of one who loves the legal profession and whose learning enables him to properly stress the favorable roles which the lawyers have played in the great conflicts of history. It is reassuring to us who have been and are being hammered somewhat unfairly by public opinion.

I shall close this review with a quotation wherein the author gives expression to an optimistic sentiment which may well be said to be expressive of the entire book: "The spirit of the legal profession will in time establish institutions under which men and peoples may live and grow with the maximum of freedom, institutions to which the industrial and labor organizations will defer and to the which nations themselves will submit their differences with abiding faith in the reasonableness and good conscience of disinterested men. The professional spirit can supply such men. That principle of social growth which made the slave a freeman, the serf a freeholder, the subject a free citizen, will not now abandon the people of the world to industrial bondage or any form of absolutism."

EVAN A. EVANS*

How To Operate under the Wage and Hour Law.¹ By Alexander Feller and Jacob E. Hurwitz. New York: Alexander Publishing Co., 1938. Pp. vii, 248. \$3.50.

This book, priced at \$3.50, is one more indication of the publishing fraternity's profound faith in the credulity of the American businessman. That it is a completely superficial effort to be the first to capitalize upon the fears of business is apparent to anyone willing to spend ten minutes thumbing pages. This reviewer, not so fortunate, was forced—by a quixotic regard for fair play—to read the entire book before voicing the conclusion that not even erroneous advice is given on "how to operate under the Wage and Hour Law."

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¹ 52 Stat. 1060-1069 (1938); 29 U.S.C.A. sec. 201-219.

Roughly, the book is divided into two parts, the first discussing the act and the second setting forth in general terms the concept of interstate commerce. To call the first section a discussion of the act is to be charitable; it is little more than a restatement. For example, the portion on "computation of overtime"² contains not one word as to the meaning of the phrase, "regular rate." Nowhere is the perplexed employer advised of the meaning or enforceability of section eighteen prohibiting the reduction of wages which are in excess of the minimums prescribed by the statute. Can an employer, whose employees work regular overtime hours, reduce the hourly rate so as to continue the weekly wages theretofore paid? Concerning employees whose overtime work is irregular, may they be paid regular wages? What about the possibility of inconsistent court rulings where more than one of the remedies provided by the act is pursued? These are only a few of the many problems ignored in wholesale fashion.

The second section of the book, occupying twenty pages, contains a rather surprisingly good statement of the evolution of the commerce concept. Its brevity and superficiality is excusable in a book intended for the layman. On the other hand, it is objectionable because, since it deals exclusively with the power of Congress, it is more or less irrelevant. Questions of interstate commerce under this statute will depend, not on considerations as to legislative power, but on the determination of the extent to which Congress has utilized that power. Many problems arise: What is the effect of making the act applicable to employees rather than employers? What type of employee is engaged in interstate commerce? How far will the courts carry the interpretation of the words "process or occupation necessary to the production" of goods for commerce?³ The reader looks in vain for advice or discussion.

The remaining one hundred and fifty pages are given over to a reproduction of the act and certain rules and regulations, together with a long list of citations to National Labor Relations Board cases, categorized according to industry. This last, apparently, is based on the dubious hypothesis—never defended—that the interpretation of the National Labor Relations Act⁴ will aid in the interpretation of the statute which is the subject of the book.

In this reviewer's opinion it would be difficult to write a book less fitted to advise anybody "how to operate under the Wage and Hour Law."

ROBERT LEVIN*

The Rise of a New Federalism. By Jane Perry Clark. New York: Columbia University Press, 1938. Pp. xvii, 347. \$3.50.

This book has been needed for a long time. It describes a phenomenon of American government that has had much less attention than it deserves, the increasing practice of cooperation between two or more governments on common problems, and more particularly the cooperation between the states and the United States. In fact while constitutional lawyers have been debating and judges of appellate courts have been deciding on the scope and limits of state and national authority, the governments concerned have in very many cases discovered that their interests and purposes were

² P. 28.

³ Sec. 3 (j).

⁴ 49 Stat. 449 (1935); 29 U.S.C.A. sec. 150.

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