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## Review of “Labor Treaties and Labor Compacts,” By Abraham Weinfeld

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ous instances are reported of active criminals in legislative, executive, and police offices. Without these co-workers in public office, the crime-business would be doomed.

The criminal is aided greatly also by ready sympathizers in private life who offer shelter and other forms of assistance. Indispensable to the thieves are the numerous "respectable" distributors who help in the marketing of the loot. Furthermore, "The legal profession, wittingly or unwittingly, has done more to clog the courts, to delay prosecution, to open prison doors, to surround criminals with legal and statutory safeguards, and to stultify justice, than any other single medium in our criminal history." It might be commented here that if these results have come "unwittingly" there is something wrong with our legal system which calls for constructive action and if the results have come "wittingly" the purging of the legal profession which is now under way calls for a brisk acceleration in tempo.

Courtney Cooper sees much that is admirable and promising in the agencies of the national government and their recent activities and achievements. But for a solution of the problem of the business of crime he regards it as indispensable that law enforcement be completely divorced from politics and from criminals. For this, a crystallized and vigorous public opinion is needed. "There is no weapon on earth so powerful as the ballot when properly and consistently used as a means of reward or reprisal. This weapon has been unflinching over a period of many years. It is yours in the interest of a crime-free America—If you will use it."

A sensational volume? Rather a sober volume of sensational facts by an eminent journalist who has an effective way of mustering an amazing collection of data; a good bit of ugly realism for both the active and the prospective lawyer to contemplate; scholarly in its own way—which is, of course, not the academic way.

St. Louis, Missouri.

ARNOLD J. LIEN.†

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LABOR TREATIES AND LABOR COMPACTS. By Abraham C. Weinfeld. Bloomington, Indiana: The Principia Press, Inc., 1937. Pp. VI, 136.

In view of the entrance of the United States into the International Labor Organization in 1935, the World Textile Conference in Washington in 1937, and the recent steps towards regional state compacts within the United States involving aspects of the labor problem, the appearance of this volume seems peculiarly timely. In part the book consists of articles previously published in the Law Reviews of the universities of California and Chicago, and of George Washington University. The author, a member of the New York Bar, writes with clarity and extensive documentation; but the study is not an exhaustive one and the reasoning and conclusions on controversial and unadjudicated questions are not always convincing.

The core of the volume is the treaty-making power; its extent and its limitations. The author expounds at length his thesis that agreements and

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compacts are included in the word, *treaty*, as that word is used in the constitutional grant of authority to the president and the senate but are specifically excluded when the same word is used in the constitutional limitations on the states. If this thesis is valid, "agreements" would require the same senatorial ratification as treaties and the "presidential agreements" made from time to time without the approval of the senate would have no validity. The thesis is in need of further study and discussion.

It has been regularly accepted that the treaty-making power, in the absence of any detailed definition or limitation in the constitution, was intended to extend to all subjects which are customarily dealt with in treaties. Labor conditions have in the twentieth century come to be subjects of this class. No treaty has thus far been held unconstitutional even in cases where the stipulations were in conflict with state laws. Furthermore, it seems to be well established that on subjects within the legislative competence of Congress, treaties are on a parity with Congressional statutes. It is generally agreed that the treaty-making power is limited by the specific prohibitions found in the constitution. The author is certain that it is limited also by the "due process" clause of the Fifth Amendment, in exactly the same way as is the power of Congress—a limitation of great importance in the field of labor legislation and possibly in the future in the field of labor treaties.

The author deals also with the possible procedure to be followed in the United States in connection with the conventions and recommendations adopted by the International Labor Organization where, as may commonly be expected to be the case, supplementary national or state legislation or compacts are necessary after a treaty has been made. He has included a chapter on Canada.

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