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A Handbook of NRA (2nd Ed.) (Book Review)

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The book under review is suggested as typical of an instance where rigidity of form has well-nigh overpowered the master and unduly cramped his subject. Criminal law, in the first place, does not readily lend itself to handbook treatment, if the aim of the author is scholarly. To "succinctly state the leading principles" of a law which is wholly statutory in some jurisdictions and partially so in others, is to accomplish well-nigh the impossible. To give "a more extended commentary" in a field of law such as this must for lack of space, if for no other reason, degenerate into a statement of the conflicting principles and rules in the various jurisdictions. Naturally, little or no space can be devoted to a full expression of the author's views on the more complex aspects of the subject. Who is there who would be disinterested in the reaction of the learned author to the rule laid down in *People v. Koerber*² on the question of defendant's proof of intoxication in prosecutions for murder committed in the course of a robbery and the possible application of such rule where the felony involved is other than robbery? However, this case is merely cited³ in support of a general statement concerning the lessening of the degree of homicide by proof of intoxication of defendant. In like manner do many of the other intricate problems of the subject go undeveloped, if not unmentioned. To state "that the law is unsettled or uncertain, or that it is, in particular respects, inadequately developed"⁴ is merely the preface to a solution which we might well ask of the learned author.

Although the text is disappointing in the matters discussed, it is not without many valuable features. As an aid to the law student in attaining a perspective and to the practicing lawyer in his research, the book is highly recommended. The pertinent references to numerous articles appearing in law reviews as well as the copious citation of cases, illustrative of the principles stated, render it a source book of exceptional merit. For these reasons, in particular, this volume should and will find a place in the libraries of both law student and practicing attorney throughout the country.

EDWARD J. O'TOOLE.

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A HANDBOOK OF NRA. Second edition. Edited by Lewis Mayers. New York: Federal Codes, Inc., 1934, pp. xxiii, 842. With semi-monthly supplement service to December 31, 1934.

The National Industrial Recovery Act and the Agricultural Adjustment Act are the twin measures adopted by Congress early in the year 1933 for dealing effectively with the problems of the depression. As might have been anticipated, these enactments of Congress gave rise to a new body of law, and the present Handbook, which is already in its second edition and contains more than one thousand pages, is devoted to documenting NIRA and collecting authorities in an extremely convenient and workable manner.

² 244 N. Y. 147, 155 N. E. 79 (1926).

³ P. 139.

⁴ Preface, v.

Lawyers are familiar with the extreme difficulties involved in the problem of indexing decisions of courts and the enormous amount of research that is necessary in order to find cases in point. In fact, as the mounting volume of reports continues to grow, it becomes more and more plain that within a comparatively short time short-cuts will have to be devised in order to make available the bulk of judicial decisions for the use of everyday law practice. Professor Mayers has performed a great service in preparing this volume and collecting all of the essential and important decisions so that they are now easily accessible. Here will be found a scientific classification of the work of the National Recovery Administration. The exact terms of the Statute, the language of the codes adopted thereunder, executive orders, judicial decisions, and legislative history are all collected and presented in convenient and workable arrangement.

It is difficult, of course, to say very much in review of a source book of this kind, but the reviewer's eye is caught by the inclusion of many decisions which have already become historic. Thus for example, in a recent number of the supplement there is reprinted the decision of the National Labor Board in the now famous *Houde Engineering Co.* case. We read also with great interest the forward-looking decision of Judge Knox, blazing a new trail in the construction of the constitutional enigma—"interstate commerce," in the case of *United States v. Spotless Dollar Cleaners, Inc.*,¹ reported at page 130 of the supplement to this volume. In his opinion, Judge Knox makes a very interesting comment with regard to the emergency powers of Congress. He says:² "I agree with the proposition announced by the Supreme Court, and here called to defendant's aid, that an emergency is incapable of conferring power, previously non-existent, upon its victim. At the same time, it must be said that the victim, in an effort to extricate himself from his predicament, and to survive, can use his latent strength to the full. The struggle that is put forth may be ill-timed, and awkward; it may not conform to precedent, and it may eventuate in utter futility, so far as the object to be achieved is concerned, but the strategy of a battle within the limits of strength, belongs to the authority in command."

In sharp contrast to this stands the opinion of Judge Bryant of the District Court of the Eastern District of Texas, in one of the so-called "hot oil" cases.³ His unfriendliness to the New Deal legislation peeps through his language. He says:⁴ "To sustain a pretension to power so vast and so unprecedented and so unheard of should certainly find its basis in the clearest expression of intent upon the part of Congress." And further on he continues:⁵ "Entertaining as I do the gravest misgivings, if not the absolute certainty of conviction that this provision of the act is invalid by reason of its delegation to the executive of legislative authority, yet conceding it for the purposes of the decision to be valid, it is obvious that the President and his agents under their rules and

¹ 6 F. Supp. 725 (S. D. N. Y. 1934).

² *Id.* at 732.

³ *Amazon Petroleum Corp. v. Railroad Commission of Texas*, 5 F. Supp. 639 (E. D. Tex. 1934).

⁴ *Id.* at 646.

⁵ *Id.* at 649.

regulations could exercise no greater authority nor to any greater extent than that which was exercised by Congress itself."

In a review of this book it is hardly possible to comment upon the endless number of situations which have arisen in connection with the administration of the Recovery Act, but I believe enough has been said to show that this is a source book of great value to those who are engaged in advising clients with regard to their rights and duties under the National Industrial Recovery Act.

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STATELESSNESS: WITH SPECIAL REFERENCE TO THE UNITED STATES. By Catheryn Seckler-Hudson. Washington, D. C.: Digest Press, American University Graduate School, 1934, pp. xxi, 332.

The efforts of the Department of International Law and Relations of the American University Graduate School to promote interest in the solution of international problems has been rewarded by the publication of its first volume in a series dealing with that subject matter. And while the man in the street might well disagree with Ellory C. Stowell's view that "there is no problem in the world today more important than that of nationality"¹ no one seriously would deny that the matter is one which should have received more attention because of the increasing interest and importance attached to international current events. A Yugoslavian king's death on French soil is sufficiently interesting for Americans to predict on whose side we would be if a conflict followed; it certainly should be as interesting to know the nationality of a man who might be a pawn in the affairs of state. There is no escape from the conclusion that the affairs of foreign nations have a decided influence on domestic thought and action. Dr. Hudson's book provides an excellent adjunct to the growing interest.

Quite apart from the matter of personal rights in international law are those of property, and, whereas an individual may not frequently, or ever, be confronted with the problem of protection by his home country when charged with a crime abroad, little commerce could take place without a consideration of the property rights of individuals in international affairs. Much progress has been made by treaties between nations, but the fundamental problem of nationality still acts to hinder the free intercourse of commerce.

Dr. Hudson's efforts might conveniently be classified into statelessness as a result of marriage and statelessness not resulting from marriage, following which are the proposed solutions to the problems. The situations brought about by marriage and the application of the nationality laws of different countries indicate quite clearly the necessity for uniform regulation either by treaty or municipal legislation.

¹ P. ix.