
The not unnatural desire of municipal employees to emulate the conduct of their brethren in private industry has provoked an unrest fraught with grave implications. Demands of such employees for the privilege of collective bargaining, for closed governmental shops, as well as for the right to strike have been fostered by the existence of Labor’s "Magna Carta." While that document expressly excepts public employees from its scope, war-induced shortages of labor have led some municipalities into making formal or informal working arrangements with unions. The matter of the validity of these agreements, long the subject of doubt, is now leading to court tests.

The contrast between conflicting philosophies is vivid. The late Calvin Coolidge's famous statement that "There is no right to strike against the public safety," represents the one view. The other is marked by the syllogistic reasoning of the General Counsel for the American Federation of Labor. He has stated the other position to be: "That which is beneficial to public welfare is within the power and authority of a municipal government; collective bargaining between private employers and their employees is beneficial to public welfare; therefore, collective bargaining between municipal employers and their employees is within the power and authority of municipal government." The sum of these facts is a problem which must be solved, not avoided, if efficient government for the people is to continue.

Faced with that problem, the General Counsel of the National Institute of Municipal Law Officers, with the assistance of some four hundred institute members, has now revised and brought up to date a somewhat similar report issued in 1941. The present volume analyzes every court decision, of inferior jurisdiction or otherwise, on the subject of the rights and relations of labor unions and municipal employers. It marshals all constitutional and statutory provisions on the point. It correlates the opinions of attorneys general and city attorneys and presents, in an appendix, not only the full text of all available agreements and contracts but also lengthy extracts from briefs prepared in those cases which have reached the courts. Based on this material, most of which is inaccessible except through this volume, certain conclusions are drawn. These conclusions may be summarized by the statement that, as the relationship between workers and municipal employers is unique, solutions developed in the field of private industry are inapplicable.
As the material is primarily presented for the guidance of municipal law officers, who must declare the law as they find it and possess no authority to change that law, the book may be said to be negative in character. It is not without sympathy to employee demands, however, so it could well be made the starting point for those who would seek to fashion the law so as to reconcile the conflicting philosophies mentioned above.

The accuracy of its statements may now be ascertained by reference to two high court decisions rendered since this report was prepared. The right of municipal employees to organize has been denied in the Florida case of *Miami Water Works Local No. 654 v. City of Miami,* while the California Labor Code has been held inapplicable on the point of collective bargaining between a municipal government and its workers. There would seem, from these decisions, to be no basis for distinction in law between employees engaged in proprietary functions and those performing governmental tasks. The problem must, therefore, be dealt with as one which will involve either a resignation to the status quo or a complete overhauling of all of our theories of municipal government. It cannot be tackled piecemeal without weakening, and eventually shattering, the hundreds of compromises worked out over generations to fit municipal law into harmony with private law. That, at least, is made apparent by the materials gathered in this excellently compiled report on a seriously controversial subject.

W. F. Zacharias


Especially interesting to California lawyers is this new publication dealing with a vital segment of family law. It presents, for them, much practical advice as to local requirements which should be observed in handling adoption proceedings. It also deals with the related problem of how, an abandoned minor may, pursuant to local code provisions, obtain freedom from the custody and control of his or her parents.

Arranged as a practice book rather than a text, the work has a tendency to become repetitious and would seem lacking in organization until it is noticed that the authors have attempted to segregate into distinct categories the several substantially similar requirements pertaining to the different types of adoption proceedings common in California. It might have saved confusion, however, had the authors dealt with each

---

1 — *Fla. —*, 26 So. (2d) 194 (1946). Buford, J., wrote a dissenting opinion.

type as a unit, so as to present a connected and complete account of one kind of adoption proceeding before undertaking to discuss another. A similar grouping of the forms supplied by the authors might have made the publication more helpful to the attorney retained in such matters.

There is no gainsaying the fact, however, that the authors are intensely interested in the subject of their treatise and they do write from a background of experience and with a sincere desire to improve the lot of parentless children and childless "parents." The publication should, therefore, interest all concerned with child welfare even if it does no more than provide a criterion by which to measure the adequacy and performance of adoption laws in other states.

W. F. Zacharias