

# Washington University Law Review

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Volume 24 | Issue 4

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January 1939

## Review of “Government Corporations and State Law,” By Ruth Weintraub

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### Recommended Citation

Walter Freedman, *Review of “Government Corporations and State Law,” By Ruth Weintraub*, 24 WASH. U. L. Q. 621 (1939).

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with a survey course in federal procedure designed to supplement the conventional second-year course in civil procedure or code pleading, with the special aim of developing the critical power of students.

TYRRELL WILLIAMS.†

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GOVERNMENT CORPORATIONS AND STATE LAW. By Ruth G. Weintraub. New York: Columbia University Press, 1939. Pp. 200.

As one who has had occasion to concern himself with many book reviews, it has never been clear in my own mind whether I have a greater dislike for the reviewer who succumbed to the all too prevalent malady of discussing not the book written, but the book which might have been written, or the reviewer whose effort ended with giving a compendium of the book reviewed. I do know that the latter has little educational value—so I shall try to avoid it; I know that the former requires a fuller scholarship than I possess—so I must avoid it.

Unlike earlier books on government corporations, this does not seek to judge the values of federal corporate activities or to determine their proper scope. It was the author's purpose to examine the influence of state laws on federal-owned and -controlled corporations, and that of the corporations on state laws. This ambitious aim required, among other things, an investigation into the significance of the corporate form *qua* form as a device for minimizing the difficulties in carrying on federal activities in the several states. And the discouraging result is, as the author points out, that the difficulties have not been minimized. Indeed, a few have been added.

Yet we must not suppose—surely the author does not want us to—that the government corporation has not served and is not now serving a worthy purpose. The government corporation is now an established item on the agenda of government. It may not be too late to deplore, but it is too late to deny the increased scope of governmental functions. Remaining, is the vital problem of selecting the machinery by which these activities are to be performed. Since the establishment of the Interstate Commerce Commission in 1887, the regulatory activities of government have largely been deposited in administrative agencies. When diplomatic or economic exigencies have required of the government that it provide services, rather than that it regulate services supplied under the auspices of private enterprise, the corporation has customarily been utilized. Recently, it has been tried and tested as the salve in the New Deal's therapeutic program and has been found not wanting.

The government corporation has been a method of escape from the inadequacies of the regulatory process and from the rigidities of governmental departmentalism. But it has solved none of the complicating problems which arise from our dual form of government, for its importance lies not in its influence upon state law or vice versa but in that it provides a vehicle through which government may render a service with the facility of a private organization. What the book does disclose is that the states have

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indicated a growing willingness to cooperate with the federal-owned corporations in an endeavor adequately to cope with mutual problems. But the corporate form did not engender the cooperation; rather, the cooperation was forthcoming because of the type of activities which the corporations were performing. Orthodox administrative agencies performing such services would have received and, in fact, do receive similar cooperation. The author is aware of this fact but seems reluctant to emphasize it. Perhaps, the restricted scope of the treatment demands that she be so, yet, to discuss the influence of state laws on federal instrumentalities viewed structurally rather than functionally gives a somewhat distorted picture.

Because the largest part of the book is primarily descriptive, the treatment will be more revealing to laymen than helpful to lawyers, who are customarily more concerned with profound and penetrating analysis. But if the lawyer will not be interested in the first half of the book—which is largely a digest of statutes and decisions, he should find some interesting data in the latter half of the book dealing with the collaboration of administrative functions of the corporations and the several states. And all will find interesting the author's treatment of lobbying (in the discreet sense of the word) by the federal agencies in state legislatures. Believing as she does that it becomes the duty of national officials to anticipate and suggest to states the necessary complementary legislation, the author concludes "that considerable skill and flexibility have been developed by the government corporations in pooling national, state and local administrative resources for the harmonious functioning of all parties concerned."

Apart from contents, I found no liveliness of style. No one will consider this an effervescent book. It does not bubble with vitality and does not overflow with optimism. I do not suppose this book will be widely read or widely reviewed, and I doubt that it will make much difference.

WALTER FREEDMAN.†

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SIR WILLIAM BLACKSTONE. By David A. Lockmiller. Chapel Hill: The University of North Carolina Press, 1938. Pp. xv, 295.

Blackstone has always been a book and not a man. Dr. Lockmiller's purpose was to reveal the man to the present generation of American lawyers. That Blackstone was the author of one of the best known books on the common law ever written, a judge of the Common Pleas, and compiler of a valuable collection of *Reports*, has always been remembered. That he was a teacher of law who did much to shape the character of legal education through his classes and lectures, quite aside from his books, has been generally forgotten. He also played a very considerable part in the learned life of Oxford's most learned college for nearly a quarter of a century; was an influential figure in shaping the history of two more colleges; and was one of the best business men in handling college property, collecting college debts, and securing contributions of any college don in Oxford's history. In order to complete the building of the library of All

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