Film Review. The Constitution and Employment Standards

Ivan C. Rutledge

Indiana University School of Law - Bloomington

Follow this and additional works at: http://www.repository.law.indiana.edu/facpub

Part of the Labor and Employment Law Commons, and the Legal Education Commons

Recommended Citation

http://www.repository.law.indiana.edu/facpub/2238
Let it be supposed that there are two uses of moving pictures in legal studies: one the diagrammatic, the other the humane. A diagrammatic presentation falls into the realm of reference materials which supply precise answers for questions that have already been formulated or may be readily formulated as the exposition proceeds. A humane work, on the other hand, seeks to generate questions about the human condition; and if it is well done, it is a work of art by virtue of its creative use of symbols in such a way as to speak with integrity, to appeal to the whole man. This study of federalism and judicial review, it seems to me, serves the humane more than the diagrammatic. Therefore, its value is liable to heavy discount by a teacher who looks for materials from which students can add to their store of factual knowledge about legal systems and rules. Its stress is rather upon the overtones of system and rule, and it is, therefore, an ambitious undertaking.

Some may object that the humane is not of the essence in the formal undertakings of the law school; that its mission is so compressed into a short period of time that liberal arts must be, however regretfully, excluded from the constellations by which it navigates. At least, this argument may be a counsel of caution against extending reach too far beyond grasp; but those who reach are, in any event, entitled to respect for their aims.

This film, moreover, is in some terms a work of art exceeding mere journeyman’s artifice. The documentary approach is manifested in the humdrum swoop of federal investigators upon a humdrum lumbering operation in Georgia. A law student who sees this will have realized something about investigation that is not contained in refinements of subpoena doctrine. I am not sure that it would be a sufficient answer to say that he will see it in his practice, because he may not; and even if he does, since that experience is postponed, it is not there to provide background for his law school introduction to powers of investigation through appellate court reports. On the other hand, an episode of closing the employment gate to a minor to illustrate an effect of the Child Labor cases does not in my opinion carry the same authenticity, nor do snapshots of breadlines to provide detail for congressional efforts to solve problems. The lawyer’s conference with his

* Information as to purchase or rental may be obtained from the National Legal Audio-Visual Center, Indiana University, Bloomington, Indiana.

1 The case is, of course, United States v. Darby, 312 U.S. 100, 61 Sup.Ct. 451, 85 L.Ed. 600 (1941). It is the center of attention from which the film develops an outline of the constitutional struggle over legislative establishment of employment standards. The actual location was used.
The client is well suggested, perhaps in part as a result of the participation of the principals instead of actors to represent them. Altogether, I consider the documentary effects outstanding, in a medium to which the kind of documentation that was used lends itself with a distinctive impressiveness.

The theme of the judiciary as an "auxiliary precaution" for elective government was deftly carried out, if the audience is composed of law students. However, a sequence of "box scores" visualized with the pictures of the justices in the majority and those in dissent in a succession of cases seemed to me an awkward statement too readily susceptible of superficial interpretation that government by judiciary is government of men and not of law. Audiences other than those composed of law students may find this sequence a confusing distraction from points elsewhere suggested concerning the insulation of judges from politics (through life tenure and judicial methods of proceeding in specific cases). Even for law students, there may be a nonpictorial way of stating the other side of the issue that would frame it in better-rounded terms. The eye of the beholder would be the measure of success of the venture in terms of humane letters, and as an individual, I consider that my time was well spent watching the film. As a teacher, I should be reluctant to make it "required work," although it seems to me to justify considerable effort to make it available for voluntary viewing by those who have been substantially introduced to the study of law.

I have tried to suggest that the theme as I understood it may present its central issue unfairly to the unsophisticated viewer. The difficulty seems to be that the theme is too involved for pictorial treatment. One of the hazards of a picture is that it lacks precision in communicating abstract ideas. Box scores are also blunt instruments by comparison with able judicial opinions. Combined, they provide an uncertain light in comparison with a few well-selected words from Hamilton and Madison. Yet, if pictures can be combined with words so as to give back to abstractions some of the concreteness of experience with a minimum of distortion, the educational effect of the abstract should be enhanced. Hence, this film, in view of the difficulties inherent in its theme, is entitled to respect not only for its aims, but for the degree to which they were approached.

Ivan C. Rutledge.

Indiana University School of Law.

A PRE-TRIAL CONFERENCE. A 16 mm. black-and-white sound film production by the University of California. 1957. 25 minutes.*

The recent filming of a pretrial conference by the University of California provides an additional method of propagandizing a procedural device which has long been a favorite subject for lecture and demonstration. The subject matter of this particular conference involves a familiar "exploding bottle" accident in which the injured party institutes an action against the retailer, bottler, and the manufacturer of the bottles. There are sufficient complexities in the case to demonstrate the usefulness of the pretrial conference in clarifying pleadings, securing admissions of evidence, limiting the

*I. e., defendant and his counsel in United States v. Darby, supra note 1.
*Information as to purchase or rental may be obtained from the National Legal Audio-Visual Center, Indiana University, Bloomington, Indiana.