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## Review of “Open Occupancy vs. Forced Housing Under the Fourteenth Amendment: A Symposium on Antidiscrimination Legislation, Freedom of Choice, and Property Rights in Housing,” Edited by Alfred Avins

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these mid-twentieth-century problems differ significantly from those which confronted nineteenth-century America,<sup>13</sup> our experience is relevant. Hurst illustrates vividly the complexity of the ideological and institutional infrastructure which supported our economic growth; he shows that economic development is intertwined with and dependent upon legal institutions. A precondition to sustained economic growth in the underdeveloped nations is the structuring of their existing legal systems to provide the necessary institutional support for growth. Hurst's history provides some much-needed understanding of the nature and scope of this problem.

In short, *Law and Economic Growth* is excellent and significant American legal history.

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OPEN OCCUPANCY VS. FORCED HOUSING UNDER THE FOURTEENTH AMENDMENT: A SYMPOSIUM ON ANTI-DISCRIMINATION LEGISLATION, FREEDOM OF CHOICE, AND PROPERTY RIGHTS IN HOUSING. By Alfred Avins, General Editor. New York City: The Bookmailer, Inc., 1963. Pp., 316. \$6.00.

This symposium, the first in the country on anti-discrimination legislation in housing, covers a lot of ground. There are general articles on anti-discrimination legislation in housing, a legislative history of the debates on the fourteenth amendment, a discussion of the constitutionality of the President's order barring discrimination in federally-assisted housing, social science assessments, discussions of foreign policy, morality, property rights, and integration, studies on crime, slums, and integration, the Negro housing market, property values, home building, prohibition and integration, and a host of other topics.

The symposium is laid out like a symphony, with each of the individual articles given a part to play. Several of the basic articles make up the theme. Subordinate articles, like subordinate instruments in an orchestra, play variations on that theme, or give emphasis to points not fully covered in the main articles. The totality of the effect, when all of the articles are taken together, is to cover just about every imaginable point connected with this subject.

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13. See Kuznets, *Present Underdeveloped Countries and Past Growth Patterns*, in *ECONOMIC GROWTH* (Nelson ed. 1960).

The theme is opposition to anti-discrimination legislation in housing. Even the few articles by authors in favor of such legislation do not detract from this basic theme. In fact, the weakness and concessions in those articles basically support, rather than detract from this theme, and their ultimate effect is to bolster the flow of the symposium as a whole. Thus, each article, down to those one-page comments, has a role to play in the editor's scheme. Each item makes, emphasizes, or illuminates a point against anti-discrimination legislation in housing. For example, the argument that anti-discrimination legislation in housing is necessary to win support in the struggle against communism, win friends among African nations, etc., is answered in four different places in as many different ways. The morality basis of this legislation is taken up in three different places, while still a fourth article compares the moral preachments in favor of such legislation with those which were issued to favor prohibition a half century ago—a comparison which must necessarily be unflattering. The basic constitutional questions involved are handled in lawyer-like articles, which sometime partake of the nature of well-written briefs, in three different ways, consuming seventy-four printed pages which frequently contain more footnotes and citations than text. Thus, the entire symposium shows extreme care in selection of topics and material, and in scholarly execution, with the end in view of presenting the opposition case to anti-discrimination legislation in housing in the best possible light. To this end, it is apparent that no stone has been left unturned by the general editor.

It is a legitimate inquiry to ask whether there is justification in presenting so one-sided a case against anti-discrimination legislation. This reviewer thinks that there is. The country is currently being flooded with materials favoring anti-discrimination legislation. Almost every northern state has an anti-discrimination commission, or civil rights commission, or human relations commission, or similar commission, with budgets in the hundreds of thousands of dollars, or even more. (The New York State Commission on Human Rights now gets a budget of over a million dollars.) Many cities have similar commissions. Added to this is the United States Civil Rights Commission, private organizations, and sundry *ad hoc* groups. Thus the flood of material supporting anti-discrimination legislation now being issued is fantastic. To this reviewer's knowledge, the housing symposium is the only item on the other side. As such, it will stimulate debate in this important field, always a public good. Moreover, the manifest care devoted to the housing symposium will, it may be safely predicted, make it the study which must be answered by proponents of anti-discrimination legislation in housing.

The housing symposium serves another public good besides merely stimulating much-needed debate. It constitutes the articulation of a disquiet long

felt by a considerable number of lawyers, namely, that "civil rights legislation" which infringed on traditional rights could not be justified. Property rights, and freedom of association and choice, are too deeply imbedded in our constitutional fabric to be torn asunder at the behest of those who claim deprivation at the hands of the majority. The housing symposium represents a protest which will be welcomed by lawyers who would speak out in support of traditional liberties.

For those who oppose anti-discrimination legislation in housing, the symposium represents a refreshing affirmation of the principles they hold dear articulated in a scholarly, comprehensive, and persuasive form. Proponents of such measures will find in the symposium arguments worthy to challenge their beliefs, and the analysis, data, and citations necessary to present these arguments in their most persuasive form. All will find the symposium informative. It is basic material in this area, and deserves wide reading.

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COMPLETE GUIDE TO THE ROBINSON-PATMAN ACT. By Wright Patman. Englewood Cliffs: Prentice-Hall, Inc., 1963. Pp., xiv, 401. \$15.00.

When signed by President Roosevelt twenty-eight years ago June 19th, the Robinson-Patman Act<sup>1</sup> was heralded as the beginning of a new era in federal anti-trust laws. Enacted as an avowed anti-chain store statute, it was intended as a constructive force to protect small businessmen and consumers by outlawing discounts, rebates, and price discrimination, thereby restraining the competitive advantages enjoyed by large monopolistic buyers while preserving the economics of mass merchandising. In the first chapter of the book, by way of highlighting the economic background of this act, the author (one of the original co-sponsors of the bill) recalls that prior to 1935 the A & P received 6 million dollars yearly in advertising allowances from manufacturers of branded goods and another 2 million in brokerage fees on its purchases.<sup>2</sup>

This book is another chapter in the history of the Congressman's defense of the act, which act has been under increasingly more critical analysis by courts, lawyers, and economists. As a powerful figure on Capitol Hill, he has

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1. 49 Stat. 1526 (1936), 15 U.S.C. § 13 (1958).

2. Pp. 1-10, 114-15, 121-22, 127-28. *Great Atlantic & Pacific Tea Co. v. FTC*, 106 F.2d 667 (3d Cir. 1939).