



## Notre Dame Law Review

---

Volume 43 | Issue 6

Article 12

---

1-1-1968

### Book Received

Notre Dame Law Review Editors

Follow this and additional works at: <http://scholarship.law.nd.edu/ndlr>

 Part of the [Law Commons](#)

---

#### Recommended Citation

Notre Dame Law Review Editors, *Book Received*, 43 Notre Dame L. Rev. 1025 (1968).

Available at: <http://scholarship.law.nd.edu/ndlr/vol43/iss6/12>

This Book Review is brought to you for free and open access by NDLScholarship. It has been accepted for inclusion in Notre Dame Law Review by an authorized administrator of NDLScholarship. For more information, please contact [lawdr@nd.edu](mailto:lawdr@nd.edu).

## BOOK REVIEWS

EQUALITY BY STATUTE: THE REVOLUTION IN CIVIL RIGHTS. By Morroe Berger.  
New York: Doubleday & Co. 1967. Pp. viii, 253. \$5.95.

When the first edition of this book was published by the Columbia University Press in 1952, it was subtitled *Legal Controls over Group Discrimination*. Now, with a commercial publisher and a soon-to-be-printed paperback edition, *Equality by Statute* is subtitled *The Revolution in Civil Rights*. The change is more than an attempt to use a catchy phrase. The revolution has occurred in the few years between these two editions. This is made strikingly clear by the fact that the first edition of the book, which antedates the second edition by only fifteen years, was published two years before the Supreme Court's decision in *Brown v. Board of Education*.<sup>1</sup>

Any review of this revised edition, therefore, is justified only by the tremendous number of judicial decisions that have recently gone through the constitutional generator. The book's index of cases lists 183 citations, ninety-seven of them post-1952. If this were a book dealing largely with the recent past, that would not be so striking, but Professor Berger is also very concerned to give us the historical background to see what it all means. As in the first edition, he divides the history of civil rights since the Civil War into two eras, "Two Reconstruction Periods."<sup>2</sup> He sees some parallels between the two periods, the first being the 1865-1876 period of Reconstruction and the second beginning in 1945. The points of comparison are the widespread concern for civil rights (specifically Negro rights) and reliance upon federal enforcement power. The leading cases are all mentioned, along with a summary of the social and economic changes that have made the Negro's lot a vastly different thing than it was when the emancipation came. However, much of the historical evidence used to buttress this comparison will not be new to any student, nor is the analysis striking. This historical background takes up almost three-fourths of the book; the book's main thesis, therefore, has seemingly been revised since the 1952 edition. Berger had previously asked the question: Can civil rights be legislated? Now he must reframe the issue to accommodate the increased activity of the Supreme Court.

Professor Berger is a sociologist professionally. It may therefore be an odd criticism to make in a law journal that the chief lacuna of his historical presentation is the slight recognition made to the effect of groups in the area of civil rights. To be sure, the National Association for the Advancement of Colored People is not ignored, but the references to its work are mostly to its role as advocate. One looks in vain for considerations of group strategy, for example. Although discrimination in housing is discussed in some detail, there is no reference to Clement Vose's basic study.<sup>3</sup> In fact, *Shelley v. Kraemer*<sup>4</sup> and *Hurd*

1 347 U.S. 483 (1954).

2 M. BERGER, *EQUALITY BY STATUTE: THE REVOLUTION IN CIVIL RIGHTS* 1 (1967) [hereinafter cited as BERGER].

3 C. VOSE, *CAUCASIANS ONLY* (1959).

4 334 U.S. 1 (1948).

*v. Hodge*,<sup>5</sup> the restrictive covenant cases, are mentioned without any reference to the NAACP's critical role in developing and arguing them.

The author feels that legislation can support racial justice. At the beginning of the book he comments that "the growth of law supporting equality and the decline of law supporting inequality have marked the last quarter century."<sup>6</sup> At the same time, Berger recognizes that up to now, "law has been more efficient in promoting racial equality than racial amity."<sup>7</sup> One wonders if such a dichotomy is really tolerable in a democratic society. Professor Berger also notes the dichotomous situation whereby those who minimize the power of law as an agency of change are often the same persons who have welcomed it as a tool of discrimination. The new tools of discrimination are even now being forged in cities and states that have suffered from racial disturbances during the recent long, hot summers. Increasing Negro militancy has brought a reaction in the form of laws aimed to combat civil disorder, but quite suited for the suppression of legal means of expressing grievances as well.

Berger takes an optimistic view. After conceding that urbanization of the Negro has caused large-scale violence on a number of occasions, he remarks hopefully that "multigroup urban society outside the South will be a better setting than either the urban or rural South for Negroes to achieve equality of civil rights and economic opportunity if not genuine integration in social life."<sup>8</sup> This statement evades the hard fact that all American urban life is increasingly stratified by race and economic status. What if the flight of the Whites to the suburbs becomes all but universal, as it threatens to be in several major urban areas by 1970? Or, perhaps worse, what if the Whites in the center cities are a deprived minority only awaiting organization to assert their deep hostilities, as is the case with the sizable groups of Appalachian migrants, Mexican-Americans, and Puerto Ricans in various parts of the country? Berger refers to a 1963 study stating that civil rights was most often mentioned in a national poll as the major issue facing the United States.<sup>9</sup> This reviewer recently saw a similar survey that put it in second place — after civil disturbances.

In support of his proposition that legislation can strengthen racial justice, Berger presents a detailed chapter<sup>10</sup> on the New York State anti-discrimination law,<sup>11</sup> enacted in 1945 as the first of the "new" state civil-rights laws. In the first edition of *Equality by Statute*, Professor Berger made a major contribution with his study of the New York law, which he presented as a model. Now that thirty-four states and the District of Columbia have followed the lead of New York, an evaluation was due. The author has chosen to limit his evaluation of the New York law to the area of employment opportunities. This was the subject of the original law, although coverage of discrimination in public accommoda-

5 334 U.S. 24 (1948).

6 BERGER 4.

7 *Id.* at 223.

8 *Id.* at 24.

9 *Id.* at 225.

10 *Id.* at 160-204.

11 N.Y. EXEC. LAW §§ 290-301 (McKinney 1951).

tions was added in 1952,<sup>12</sup> public housing in 1955,<sup>13</sup> and private housing in 1961.<sup>14</sup>

The law is administered by a nine-member State Commission on Human Rights appointed by the governor.<sup>15</sup> Berger reports the statistics on the work of the State Commission in great detail. What emerges is a heartening picture, with what the Commission called "striking gains" in certain businesses.<sup>16</sup> Berger admits that the Commission is neither as successful nor as aggressive as it might be. It is extremely reluctant to use formal regulatory procedures<sup>17</sup> and has been accused of depending too much on conciliation. Berger suggests that a more resolute Commission membership would be willing to employ the powers that are available, but which the present members are reluctant to use. Despite these evidences of timidity, however, the Commission seems to have had a notable impact on job discrimination.

So few quality studies are done on state civil-rights legislation that this reviewer hopes that Professor Berger would find the time to write on the development of the new legislation in this area. *Equality by Statute* is really two brief studies; the first a historical survey of Negro rights since the Civil War, the other the study of the New York anti-discrimination law. The first part is a good summary of what has often been published elsewhere, and sometimes better said. Chapter four,<sup>18</sup> on the New York legislative experience, is the book that should have been.

*Norbert Brockman, S.M.\**

---

LAW, ORDER, AND CIVIL DISOBEDIENCE: RATIONAL DEBATE SEMINARS. Charles E. Whittaker and William Sloane Coffin, Jr. Washington: American Enterprise Institute for Public Policy Research. 1967. Pp. viii, 156. \$4.50.

This slim volume constitutes the second in a series of Rational Debates, sponsored by the American Enterprise Institute, whose purpose is to foster informed opinion on major issues of public policy. The debate took place in three sessions before a select audience of newsmen, academicians, and governmental officials, and the book reflects the lectures and rebuttals of the two speakers, as well as their responses to questions from the audience.

The views of Justice Whittaker, former Justice of the Supreme Court and of Reverend William Sloane Coffin, Jr., Chaplain of Yale University, are diametrically opposed and their conflicts remained unresolved at the conclusion

12 N.Y. EXEC. LAW § 296-2 (McKinney Supp. 1967).

13 N.Y. EXEC. LAW § 296-3 (McKinney Supp. 1967).

14 N.Y. EXEC. LAW § 296-5 (McKinney Supp. 1967).

15 The Commission may investigate complaints, hold hearings (with power of subpoena) and establish advisory groups. Since 1965 it may initiate investigations. If a matter cannot be settled by conciliation, a formal hearing is held, which may result in an order to cease and desist from the discriminatory practice. Fines up to \$500.00 and jail sentences up to one year can be imposed for non-compliance, after judicial review.

16 BERGER 176.

17 *E.g.*, cease and desist orders.

18 BERGER 160-204.

\* Ph.D. Catholic University of America, 1963; Professor of Political Science and Chairman, Department of Political Science, University of Dayton.

of the debate. The total disparity of outlook of the debaters is epitomized in two illustrative statements. Justice Whittaker comments that Negroes in the South "were nearly always filled and warm, were highly free and independent, enjoyed much leisure and generally were a happy lot."<sup>1</sup> Mr. Coffin characterizes Justice Whittaker's statement as totally patronizing and declares, categorically, that this view ignores the fact that Southern Negroes might also have liked the right to vote, to be educated, and to own the land they worked, as well.<sup>2</sup>

Justice Whittaker indicates the nature of his position, at the outset, by stating that he has revised the assigned topic, "Law, Order, and Civil Disobedience," to "The Causes, and the Effects Upon Public Order, of Planned, Mass Violations of Our Laws," since the conduct under discussion constitutes active, overt, and willful mass violations of criminal laws.

In Justice Whittaker's opinion, "the nation is in the grip of planned mass lawlessness and violence, which is seriously threatening to destroy law, order, and all vestiges of civility in our land."<sup>3</sup> He points out that in all recorded history a disorderly civilization has never survived and that the first evidences of a society's decay always appear in "its toleration of disrespect for, and violation of, its laws."<sup>4</sup>

Contending that our governmental system provides adequate means for making and modifying our laws, without a mass flouting of them, Justice Whittaker suggests that those Americans who feel that laws are deficient, unjust, or unfair can exercise their constitutional right "peaceably to assemble and to petition the Government for a redress of grievances."<sup>5</sup> This constitutional guarantee, however, does not encompass the right to take the laws into their own hands, or to refuse to obey them, or to determine which laws they will violate. Accordingly, Justice Whittaker disapproves of the conduct of Negro leaders such as Dr. Martin Luther King, Stokely Carmichael, Floyd B. McKissick, and Elijah Muhammad, "who have exhorted and incited others to violate our laws."<sup>6</sup> He also criticizes the fostering of such demonstrations by influential federal officers like Dean Rusk, Vice-President Humphrey and President Johnson. In addition, Justice Whittaker declares that whites, in their encouragement of Negro migrations northward to escape Southern oppression, have contributed to the sharp increase of crime in the streets.

In Justice Whittaker's opinion, planned, mass violations of law have the collateral effect of a general disrespect for all law and authority. He argues that history demonstrates "that crime feeds on crime, and that toleration of lawlessness erodes and destroys the society's moral standards, and results in ever more lawlessness and more ruthless crimes of all natures."<sup>7</sup> He points out that the minority groups who urge defiance of law are "advocating erosion and destruction of the only structure that can assure to them, or permanently maintain for

1 C. WHITTAKER & W. COFFIN, LAW, ORDER, AND CIVIL DISOBEDIENCE: RATIONAL DEBATE SEMINARS 20 (1967).

2 *Id.* at 49-50.

3 *Id.* at 3.

4 *Id.*

5 U.S. CONST. amend. I.

6 WHITTAKER & COFFIN, *supra* note 1, at 10.

7 *Id.* at 22.

them, due process of law and the equal protection of the laws and that can, thus, protect them from discriminations and abuses by majorities."<sup>8</sup>

Justice Whittaker recommends, as remedies of current deplorable conditions, education of the poor, elimination of ghettos, cessation of demonstrations whose purpose is to force recognition of legal rights without resort to legal process, refusal to tolerate public urging to violate the law, vigorous enforcement of constitutional rights, and an equally vigorous prosecution of willful violations of criminal laws.

The Reverend Mr. Coffin, Justice Whittaker's opponent in this debate, establishes his position in his opening remarks by quoting the motto on Thomas Jefferson's seal, "Rebellion to tyrants is obedience to God."<sup>9</sup> He points out that the problem of civil disobedience is a difficult one, but argues that "men at times will feel constrained to disobey the law out of a sense of obedience to a higher allegiance."<sup>10</sup> It is Mr. Coffin's view that when laws begin to dominate rather than to serve men, far from staving off chaos they begin to invite it. He comments that "it is only a good law, not any law, that stands between man and chaos; the '64 Civil Rights legislation, yes, the 1857 Fugitive Slave Act, no."<sup>11</sup>

It is Mr. Coffin's position that since people tend to be apathetic, their visceral reaction is less to injustice and more to disorder. He feels, therefore, that a planned nonviolent act of civil disobedience can be an act of intelligence and concern and "can reflect an effort to reach the public by refusing to be more loyal to a system than to the people the system was designed to serve."<sup>12</sup> In Mr. Coffin's opinion, the poor, hampered by slum conditions and warped by inferior education, are embittered by the contrasting good life that they know about only through television.

Paying the legal penalty for a conscientious violation of unjust laws is of prime importance to Mr. Coffin. He feels that those in the ghettos realize "that those guilty of civil disobedience are actually upholding the legal order by submitting to legal punishment."<sup>13</sup> In Mr. Coffin's view, such violations are not so much breaking the law as adhering to a higher principle.

Mr. Coffin declares that his arguments are equally applicable to university life and to the Vietnam war. He comments that vested educational interests are so impregnable to invitations to reason that "had Edsel been a university course it would still be taught in most colleges today."<sup>14</sup> Concerning Vietnam, he feels that since present policies represent private decisions made by a government coterie, supported by mass propaganda, attempts to organize massive civil disobedience to oppose the war are justified. He reiterates his view that every man on occasion has a duty to break the law, and therefore urges that seminarians and young clergy, opposed to the war, surrender their religious draft exemptions and declare themselves conscientious objectors. Mr. Coffin

---

8 *Id.*

9 *Id.* at 29.

10 *Id.* at 30.

11 *Id.* at 31.

12 *Id.* at 34.

13 *Id.* at 35.

14 *Id.* at 36.

proposes that older clergy publicly advocate such a course, so that they also might be subject to similar penalties of the Selective Service Act.

Questions posed by the audience were penetrating, and as disparate as the views of the debaters. The lines of disagreement were sharply etched, but no accord was reached on the issues discussed. Nonetheless, the debates and their subsequent publication have served their intended purpose. They have disseminated the informed opinions of two able spokesmen on this vitally important issue, which hopefully will contribute to wise policy decisions at all levels of government.

*Kathleen Farmann\**

---

\* Member of the District of Columbia Bar; LL.B., Catholic University of America, 1945; M.L.L., University of Washington, 1957; Librarian, Notre Dame Law School.

## BOOKS RECEIVED

**ABOVE THE LAW.** By James Boyd, former Administrative Assistant to Senator Thomas J. Dodd. The author recounts the behind-the-scenes story of the censure of Senator Dodd. New York: The New American Library, Inc. 1968. Pp. viii, 337. \$5.95.

**AFRICA AND LAW.** Edited by Thomas W. Hutchison. A collection of studies on the law and social problems of the newly emerging nations of Africa. Madison: The University of Wisconsin Press. 1968. Pp. xviii, 181. \$6.50.

**ARCHITECTURAL & ENGINEERING LAW.** By Bernard Tomson, Judge of the District Court, Nassau County (New York), and Norman Coplan, member of the New York law firm of Bernstein, Weiss, Porter, Coplan & Weinstein. An analysis of the legal problems in the construction industry, with particular emphasis on the contractual relations between owner, architect, engineer, and contractor, and their liability not only to the client but to the public. New York: Reinhold Publishing Corp. 1967. Pp. x, 382. \$17.50.

**THE ART OF DIPLOMACY: THE AMERICAN EXPERIENCE.** By Thomas A. Bailey, Byrne Professor of American History, Stanford University. The author sets forth 267 basic guidelines or maxims of diplomacy and illustrates them from American experience. New York: Appleton-Century-Crofts. 1968. Pp. xii, 303. \$2.50 (paperbound).

**AUSCHWITZ TRIALS: LETTERS FROM AN EYEWITNESS.** By Emmi Bonhoeffer. A compilation of the author's correspondence describing her conversations and experiences with the former Auschwitz prisoners and conveying her own impressions of the Auschwitz trials. Richmond: John Knox Press. 1967. Pp. 61. \$1.00 (paperbound).

**CASES AND MATERIALS ON DECEDENTS' ESTATES AND TRUSTS.** Edited by John Ritchie, Neill H. Alford, Jr., and Richard W. Effland. This third edition continues the functional integration of legal materials on wills, trusts, future interests, and fiduciary administration. Brooklyn: The Foundation Press. 1967. Pp. xxxv, 1277. (Price unreported.)

**CASES AND MATERIALS RELATING TO JUVENILE COURTS.** Edited by the Honorable Orman W. Ketcham and Monrad G. Paulson. This post-*Gault* casebook is intended to familiarize lawyers and students with the substantive and procedural law of juvenile courts. Brooklyn: The Foundation Press. 1967. Pp. xxvii, 558. (Price unreported.)



**CENSORSHIP IN THE UNITED STATES.** Edited by Grant S. McClellan, editor of *Current* magazine. An exploration of the extent to which our freedom to read and our freedom of speech are currently affected by public and private censorship. New York: The H. W. Wilson Co. 1967. Pp. 222. \$3.50.

**THE CITY: THE HOPE OF DEMOCRACY.** By Frederic C. Howe. Originally published in 1905, this book contains a discussion of problems in American cities at that time. The author ascribes most of the urban ills to economic and industrial rather than to political causes. Seattle: University of Washington Press. 1967. Pp. xxviii, 319. \$6.95.

**THE CONDITIONS OF CIVIL VIOLENCE: FIRST TESTS OF A CAUSAL MODEL.** By Ted Gurr with Charles Ruttensberg. This monograph attempts to evaluate theories that seek to explain the genesis of civil violence by using cross-national aggregate data from a large number of polities. Princeton: Princeton University Center For International Studies. 1967. Pp. vii, 111. \$2.50 (paperbound).

**CONGRESSIONAL ETHICS: THE CONFLICT OF INTEREST ISSUE.** By Robert S. Getz, Associate Professor of Political Science, Kent State University. A probe of congressional reluctance to come to grips with the problem of legislative conflicts of interest. Princeton: D. Van Nostrand Co., Inc. 1966. Pp. vi, 202. \$1.95 (paperbound).

**CRIMINAL BEHAVIOR SYSTEMS: A TYPOLOGY.** By Marshall B. Clinard and Richard Quinney. A broad survey of recently accumulated knowledge concerning the various forms of criminal behavior. New York: Holt, Rinehart & Winston, Inc. 1967. Pp. xi, 498. \$7.95 (paperbound).

**CRIMINAL JUSTICE.** By Abraham S. Blumberg, Associate Professor of Law, John Jay College of the City University of New York. The author charges that the accused is being denied justice in American criminal courts and concludes that the "adversary model" of criminal justice has been replaced by "justice by negotiation." Chicago: Quadrangle Books. 1967. Pp. xiv, 206. \$5.75.

**DECISIONS OF THE UNITED STATES SUPREME COURT: 1966-67 TERM.** Edited by the Editorial Staff, The Lawyers Co-operative Publishing Co. A quick reference guide to the opinions of the United States Supreme Court during its 1966-67 Term. Rochester: The Lawyers Co-operative Publishing Co. 1967. Pp. xxxii, 347. (Price unreported.)

**DISINHERITED.** By Dale Van Every. This work, on the American Indian, recounts the bitter record of the dispersal of the Five Civilized Tribes which led to the exile of more than twenty great Indian nations to the plains of the Far West. New York: Avon Books. 1966. Pp. 302. \$.95 (paperbound).

**THE DISSENTING ACADEMY.** Edited by Theodore Roszak, Associate Professor of History, California State College at Haywood. An analysis of what is being taught — and not taught — in America's universities. The contributors, scholars and teachers, specifically examine the major humanistic disciplines, discussing both the state of American scholarship and the role which it has come to play in American society. New York: Random House. 1967. Pp. x, 304. \$6.95.

**DIVORCE IN THE PROGRESSIVE ERA.** By William L. O'Neill, Assistant Professor of History, University of Wisconsin. Focusing on the period between 1890 and 1920, the author traces changing American attitudes toward divorce. In Mr. O'Neill's view, divorce was a natural response on the part of American women to the demands made upon them by a Victorian culture and an industrialized environment. New Haven: Yale University Press. 1967. Pp. xii, 295. \$6.50.

**DO YOU SOLEMNLY SWEAR?** By Louis B. Heller, Justice of the Supreme Court of the State of New York. Justice Heller guides the reader through all the stages in the preparation and trial of both civil and criminal cases. Garden City: Doubleday & Co. 1968. Pp. xii, 491. \$6.95.

**FEDERAL INCOME TAXATION.** Edited by Ralph S. Rice, Cornell Professor of Law, University of California, Los Angeles. Cases and materials focusing upon the problem method of presenting federal income taxation to the student. St. Paul: West Publishing Company. 1967. Pp. xxxix, 623. (Price unreported.)

**FORCE, ORDER AND JUSTICE.** By Robert E. Osgood, Director of the Washington Center of Foreign Policy Research, and Robert W. Tucker, Professor of Political Science, Johns Hopkins University. A study of war and peace in the modern world and of the role of force in the relations between nations, both before and after the advent of the nuclear age. Baltimore: The Johns Hopkins Press. 1967. Pp. viii, 374. \$10.00.

**HIT FROM BOTH SIDES.** By Robert R. Lewiston. A commentary on the existing legal rules governing compensation for automobile accident victims. The author concludes that negligence laws are callous and archaic and he advocates their modernization and "humanization." New York: Abelard-Schuman. 1967. Pp. 224. \$5.00.

**HONESTY AND COMPETITION: FALSE-ADVERTISING LAW AND POLICY UNDER FTC ADMINISTRATION.** By George J. Alexander, Professor of Law and Associate Dean of the College of Law, Syracuse University. The author analyzes Federal Trade Commission policy in light of its two purposes of avoiding deception and enhancing competition. Syracuse: Syracuse University Press. 1967. Pp. xv, 315. \$10.00.

**INDIVIDUAL FREEDOM IN THE NON-UNION PLANT.** By Charles A. Kothe. This work attempts to answer, from a management perspective, some of the typical questions that arise when a union organizing campaign develops. New York: Industrial Relations Dept., National Association of Manufacturers. 1967. Pp. 205. (Price unreported.)

**THE INSANITY DEFENSE.** By Abraham S. Goldstein, Professor of Law, Yale Law School. By examining the insanity defense in the context of the entire trial process, the author attempts to demonstrate the problems that surround the insanity defense — the consequences it has for the defendant when he succeeds in it, the pressures upon him and others to avoid the defense, and the procedures and substantive rules through which such avoidance takes place. New Haven: Yale University Press. 1967. Pp. 289. \$1.95 (paperbound).

**JOHN MARSHALL: MAJOR OPINIONS AND OTHER WRITINGS.** Edited by John P. Roche, Professor and Chairman of the Department of Politics, Brandeis University. This volume, the first compilation of Marshall's principal constitutional opinions in more than six decades, stresses his nationalism and canny political acumen. Indianapolis: The Bobbs-Merrill Company, Inc. 1967. Pp. xli, 320. \$2.95 (paperbound).

**JURIES AND JUSTICE.** By Marcus Gleisser. An analysis of the benefits and shortcomings of the American jury system. South Brunswick: A. S. Barnes and Company. 1968. Pp. 354. \$6.00.

**JUVENILE COURTS, THE CHILD AND THE LAW.** By W. E. Cavenagh. The author, a magistrate in the adult and juvenile courts since 1946, offers the reader a personal insight into juvenile court proceedings. Middlesex: Penguin Books, Ltd. 1967. Pp. 300. \$1.65 (paperbound).

**THE LAW GOVERNING EMPLOYMENT IN INTERNATIONAL ORGANIZATIONS.** By M. B. Akehurst, Lecturer in Law, University of Manchester. The author analyzes the law governing employment in international organizations in the light of the political and psychological problems involved. Cambridge: Cambridge University Press. 1967. Pp. xxvii, 294. \$14.50.

- LAW IN DIPLOMACY.** By Percy E. Corbett, Visiting Professor in the Indian School of International Studies at New Delhi. The author examines the role of legal rules in the diplomacy of nations. He focuses on the use of legal language, legal categories, and legal procedures in British, American, and Soviet diplomacy. Gloucester: Peter. Smith. 1967. Pp. xii, 290. \$5.00.
- LEGISLATIVE REPRESENTATION IN THE CONTEMPORARY SOUTH.** By Malcolm E. Jewell, Professor of Political Science, University of Kentucky. The author examines both the immediate effects and the far-reaching implications upon southern legislatures of the Supreme Court's decision in *Baker v. Carr*. Durham: Duke University Press. 1967. Pp. x, 141. \$5.50.
- THE MEDICAL MESSIAHS: A SOCIAL HISTORY OF HEALTH QUACKERY IN TWENTIETH-CENTURY AMERICA.** By James Harvey Young. In this sequel to *The Toadstool Millionaires*, Professor Young examines the paradoxical expansion of irrational methods of seeking and preserving health at a time when medical science has greatly increased its effectiveness. Princeton: Princeton University Press. 1967. Pp. xiv, 460. \$9.00.
- MONOPOLY, BIG BUSINESS, AND WELFARE IN THE POSTWAR UNITED STATES.** By Dean A. Worcester, Jr., Professor of Economics, University of Washington. The findings of modern scholarship, new data, and a novel theoretical hypothesis are combined by the author to evaluate the economic significance of monopoly-oligopoly in postwar America. Seattle: University of Washington Press. 1967. Pp. xii, 243. \$12.50.
- OMBUDSMEN FOR AMERICAN GOVERNMENT?** Edited by Stanley V. Anderson, Associate Professor of Political Science, University of California at Santa Barbara. The contributors explore the desirability and difficulties of grafting the Scandinavian Ombudsman onto the American political system. Englewood Cliffs: Prentice-Hall, Inc. 1968. Pp. vii, 181. \$1.95 (paperbound).
- ON LAW AND JUSTICE.** By Paul A. Freund, Carl M. Loeb University Professor, Harvard Law School. A collection of essays dealing with the resolution of conflicting constitutional values through the legal process. Cambridge: Harvard University Press. 1968. Pp. vi, 259. \$4.95.
- ORIGINS OF THE FIFTH AMENDMENT.** By Leonard W. Levy, Earl Warren Professor of Constitutional History and Chairman of the Department of History, Brandeis University. An examination of the English and American historical progeny of the fifth amendment's clause on the privilege against self-incrimination. New York: Oxford University Press. 1968. Pp. xii, 561. \$12.50.

- POOR LAW TO POVERTY PROGRAM.** By Samuel Mencher. A comprehensive examination of the growth of welfare programs — their sources, concepts, and policies — from the English Poor Law of the sixteenth century to the present. Pittsburgh: University of Pittsburgh Press. 1967. Pp. xix, 476. \$8.95.
- PRAYER IN THE PUBLIC SCHOOLS.** By William K. Muir, Jr. In the light of *School District of Abington v. Schempp*, the author explores the attitudes of urban educators toward "schoolhouse religion" — the daily recitation of the Lord's Prayer and Holy Scripture in public schools. Chicago: The University of Chicago Press. 1967. Pp. ix, 170. \$5.95.
- PRELUDES TO GIDEON.** By Daniel John Meador, Dean and Professor of Law, University of Alabama School of Law. Written with law students in mind, this work presents a case study of the appellate process as it operates in connection with a writ of habeas corpus and related constitutional questions. Charlottesville: The Michie Company. 1967. Pp. 344. \$7.50.
- READINGS ON TAXATION IN DEVELOPING COUNTRIES.** Edited by Richard M. Birch and Oliver Oldman. An introduction to the complex issues involved in the design and implementation of taxation in contemporary developing nations. Baltimore: The Johns Hopkins Press. 1967. Pp. xii, 547. \$10.00.
- SEX WITHOUT BABIES.** By H. Curtis Wood, Jr., M.D. The author examines voluntary sterilization as an appropriate means of contraception. Philadelphia: Whitmore Publishing Co. 1967. Pp. 229. \$5.00.
- THE SOCIOLOGY OF LAW.** Edited by Rita James Simon. A study of the major trends in the sociology of law in the United States during the past half-century. Contributors are legal scholars and social scientists. San Francisco: Chandler Publishing Company. 1968. Pp. xii, 688. \$8.50.
- SOUNDS OF THE STRUGGLE: PERSONS AND PERSPECTIVES IN CIVIL RIGHTS.** By C. Eric Lincoln. An analysis of the civil rights movement by the author of *The Black Muslims in America*. New York: William Morrow & Co. 1967. Pp. 252. \$5.00.
- STREAMLINING THE INCOME TAX.** By J. Louis Campbell. The author advocates a plan for simplifying the federal income tax law in order to give the individual taxpayer and the Internal Revenue Service relief from what he believes is the present confusion. New York: Vantage Press. 1967. Pp. 105. \$2.50.

- THE SUPREME COURT AND CONSTITUTIONAL RIGHTS.** By Martin M. Shapiro. A collection of readings providing the student with a survey of the most important issues, cases, and doctrines in the area of constitutional rights. Glenview: Scott, Foresman & Company. 1968. Pp. 233. \$3.95 (paperbound).
- TAXATION AND DEMOCRACY IN AMERICA.** By Sidney Ratney. A survey of the American people's century-and-a-half endeavor to forge taxes that are not only sources of revenue but also instruments of social justice and social welfare. New York: John Wiley & Sons, Inc. 1967. Pp. 600. \$4.95.
- THE TAXATION OF PERSONAL WEALTH.** By Alan A. Tait, Lecturer and Tutor at Trinity College, Dublin University. A detailed inquiry into existing criticisms of and justifications for the unequal distribution of personal wealth, especially as nurtured by taxation. Urbana: University of Illinois Press. 1967. Pp. 238. \$7.50.
- TAX FACTS.** By Hugo H. Lowenstein. This work calls attention to many possible tax savings that are often overlooked, with special emphasis on real estate transactions. Amarillo: Tax Facts, Inc. 1967. Pp. 127. \$5.00 (paperbound).
- THE UNPUBLISHED OPINIONS OF MR. JUSTICE BRANDEIS.** By Alexander M. Bickel, Chancellor Kent Professor of Law and Legal History, Yale University. The author uses the unpublished opinions of Mr. Justice Brandeis to explore the major themes that recur in other forms in the body of Justice Brandeis' judicial work, to reveal the creative process of judicial judgment, and to throw light on the processes of collective decision-making in the Supreme Court. Chicago: The University of Chicago Press. 1967. Pp. xxi, 278. \$2.45 (paperbound).
- WHITE-COLLAR TRADE UNIONS.** Edited by Adolf Sturmthal, Professor of Labor and Industrial Relations, University of Illinois. The past, present, and future of white-collar trade unionism in Australia, France, Germany, Great Britain, Japan, Sweden, and the United States is traced and analyzed by authorities in each of these countries. Urbana: University of Illinois Press. 1967. Pp. xi, 412. \$3.50 (paperbound).

