



1959

Book Reviews

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Recommended Citation

Webb, Rodney S.; Crabb, John H.; Kloster, Paul G.; and Lindell, William F. (1959) "Book Reviews," *North Dakota Law Review*: Vol. 35 : No. 2 , Article 14.

Available at: <https://commons.und.edu/ndlr/vol35/iss2/14>

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BOOK REVIEWS

FROM ARREST TO RELEASE. By Marshall Houts. Springfield, Illinois: Charles C. Thomas, 1958, 235 pages. Price: \$5.75.

As the title indicates, this book presents an analysis of the administration of criminal justice. The author has written this book primarily for the non-lawyer—the police officer, business man or civic leader. However, lawyers and students of the law will find value in the author's description of the processes of criminal justice as they operate in actual practice.

In its fourteen chapters, the book follows the normal route of a criminal case. The law governing the criminal procedures is fully discussed and the author points out a need for remedial changes which will permit our system of criminal law to achieve its fullest potential. The many knotty problems which surround 'arrest' are simply and expertly dealt with in the chapter on that topic. Further, the author discusses such items of import as bail, search and seizure, preliminary hearing, formal charge and trial. The chapters on "Probation" and "Parole" were written by Robert H. Scott, an expert in this post-sentence aspect of criminal justice. Chapter 12, "Penology Could Be Practical", was written by Tom Runyon, No. 17602, recently deceased 'lifer' at Iowa State Penitentiary. Mr. Runyon's comments on the present day penal system are especially interesting when his viewpoint is considered. A glossary of 2000 frequently used criminal-law terms ends the book.

From Arrest To Release is presented in a very readable form and provides an excellent source of information to any person interested in criminal justice.

RODNEY S. WEBB

INTERNATIONAL TRADE ARBITRATION: A ROAD TO WORLD-WIDE COOPERATION. Edited by Martin Domke, New York: American Arbitration Association, 1958, 311 pages. Price: \$4.50.

This volume composes an anthology of some twenty-six monographs on the subject of international commercial arbitration. These individual contributions vary in length from four to over twenty pages, and there is inevitably variation of about equal proportional magnitude in depth and quality among these articles. Nevertheless, these authors comprise a distinguished and composite group, drawn from academicians and practitioners of the United States and Western Europe, with the American group in expectable prepon-

derance. The qualitative differences in the articles seem to stem principally from the relative amount of effort the individual authors expended. A work of apparently similar concept and structure was published in Paris in 1956 under the title *International Commercial Arbitration*.

The main title appearing on the cover of the book, *International Trade Arbitration*, suggests that one might expect to find something in the nature of a treatise, but the subtitle gives a better clue as to what is to be found inside. No such general and basic treatise seems to be available as an independent work, and such treatment of this subject remains imbedded chiefly in large general volumes on public and private international law. These articles all presuppose the reader has a basic acquaintance with the concept of private international arbitration. Hence, the book does not serve the purpose of fundamental education or orientation on this topic, but rather it is a collection of the ideas of particular writers regarding various specific aspects of it.

This collection is in the nature of a conglomeration rather than a symposium. In his preface Ludlow S. Fowler, chairman of the Committee on Arbitration of the New York Chamber of Commerce, recognizes this, and can seem to find no satisfactory unifying theme other than that all the authors "recognize that arbitration is a process in which the will of the parties must predominate." There is a meaningless attempt to group the articles into nine major divisions of the book, and these division headings themselves have little significance. For example, under "II. Treaty Problems" are to be found only two articles entitled "United States Treaty Policy on Commercial Arbitration", one article dealing with the subject from 1920 to 1946, and the other from 1946 to 1957. This scarcely amounts to a coverage of treaty problems relative to this type of arbitration. One may surmise that the general lack of synthesis resulted from Mr. Domke's reluctance to dictate to his contributors, or even direct them by way of suggested topics and treatment, and courteously gave them *carte blanche* to choose whatever particular subject and approach they wished. If that is a failing, it is not an uncommon one among editors and program directors charged with the task of organizing in one exposition the presentation of works by distinguished contributors.

The above comments are largely cavils at the fact the book is actually a collection of individual essays on international trade arbitration, but seems to try to hold itself out to be something else.

Actually, there is nothing wrong with a collection of essays as such on this topic, and the general quality of the individual pieces is good. As illustrative of the notable authors to be found without exhausting the category, are Quincy Wright, Louis B. Sohn, and Walter Hollis. The book serves the desirable purpose of bringing together under one cover particularized discussions within a specialized topic for the benefit of those who are already somewhat conversant with it. To say the least, it is clearly worthy of space on the shelf of anyone interested in international trade relations, from either a practical or theoretical point of view.

JOHN H. CRABB *

THE PROFESSOR AND THE COMMISSIONS. By Bernard Schwartz, New York: Alfred A. Knopf, Inc., 1959, 275 Pages. Price: \$4.00

The Professor and the Commissions aptly portrays the mechanics of the federal regulatory agencies and, in reality, what goes on behind the facade of the administrative process commonly known to the public. In addition, the book narrates the "behind the scene" activities and pressure of the House Subcommittee on Legislative Oversight.

On August 1, 1957, Dr. Schwartz was appointed chief counsel of the Legislative Oversight Subcommittee which was created to investigate the regulatory agencies of the federal government. Dr. Schwartz, as chief counsel, chose to concentrate the investigation on the "big six" agencies: the Civil Aeronautics Board, Federal Communications Commission, Federal Power Commission, Federal Trade Commission, Interstate Commerce Commission, and the Securities and Exchange Commission.

From the beginning, Dr. Schwartz learned that the investigated agencies were apprised of the planned investigatory tactics and countered in a manner calculated to render the investigation "bloodless". By conducting a most methodical investigation and with the aid of tips from newspapermen and attorneys practicing before the Commissions, Dr. Schwartz uncovered a number of improprieties on the part of the commissioners as well as undue influence exerted by other high government officials. The majority of the subcommittee also exerted pressure to ensure a "bloodless" investigation and when the author refused to conduct a whitewash he was fired as chief counsel on February 10, 1958.

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The events following Dr. Schwartz' ouster were the focus of public interest for weeks. Dr. Schwartz charged impropriety on the part of commissioners and suppression of facts on the part of the majority of the subcommittee. These charges by Dr. Schwartz plus pressure by the press forced public hearings which resulted in the resignation of Presidential Assistant Adams and uncovered the Miami Channel 10 case which led to the resignation and indictment of F.C.C. Commissioner Mack.

Dr. Schwartz points out the "life cycle" of the regulatory agencies: "gestation", where legislation creates the commission; "youth" and its ambition to satisfy legislative intent; "maturity", where the agency becomes a part of the economic *status quo*; and "old age" when the agency comes to an open alliance with those regulated. There is a clear inference that federal regulatory agencies are presently in the cycle of "old age".

The book tends to destroy confidence in the impartiality of administrative agencies and many functions of government, especially those where morals are involved. Dr. Schwartz, in the last chapter, stresses the need for immediate change and proposes that a fact finding body of administrative agencies be established separate from the quasi-judicial body which finally decides the case; also that the White House have no control other than appointing the chairmen (similar to appointing Supreme Court Justices) and that requests for appropriations by the commissions be referred directly to the Congress to ensure complete independence.

This book portrays conduct on Capitol Hill and the degeneration of administrative processes to its present state. The author makes an effective attempt to justify his actions as chief counsel as well as his actions after his ouster. The book is rendered somewhat difficult to read in that it covers a span of less than a year and the events narrated are not presented chronologically.

PAUL G. KLOSTER.

THE SUPREME COURT FROM TAFT TO WARREN. By Alpheus Thomas Mason. Baton Rouge, Louisiana: State University Press, 1958, 250 pages. Price: \$4.95.

The author undertakes to explain the Supreme Court's actions during the past half-century—a period of social and political turmoil, change, and conflict. With primary emphasis on the Chief Justices of this era, Mr. Mason has analyzed the Court's decisions

in the light of the individual social and personal beliefs of each Justice and outside pressures from the "public". He has looked behind the "black robes of the Justices" into their personal histories and philosophies. A skillful interpretation of the dicta by the Justices, aptly footnoted, further promotes his theme. With this view he discussed the Court and decisions from the conservative Court under Chief Justice Taft through the subsequent retaliation by Roosevelt in his attempted "court-packing" to the violently contested segregation case of 1954 and the controversial rulings in 1957. He shows how the Court, while pretending only to protect the Constitution has seen fit to reverse itself to conform with the nation's expanding philosophies. Mr. Mason, a lifelong student of the Court, has written many books about it. This one is a refreshing look at the Court's role in a changing society. It emphasizes how personal foresight and integrity have made the Cardozos, Stones, and Brandeises leaders in judicial interpretation.

WILLIAM F. LINDELL