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BOOKS RECEIVED

CAPITAL PUNISHMENT: THE INEVITABILITY OF CAPRICE AND MISTAKE. By *Charles L. Black, Jr.* New York: W.W. Norton & Co., Inc., 1974. Pp. 96. \$5.95. The author argues that the criminal justice system contains an unacceptably high degree of uncontrolled discretion at each stage of the process—from the initial decision to charge a capital crime to decisions on sentencing and clemency—and the result is that the condemned are chosen without appropriate standards. Mr. Black's analysis is aimed at the arbitrary way decisions to inflict the death penalty are made rather than the traditional eighth amendment arguments against its use. His final chapter focuses on the special discrimination against indigent defendants who, when faced with an unbailable capital offense, do not have adequate outside resources to conduct a proper investigation to prove their innocence.

CLASS ACTIONS PRIMER. Edited by *Jacob D. Fuchsberg.* New York: Law Journal Press, 1973. Pp. ix, 172. This is a carefully prepared deskbook for counsel involved in class action litigation. In the introductory article, the relevant procedural considerations in bringing a class action are explored. The succeeding articles examine the significance of class actions in securities law, environmental law, consumer law, antitrust, and civil rights litigation. There is also an appendix analyzing the celebrated *Eisen* decision.

COMPULSORY EDUCATION AND THE AMISH. Edited by *Albert N. Keim.* Boston: Beacon Press, 1975. Pp. x, 211. \$8.95. The Amish community's stubborn resistance to compulsory education represents a classical confrontation between the guarantee of freedom of religion and the state's interest in maximizing the educational choices available to its youth. This collection of essays by prominent scholars from the legal and educational communities illustrates the history of the Amish conflict with local school authorities and the implications of the Supreme Court's decision in *Wisconsin v. Yoder*, 406 U.S. 205 (1972).

FEDERAL CONSUMER PRODUCT SAFETY ACT. By *William Kimble*. St. Paul: West Publishing Co., 1975. Pp. xxi, 548. The Federal Consumer Product Safety Act represents a congressional recognition of the consumer's right to be protected from products which create an unreasonable risk of bodily harm. This book is a practical analysis of the legislative history and technicalities of the Act. It is designed for attorneys involved in products liability litigation and executives who wish to set corporate goals to comply with the legislation.

FORENSIC GEOLOGY: EARTH SCIENCES AND CRIMINAL INVESTIGATION. By *Ramond C. Murray and John C.F. Tedrow*. New Brunswick: Rutgers University Press, 1975. Pp. xv, 217. \$12.50. This book is a technical analysis of methods and problems of sampling earth materials for use in criminal investigations. There are numerous cases cited in which courts have received in evidence the results of geological tests and where such testing has been instrumental in determining the guilt or innocence of a defendant. Perhaps the greatest aid to the attorney is the demonstration of the evidentiary value of geological investigation and an explanation of the technical language of earth science.

GOD, CAESAR AND THE CONSTITUTION: THE COURT AS REFEREE OF CHURCH-STATE CONFRONTATION. By *Leo Pfeffer*. Boston: Beacon Press, 1975. Pp. 390. \$15.00. In this analysis of the competing interests of church-state values, Mr. Pfeffer examines recent Supreme Court decisions as they affect six societal institutions: religion, the family, public schools, private schools, the military, and the community. His study encompasses volatile contemporary issues such as abortion, conscientious objection to military service, and religion in the public schools. The final chapter contains a warning that the Church should prepare for future legislative curtailments of its tax-exempt status for real property holdings. Mr. Pfeffer concludes that the Supreme Court's refusal to hear arguments as to whether this tax-exempt status is constitutionally protected leaves the states free to abolish such exemptions.

THE GRAND JURY: THE USE AND ABUSE OF POLITICAL POWER. By *Leroy D. Clark*. New York: Quadrangle, The New York Times Book Co., 1975. Pp. xv, 163. \$7.95. Originally conceived as an institution to protect the common people from arbitrary infringements of their rights by the ruling class, the grand jury has become an arena for struggle between opposing political forces. Mr. Clark documents the "subversion" of the grand jury system—especially by the Nixon administration—into an instrument of political harassment. The final chapter includes proposals to revive the independence of the grand jury and a warning that although the "crisis" of Watergate has passed, the temptations for future misuse and exploitation of the grand jury by those in power necessitate immediate reform.

HELTER SKELTER: THE TRUE STORY OF THE MANSON MURDERS. By *Vincent Bugliosi with Curt Gentry*. New York: W.W. Norton and Co., 1974. Pp. xvii, 502. \$10.00. The murder trial of Charles Manson and his followers was one of the most widely publicized criminal proceedings of the past decade. Vincent Bugliosi, the prosecutor who obtained the convictions, examines the difficulties in investigating and prosecuting this complex case in which most of the evidence was in the nature of accomplice testimony and circumstantial proof. This book is a fascinating narrative of the trial and macabre motives that guided the "family" in these seemingly senseless killings.

HOW TO COLLECT A MONEY JUDGMENT. By *Sidney Sherwin*. New York: Attorney's Aid Publications, 1975. Pp. 205. This handbook is designed to eliminate the numerous difficulties involved in collecting a money judgment from a judgment-debtor. Particular emphasis is placed on the collection of New York judgments, with specially prepared forms and references to appropriate sections of the New York Civil Practice Law and Rules. Also included is a section on the problems of collecting federal and foreign judgments, including protection of a creditor's rights against a bankrupt debtor.

JUDGING THE JUDGES: THE CAUSE, CONTROL AND CURE OF JUDICIAL JAUNDICE. By *David Stein*. New York: Exposition Press, 1974. Pp. ix, 157. \$7.50. This book is a documented

criticism of the American judicial selection process. Mr. Stein argues that political endorsement has become the most important qualification to become a judge, rather than the relevant criteria of ability and judicial temperament. The author proposes a system whereby potential judges would receive special training and periodic review before donning judicial robes.

JUSTICE ACCUSED: ANTISLAVERY AND THE JUDICIAL PROCESS. By *Robert M. Cover*. New Haven: Yale University Press, 1975. Pp. 322. \$15.00. Mr. Cover analyzes the conflict between law and antislavery morality through the public and private writings of four major judges during the period immediately preceding the Civil War. Each of these Justices—Joseph Story, John McLean, Lemuel Shaw, and Joseph Swan—faced the complex question of what a judge must do when he must rule on what he believes to be an unjust or oppressive law. Their responses reflect a personal struggle between a private sense of obligation to justice and a public obligation to uphold the law. Mr. Cover's work is a well-written study of a most troubling period in American history.

LAW AND SOCIETY. By *Adam Podgorecki*. Boston: Routledge and Kegan Paul, 1975. Pp. vii, 302. \$18.75. In this work, the author seeks to demonstrate the interplay of law and sociology. He analyzes various sociological research techniques that might be applied to the study of law and explains the advantages and empirical limitations of each method. His discussion covers basic theoretical considerations including the concept of the legal norm.

NO FAULT DIVORCE. By *Michael Wheeler*. Boston: Beacon Press, 1974. Pp. 194. \$7.50. Recently, many states have enacted divorce statutes enabling a person to obtain a divorce without the assignment of fault to one spouse. The author argues that traditional divorce laws do not reflect the realities of contemporary marriage. He scrutinizes the present no-fault statutes and finds them deficient in the area of alimony, child support, and child custody. In addition, Mr. Wheeler examines proposals for changing marriage laws, including the concept of renewable contract marriages.

THE NOMINALISTIC PRINCIPLE: A LEGAL APPROACH TO INFLATION, DEFLATION, DEVALUATION AND REVALUATION. By *Eliyahu Hirschberg*. Ramat-Gan, Israel: Bar-Ilan University Press, 1971. Pp. 138. This treatise is an in-depth analysis of the foundations and practical importance of the nominalistic principle of monetary obligations. This theory, currently accepted in most nations, takes no account of changes in the value of money due to depreciation, devaluation, and changes in foreign exchange rates. Thus, parties to a contract can discharge a debt through payment of the nominal sum without regard to changes in the purchasing power of their dollars. The author demonstrates the injustice of this theory, particularly in the payment of long term debts, and offers alternative theoretical approaches to determine the extent of a monetary obligation.

PERSPECTIVES ON JUSTICE. By *Telford Taylor, Constance Baker Motley* and *James K. Feibleman*. Evanston: Northwestern University Press, 1975. Pp. ix, 135. \$6.50. This book is a compilation of the 1973 Rosenthal Lectures at the Northwestern University School of Law. Mr. Feibleman views justice from a philosophical perspective and concludes that it is a demand for order embodied in a legal system. The legislature is viewed as a morality codifier which enables the populus to accept restrictions on individual freedom. The Honorable Constance Baker Motley criticizes the criminal justice system as lacking appropriate standards at each stage of the process. The final lecture, by Telford Taylor, examines the concept of justice in relation to the laws of war.

PUBLIC DEFENDER. By *Gerald W. Getty* and *James Presley*. New York: Grosset and Dunlap, 1974. Pp. 376. \$9.95. Recent Supreme Court decisions requiring court-appointed counsel at critical stages in criminal proceedings point towards sizable expansion in public defender services across the country. A significant portion of this book is devoted to Mr. Getty's defense of Richard Speck in his trial for the murder of eight student nurses in 1966. Through the narrative of Speck's trial, the authors demonstrate the difficulties of defending an indigent client in the midst of public outrage at the crime. They argue that a public defender's office, free from political control by the county board or other supervi-

sory body, is the most positive guarantee that the poor will receive equitable treatment in the courts.

PUNISHMENT AND DETERRENCE. By *Johannes Andenaes*. Ann Arbor: The University of Michigan Press, 1974. Pp. 189. \$9.00. In this collection of essays on the purposes of criminal sanctions, the author assesses the variables of certainty and severity of punishment as they affect different categories of criminals. The author rejects rehabilitation as the sole justification for criminal punishment. Mr. Andenaes demonstrates that definitive actions by law enforcement agencies and the courts increase the likelihood of prevention of socially undesirable conduct. He concludes that maximum deterrence does not follow from the most severe punishment. The final essay examines current trends in penal sanctions and suggests proposals for reform.

A SECOND CHANCE: AMNESTY FOR THE FIRST OFFENDER. By *Aaron Nussbaum*. New York: Hawthorn Books, Inc., 1974. Pp. xviii, 267. \$8.95. Mr. Nussbaum offers an amnesty proposal to eliminate the hidden punishments inherent in criminal convictions. The proposal of "second chance" begins with the premise that justice has been vindicated by the court-imposed sanction on the defendant. He concludes that it is not necessary to stigmatize an offender by making it impossible for him to regain self-respect and good standing in the community. The author maintains that current trends in the United States towards removal of disqualifications in professional licensing and public employment will pave the way for future acceptance of the amnesty concept.

WE, THE PEOPLE? By *Robert A. Liston*. New York: McGraw-Hill Book Company, 1975. Pp. xii, 179. This is a contemporary study of the organization and functions of the United States Congress. Mr. Liston examines suggestions by noted scholars and members of Congress for improving the national legislative process. His study focuses on the issues of inflation, impoundment, and impeachment. Special emphasis is given to the congressional role in the Watergate affair.

A WORLD RULE OF LAW: PROSPECTS AND PROBLEMS. By *Ann Van Wynen Thomas* and *A.J. Thomas, Jr.* Dallas: Southern

Methodist University Press, 1975. Pp. xv, 90. \$6.95. In this concise treatise on the challenge of developing an effective and comprehensive world legal order, the authors examine the necessary conditions of consensus of political and community values necessary to achieve that result. The book begins with an explanation of the classical principles of international order and the concepts of international personality and recognition. The authors seek to demonstrate the increasing distance between classical international law and the realities of contemporary international affairs.

PAPERBACKS

ASSESSMENT FOR REAL PROPERTY TAX PURPOSES. By *Horace Z. Kramer*. Garden City: Adelphi University Press, 1975. Pp. 81.

CATHOLIC INSTITUTIONS IN THE UNITED STATES: CANONICAL AND CIVIL LAW STATUS. By *John J. McGrath*. Washington, D.C.: The Catholic University of America Press, 1968. Pp. 48.

FEDERAL RULES OF EVIDENCE. Chicago: Commerce Clearing House, Inc., 1975. Pp. 159. \$4.00.

FROM RAILS TO TRAILS. By the *Citizens' Advisory Committee on Environmental Quality*. Washington, D.C.: Citizens' Advisory Committee on Environmental Quality, 1975. Pp. 68. \$1.50.

HOUSING AND URBAN DEVELOPMENT LEGISLATION IN NEW YORK STATE: A REVIEW OF KEY ISSUES IN 1974. By the *Community Service Society of New York*. New York: Department of Public Affairs, Community Service Society of New York, 1974. Pp. 35.

THE KEY TO JUDICIAL MERIT SELECTION: THE NOMINATING PROCESS. By *Allan Ashman* and *James J. Alfini*. Chicago: The American Judicature Society, 1974. Pp. 337.

LEGISLATIVE ISSUES SURROUNDING THE CONFIDENTIALITY OF HEALTH RECORDS. By *Willis H. Ware*. Santa Monica: The Rand Corporation, 1974. Pp. 10. \$1.50.

LOCAL GROWTH VERSUS THE FREEDOM TO MIGRATE. By *Peter A. Morrison* and *Judith P. Wheeler*. Santa Monica: The Rand Corporation., 1974. Pp. 6. \$1.50.

1975 FEDERAL CONSUMER PRODUCT WARRANTIES LAW WITH EXPLANATION. Chicago: Commerce Clearing House, Inc., 1975. Pp. 47. \$2.00.

PENSION REFORM ACT OF 1974: LAW AND EXPLANATION. Chicago: Commerce Clearing House, Inc., 1974. Pp. 399. \$4.50.

TAX REDUCTION ACT OF 1975: LAW AND EXPLANATION. Chicago: Commerce Clearing House, Inc., 1974. Pp. 127. \$3.00.

PERIODICALS

CONTENT OF CURRENT LEGAL PERIODICALS. Los Angeles: Law Publications, Inc., July, 1975. \$36.00 yearly subscription.

Inclusion in the *Books Received* section does not preclude a full-length review in a later issue.

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Professor Sylvia Law, author of *Blue Cross, What Went Wrong?*, disputes many factual assertions contained in a review of her book written by Mr. John Shurtleff, Vice President, Secretary, and Counsel of Blue Cross and Blue Shield of Greater New York, which appeared in 3 HOFSTRA L. REV. 211 (1975). While it is not the policy of the *Hofstra Law Review* to publish rebuttals to book reviews, Professor Law's response is on file in our office.

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