

1979

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### Recommended Citation

(1979) "Books Received," *Hofstra Law Review*: Vol. 7: Iss. 4, Article 9.

Available at: <http://scholarlycommons.law.hofstra.edu/hlr/vol7/iss4/9>

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## BOOKS RECEIVED

AMERICAN CONSTITUTIONAL LAW. By *Laurence H. Tribe*.

Mineola, New York: Foundation Press, Inc., 1978. Pp. lxix, 1174. \$22.50. Tribe develops seven models "that have represented the major alternatives for constitutional argument and decision in American law from the early 1800's to the present." He maintains that the models are not idiosyncratic, but rather are rooted in historical development and reflective of legal and political experience. The purpose of this organization is to delineate the themes and currents of American constitutional law in a way that integrates historical development, current formulations, and developing trends. Consequently, the book is not a summary of cases or black-letter rules. Instead, it seeks to provide a framework for approaching the subtleties and complexities of constitutional law. The treatise is as much a signpost for the future as a roadmap through the maze of current and past doctrine.

BABYSELLING: THE SCANDAL OF BLACK MARKET ADOPTIONS. By

*Nancy C. Baker*. New York: Vanguard Press, Inc., 1978. Pp. xiv, 173. \$8.95. This text presents an account of the underground adoption network. From personal interviews, the author profiles each of the parties involved in babyselling, from adoptive parents to "Baby Brokers." The last four chapters address possible alternatives and solutions, and argue for federal and improved state legislation to curb black-market adoptions.

BAKKE, DEFUNIS, AND MINORITY ADMISSIONS: THE QUEST FOR

EQUAL OPPORTUNITY. By *Alan P. Sandler*. New York: Longman, Inc., 1978. Pp. xi, 322. \$12.50. In the celebrated *DeFunis* and *Bakke* cases, the Supreme Court was called upon to resolve the conflict between America's simultaneous commitment to meritocratic selection of professional school students and enhancement of professional opportunities for minority group members. This account of the two cases discusses not only the legal issues involved, but the philosophical and sociological issues that the cases raised.

THE CHAINS OF PROTECTION: THE JUDICIAL RESPONSE TO WOMEN'S

LABOR LEGISLATION. By *Judith A. Baer*. Westport,

Connecticut: Greenwood Press, 1978. Pp. x, 238. \$16.95. This book presents a constitutional analysis of women's-labor laws. Judicial treatment of these laws is traced through several time periods: Prior to 1908, when the United States Supreme Court sanctioned special laws for women; from 1908 to 1937, when the courts, for the most part, refrained from reviewing economic legislation; and from 1937 to the present, when courts began to question the constitutionality of sex discrimination. Another segment centers on decisions concerning the Civil Rights Act of 1964 and the Equal Pay Act of 1963. Case-by-case analysis demonstrates how precedents that upheld women's-labor laws on a protective rationale were later used to handicap women competing for male-held jobs. The tensions between protection and restriction, and between the rights of women and of society are examined.

CONJUGAL CRIME: UNDERSTANDING AND CHANGING THE WIFE-BEATING PATTERN. By *Terry Davidson*. New York: Hawthorn Books, Inc., 1978. Pp. 259. \$9.95. This book explores and analyzes the often suppressed problem of wifebeating in this country. It explains that, contrary to common belief, wifebeating is not confined to the poor, but appears at every level of society. The lifestyles and psychology of battered wives, wifebeating husbands, and their children are discussed generally and portrayed through individual cases. As the daughter of a middle-class wifebeater, Davidson brings unique insight to the problem. The book includes a full discussion of pending state and federal legislation designed to combat this brutal practice.

THE CONSTITUTION AND CHIEF JUSTICE MARSHALL. By *William F. Swindler*. New York: Dodd, Mead & Co., 1978. Pp. xiii, 414. \$17.95. This book, which includes an introduction and appendix by Chief Justice Warren Burger, presents an analysis of five landmark constitutional cases that arose during Chief Justice John Marshall's tenure on the Supreme Court in the first decades of the nineteenth century. Swindler discusses the concept of judicial review in *Marbury v. Madison*; the rights of the defendant and the accountability of the executive in *United States v. Burr*; the limits to state action in *Trustees of Dartmouth College v. Woodward*; the supremacy of federal power in *McCulloch v. Maryland*; and the implementation of federal power in *Gibbons v. Ogden*.

EXEMPTIONS AND FAIR USE IN COPYRIGHT: THE EXCLUSIVE RIGHTS TENSIONS IN THE 1976 COPYRIGHT ACT. By *Leon E.*

*Seltzer*. Cambridge, Massachusetts: Harvard University Press, 1978. Pp. 193. \$17.00. Article I, section 8, clause 8 of the Constitution speaks of granting an author exclusive rights to use of his or her work. That right has been modified by the doctrine of fair use, given statutory recognition for the first time in the Copyright Act of 1976, and other exemptions created by the 1976 Act. In this book, Seltzer analyzes the theoretical underpinnings of the "exclusive rights" language in the Constitution and examines in detail the legislative history surrounding the 1976 Act. The author concludes that the 1976 Act has failed to deal adequately with the copyright issues presented by technological advances in photocopying and phonorecording. After clarifying and simplifying the doctrine of fair use and presenting an exhaustive examination of the photocopying problem, the author develops a rational framework for revision of the 1976 Act.

HUGO BLACK AND THE JUDICIAL REVOLUTION. By *Gerald T. Dunne*. New York: Simon & Schuster, 1977. Pp. 492. \$12.50. Dunne has produced a well-researched account of the life of Justice Hugo Black and the turbulent times in which he lived. The book describes Justice Black's efforts to secure the wholesale application of the Bill of Rights to the states, his championing of the rights of criminal defendants, and his fight for a strict and absolutist construction of the Constitution.

JUDICIAL TYRANNY. By *Carrol D. Kilgore*. Nashville: Thomas Nelson, Inc., 1977. Pp. 370. \$11.95. Kilgore focuses on the federal judiciary and its role in upholding the Constitution. He deals specifically with freedom of the press, freedom of religion, interstate commerce, public education, and other areas where he feels that the courts have substituted their will for the letter and spirit of the Constitution. The book concludes with a strong indictment of the Supreme Court, arguing that it has failed to live up to its constitutional mandate: To weigh the acts of Congress against the Constitution and to refuse steadfastly to enforce illegal acts of the legislature; instead, the Court has consistently imposed its will on the American people.

JUSTICE FOR OUR CHILDREN. By *Dennis Romig*. Lexington, Massachusetts: D.C. Heath & Co., 1978. Pp. xxvii, 207. Romig is a psychologist with extensive experience in the field of juvenile-delinquent rehabilitation. He argues that if rehabilitation is the goal of the juvenile justice system, then children are being denied justice when they do not receive effective treatment. The author evaluates the effectiveness of various

programs and proposes an "ideal system" for rehabilitating juvenile delinquents.

**LAWYERS AND THE PURSUIT OF LEGAL RIGHTS.** By *Joel F. Handler, Ellen Jane Hollingsworth, and Howard S. Erlanger*. New York: Academic Press, Inc., 1978. Pp. xvi, 203. \$14.50. Part of the Poverty Policy Analysis Series sponsored by the Institute for Research on Poverty at the University of Wisconsin, this book gives a broad overview of poverty law. The result of extensive interviews with attorneys, it provides an indepth analysis of the federally funded Legal Services Program and examines many of the organizations and individuals involved in providing the poor with legal representation. After providing a short history of pro bono work and a brief discussion of the political climate that gave rise to antipoverty programs, the book focuses on legal services in the 1960's and 1970's. Although it concentrates on Legal Services lawyers, it devotes one chapter to private poverty-law and provides extensive data on poverty-law careers. The authors conclude with a section that summarizes the findings of the study and looks to the future of programs directed toward meeting the legal needs of the under-represented segments of society.

**NEITHER CRUEL NOR UNUSUAL: THE CASE FOR CAPITAL PUNISHMENT.** By *Frank G. Carrington*. New Rochelle, New York: Arlington House, 1978. Pp. 223. \$8.95. The author, described as "a tough-minded Chicago attorney" who serves as executive director of Americans for Effective Law Enforcement, has set out to make a case for capital punishment. Carrington balances the rights of the criminal against those of the victim and cites both the death penalty's deterrent value and its value in incapacitating those who have demonstrated their ability and willingness to murder. After summarizing well-known moral arguments against capital punishment, the author concludes that executing murderers is necessary in a country in which more than 20,000 people were murdered in 1977.

**THE NEW MERGER GAME: THE PLAN AND THE PLAYERS.** By *Don Gussow*. New York: AMACOM, 1978. Pp. xiv, 234. \$12.50. After examining acquisition trends from the early 1960's to the late 1970's, this book predicts that the "merger game" will continue, though perhaps not in its present form. The author, drawing from his own experiences and case histories, relates the risks and rewards involved in the "game" of corporate mergers and acquisitions as it is now played.