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BOOKS RECEIVED

The Supreme Court Review. Ed. by Phillip B. Dutland, Gergard Casper, and Dennis J. Hutchinson. Chicago Ill.: The University of Chicago Press. 1985. Pp. 1 + 409. Hardbound. \$35.00.

The *Supreme Court Review* contains articles from several authors who present critical analyses of timely legal issues. Six of these articles are in case note form and examine Supreme Court decisions handed down in 1984.

The first article centers on *Memphis Firefighters v. Stotts*, 104 S. Ct. 2576 (1984). *Stotts* involved a consent decree in a Title VII racial discrimination case. The consent decree established racial quotas for the hiring and promoting of blacks within the Memphis fire department. *Stotts* conflicted with established equal protection precedent because it required that judicial remedies only be available for those persons who can prove that they were actual victims of illegal discrimination. The authors analyze the views of the Justices and determine that none of the approaches adequately protect the rights and freedoms of the fourteenth amendment. The authors advocate their own solution, which they call "The Model of Social Justice."

One article analyzes five major antitrust cases from last term. The cases are *Hoover v. Ronwin*, 104 S. Ct. 1989 (1984); *Copperweld Corp. v. Independence Tube Corp.*, 104 S. Ct. 2731 (1984); *National Collegiate Athletic Association v. Board of Regents*, 104 S. Ct. 2731 (1984); *Monsanto Co. v. Spray-Rite Service Corp.*, 104 S. Ct. 1464 (1984); and *Jefferson Parish Hospital District No. 2 v. Hyde*, 104 S. Ct. 1551 (1984). The article examines the Supreme Court's ideas regarding the meaning of competition, the role of competition in general, and the ways to preserve competitive markets. The author chastizes the Court for its failure to provide clear standards as well as its lack of an overriding vision of antitrust laws.

This book also contains an article on sovereign immunity and suits against government officers. The author analyzes the history of actions against governments starting with *Chisolm v. Georgia*, 2 U.S. 419 (1793) (the impetus for the eleventh amendment), through last Term's *Pennhurst State School and Hospital v. Halderman*, 104 S. Ct. 900 (1984).

One article discusses the tension between first amendment rights and the discretionary power of trial courts to issue protective orders prohibiting disclosure of information gained through pre-trial discov-

ery. The author discusses *Seattle Times Co. v. Rhinehart*, 104 S. Ct. 2199 (1984), and concludes that the Supreme Court lacked a conceptual scheme within which to analyze this problem. The author thereafter attempts to provide an analytical outline upon which future decisions can be based.

A short casenote is included on *Sony Corp. v. Universal Studios, Inc.*, 104 S. Ct. 774 (1984), and its effect on copyright law. *Sony* was the infamous Betamax case in which Walt Disney Productions and Universal Studios sued Sony as a contributory infringer on their copyrights because Sony manufactures and sells VCRs. The case note analyzes the background, facts, theories, and holding in *Sony* and relates the analysis to general copyright law and theory.

One article examines the Supreme Court's unusual deference to Congress in the area of immigration law. The author discusses the federal courts' refusal to review congressional immigration laws and rules in order to determine their compliance with substantive constitutional protections. The essay offers seven potential theories for the Courts' position, outlines three devices for bypassing the plenary power doctrine, and looks at possibilities for the future.

The case note addressing *United States v. Leon*, 104 S. Ct. 3405 (1984) focuses on the need for developing coherent standards for determining the scope of the exclusionary rule. The author criticizes the Supreme Court for creating a double standard because of *Leon's* inconsistencies with *Gates v. Illinois*, 103 S. Ct. 2317 (1983). He also criticizes the foundations and principles upon which *Leon* is premised, and the Court's exemption of judicial officers from review.

Another essay focuses on James Wilson's republican theory. Wilson, an Associate Justice on the first United States Supreme Court, published numerous works on constitutional theory, republicanism, and social virtue. The author explains Wilson's theory of polite republicanism and its application to the concept of citizenship.

The last article examines whether today's Supreme Court is more fractionalized than its predecessors. The author's thesis is that while recently more dissenting opinions have been written, the dissenting Justices frequently agree with the Majority rationale, but not the application of that rationale to the particular case. Tables and statistics are used extensively.

Mergers in the New Antitrust Era. By Thomas Brunner, Thomas Krattenmaker, Robert Skitol, and Ann Adams Webster. Washington D.C.: The Bureau of National Affairs, Inc., 1985. Pp. v + 314. Hardbound. \$40.00.

The Reagan Administration has brought numerous changes to the ways in which legal problems are approached. Corporate mergers comprise one area experiencing fundamental changes under Reaganomics. The number of corporate mergers has recently increased dramatically. The reasons for the increase include new merger guidelines developed by the Federal Trade Commission and the Justice Department, and the Supreme Court's refusal to invalidate most mergers.

This book is valuable as a practical guide for attorneys and corporate executives. The author explains the standards under which various types of mergers are judged, including horizontal mergers, non-horizontal mergers, joint ventures and partial acquisitions. The enforcement policies and practices of these standards are analyzed in terms of FTC and Justice Department review procedures, negotiations between companies, evaluations of merger opportunities, pre-merger requirements, government investigations, settlements, and litigation. This book is not a theoretical treatise. The author neither analyzes the theories behind the current rules and procedures, nor critiques them.

The Judiciary and the Development of Employment Law. By Fraser Davidson. Brookfield, Vt: Gower Publishing Co. 1984. Pp. v + 222. Hardbound. \$32.95

Judicial performance has been and should be the subject of academic scrutiny. This book looks at the nature and development of judicial action in the area of employment law in England. The author analyzes English judicial and administrative decisions in the areas of individual employment relations, the Redundancy Payments scheme, wrongful discharge, trade unionism, administrative agencies and their effect on employment, race and sex discrimination, and industrial conflicts. Although the book is written in a simple style and is admittedly not as sophisticated as other approaches, it is logically written, comprehensive, and opinionated.

ADDITIONAL BOOKS RECEIVED

Medical Screening of Workers. By Mark A. Rothstein. Washington, D. C.: The Bureau of National Affairs, Inc. 1984. Pp. vii +

276. Hardbound. \$30.00.

The Right to Participate. By Herb Appenseller. Charlottesville, Va: The Michie Company. 1983. Pp. v + 405. Hardbound. \$25.00.

Alcohol and Drugs: Issues in the Workplace. By Tia Schneider Denenberg and R. V. Denenberg. Washington D. C.: The Bureau of National Affairs, Inc. 1983. Pp. v + 201. Hardbound. \$32.00.