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## BOOKS RECEIVED

**The Supreme Court Review.** Ed. by Philip B. Kutland, Gergard Casper, and Dennis J. Hutchinson. Chicago, Ill.: The University of Chicago Press. 1984. Pp. vii + 626. Hardbound. \$39.00.

This publication collects articles from twelve authors who present critical analyses of timely legal issues. Six of these articles are in casenote form and deal with Supreme Court decisions handed down in 1983.

One decision, *Bob Jones University v. United States*, 461 U.S. 574 (1982), is the subject of two analyses. In *Bob Jones* the Court upheld the denial of federal tax exemptions to schools which practice racial discrimination toward students. The Court reached its decision by finding an implicit public policy standard within the Internal Revenue Code to cover exempt entities.

An article on *Immigration and Naturalization Service v. Chadha*, 103 S. Ct. 2764 (1983), a case which held the one-house veto unconstitutional, criticizes the decision as formalistic, over-broad and decided upon incorrect grounds. Additionally, the author laments the Court's failure to develop a theory which harmonizes administrative lawmaking and the Constitution.

In *Motor Vehicle Manufacturers Association v. State Farm Mutual Insurance Co.*, 103 S. Ct. 2856 (1983), the Court invalidated the rescission of a regulation for new automobiles. The author's analysis isolates an enunciation of an independent "public law" in this case. The author projects that this "public law" will facilitate defining and implementing regulatory values which contain *no presumption* in favor of private ordering.

The commentary on *EEOC v. Wyoming*, 460 U.S. 226 (1982), evaluates the current status of *National League of Cities v. Usery*, 426 U.S. 833 (1976). In *EEOC v. Wyoming*, the Court found that Congress *could* prohibit Wyoming from conditioning the employment of its fish and game wardens who are over age fifty-five upon the approval of the employer. The author finds that the reasoning in *National League of Cities* was the basis of the *Wyoming* decision and that only minor factual differences in *Wyoming* produce its contrary result.

A review of *Brown v. Socialist Workers '74 Campaign Com-*

*mittee*, 459 U.S. 87 (1982), is entitled "Inequality As A Command Of The First Amendment." In that case the Court held that the Socialist Workers Party is constitutionally exempt from disclosure requirements of the Ohio campaign reporting law because it is a "minor political party which historically has been the object of harassment by government and private parties." The authors note that this exemption was foreshadowed by dictum in *Buckley v. Valeo*, 424 U.S. 1 (1976), and that the *Brown* decision has been relatively ignored. Nevertheless, the authors find that *Brown* poses an intriguing query: "In what circumstances, if any, does the first amendment compel the government to exempt particular speakers from an otherwise constitutional law of general application?"

This book also contains six more general articles on a variety of other relevant issues. In an article entitled "The Special Place of Religion in the Constitution," the author analyzes the Supreme Court's treatment of religion since it was elevated to its special constitutional position in 1937. The author categorizes the Justices into two groups in order to characterize their decisions. The first generation are those Justices active from 1940 to 1952, and the second generation are those active since 1960, including the present Justices. The author contends that the underlying views of religion of the second generation favor mainstream "corporate-style" religion in contrast to the first generation's views favoring individual pluralistic religion.

The exclusionary rule is evaluated by one author. He maintains that the exclusionary rule is inherent in the fourth amendment itself and castigates the Supreme Court's recent trend of decisions as failing to recognize the rule's constitutional basis.

An extensive piece on the Court's treatment of capital punishment is entitled "Deregulating Death." The Court's efforts to contain capital punishment within the rule of law, begun over a decade ago, are evaluated. As a result of a "startling quartet" of cases decided in 1983, the Court has announced that it is no longer going to tell states how to administer the penalty phase of capital murder trials. The author concludes that these decisions return the Court to its pre-*Furman* view of the death penalty.

Another article examines the intent requirement in equal protection jurisprudence and faults the rule because it fails to hold the states responsible for the substance and consequences of their decisions and policies. The alternative suggested is that state actions which disproportionately disadvantage "suspect groups" should be subject to strict scrutiny and that such state action would only be

lawful upon proof that legitimate state goals are unattainable without the discriminatory action.

Another analysis illustrates two broad patterns of maintaining class actions that are emerging—joinder and representation. The joinder method treats the action as a device that brings together similarly situated parties for adjudication of common claims. The representational method places greater importance on the class representative who *represents* other parties similarly situated, whether or not they could have sued independently. The Court has not acknowledged which approach is appropriate, and the author's analysis of the two methods leads her to conclude that the representational approach best serves the policies behind class actions.

The last article examines how the 1972 Copyright Revision Act has preempted state copyright protection. The author makes an in-depth analysis of the exemptions to preemption of state law, namely subject matter not covered by the federal law and state rights not equivalent to federal copyright protections. The author concludes that the new copyright act is anything but preemptive and, contrary to Congress' intent, that the act has further blurred the already vague borderlines between state and federal copyright protection.

**Handling Automobile Warranty and Repossession Cases.** By Roger D. Billings. Rochester, N.Y.: The Lawyers Co-operative Publishing Co., 1984. Pp. xxiii + 479. Hardcover. \$67.50.

This book is an excellent guide for understanding the essentials of litigation involving automobiles. In clear and concise prose, the author presents a step-by-step analysis on how to approach the legal issues involved in purchasing a new car, warranties, car repair, and repossession. The primary focus is on the Uniform Commercial Code, the Magnuson-Moss Warranty Act, and the state laws dealing with unfair and deceptive acts and practices. The author also cites and briefly discusses cases from jurisdictions throughout the United States. The discussion helps clarify and illustrate many of the central ideas presented in the book.

The author does not discuss any issue in great depth. Rather, he delineates and clarifies the complicated area of law. Because of this, a practitioner should not rely on this work as a primary research source. The book should be used as an initial research tool from which a practitioner can, in a short time, get an overview of the state of the law in a particular area of automobile litigation.

For example, in Chapter 7, the author walks the reader through the various steps involved in bringing a cause of action

under the Magnuson-Moss Warranty Act, including a model pleading and several other key documents. Similarly, in Chapter 8, the author outlines the laws of each state which concern unfair and deceptive practices, discusses odometer fraud, and presents a guide to bringing a case alleging unfair or deceptive conduct.

Information on a particular subject is easily located via the detailed table of contents and detailed outline preceding each chapter. Numerous headings provide an additional index aid. Furthermore, the author sets forth a research guide at the beginning of each chapter giving other sources of information relating to the points covered in the chapter.

Overall, the book provides an essential resource for a practitioner who wishes to practice in the complex area of automobile litigation.

**Consumer Credit Compliance Manual.** By John R. Fonseca. Rochester, N.Y.: The Lawyers Co-operative Publishing Co., 1984. Pp. xviii + 1196. Hardcover. \$67.50.

The Consumer Credit Compliance Manual is an accumulation of documents, reports, publications and sample forms regarding the procedures that a lending institution must undertake to conform to the laws governing the extension of credit. The information contained in the work was compiled by institutions such as the Washington Mutual Savings Bank, the National City Bank of Cleveland, the Associated Credit Bureau, and the Federal Trade Commission. The topics addressed include compliance with the Truth and Lending Act, discrimination in the extension of credit, credit cards, electronic funds transfers, and proper billing and collection practices. Much of the book consists of sample forms which are accompanied by detailed explanations on how to prepare the forms. Most of the topics set forth are in outline form.

Although the book contains general information that is helpful to consumers and practitioners, the book is intended as a manual for those who are in the business of extending credit. For example, the first section of the book outlines, in detail, the proper forms and procedures for extending credit under the Truth and Lending Act. The emphasis is on functional use rather than the legal issues involved. Similarly, a section of the book discusses the steps a consumer should take, before hiring an attorney, when the consumer feels he or she was discriminated against in the denial of credit. Lastly, the work goes into great detail into the proper billing, credit reporting, and collection procedures that the creditor can undertake before initiating

legal action.

The book is valuable to loan officers and practitioners who are involved in the extension of credit. The author does an excellent job choosing publications that are informative and well written. However, since the work concentrates on a very limited area that is not normally associated with the practice of law, the value of the work to the general legal practitioner is limited.

*Additional Books Received*

**Buying and Selling Country Land.** By Daniel Reisman and Sanford J. Durst. New York, N.Y.: Sanford J. Durst 1980. Pp. 144. Hardcover. \$24.95.

**Federal Taxation Practice and Procedure.** By Robert E. Meldman and Thomas E. Mountin. Chicago, Ill.: Commerce Clearing House, Inc. 1983. Pp. xvi + 659. Hardcover. \$32.50.

**The Yearbook of School Law 1983.** By Philip K. Piele. Topeka, Kan.: National Organization On Legal Problems of Education. 1983. Pp. v + 339. Hardcover. \$25.95.

**Common Market Cartel Law.** By Alfred Gleiss. Washington, D.C.: The Bureau of National Affairs, Inc. 1981. Pp. xiii + 778. Hardcover. \$95.00.

