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BOOKS RECEIVED

Hardcover

DEMOCRACY. By Carl Cohen. Athens: University of Georgia Press. 1971. Pp. xv + 302. \$10.00.

This is a theoretical study in which the author examines in detail the philosophy of democracy. Professor Cohen offers and defends a general theory of democracy, commenting as to what it is, how it works, when and why it should be defended. The book is divided into six parts covering the general nature, presuppositions, instruments, conditions, defense, and the prospects of one of the world's oldest living concepts.

The author seeks to extend a new meaning into the word "democracy." He believes the term has largely been drained of its original connotation as a consequence of careless rhetoric, intellectual confusion, and even deliberate deception. Professor Cohen sees in democracy a just system of government, but his conclusion is one mixed with apprehension and hope.

CASES AND MATERIALS ON ENVIRONMENTAL LAW. By Oscar S. Gray. Washington, D.C.: The Bureau Of National Affairs, Inc. 1970. Pp. xx + 1252. \$19.50.

This casebook is the first one published on environmental law. It is clearly prepared for instructional use but the author submits that it may also be useful to practitioners (as an introductory handbook) and concerned laymen (for general information).

The author frequently employs statutory and administrative source materials, lengthy excerpts from cases, and sometimes includes opinions on the same case from different courts. In his words, "The objective is to assist the student in capturing the feel of the materials he would encounter in practice, and in tracking the development of relevant concepts in the legislative, administrative, and judicial processes." The general scope of the casebook concentrates on federal policymaking. Some of the concepts therein include conservation and related natural-resources management, historic preservation, recreation, various social impacts of public works, certain amenity values, and pollution abatement.

Oscar S. Gray is Adjunct Professor of Environmental Law at Georgetown University Law Center and Lecturer at the Catholic University School of Law. He expects the law student, when finished with this casebook, to be broadly informed, able, and willing to advise any party to an environmental law dispute.

COURTROOM TESTIMONY—A POLICEMAN'S GUIDE. By Kevin Tierney. New York: Funk & Wagnalls. 1970. Pp. ix + 244. \$7.95.

The author has an impressive background. He holds an LL.M. from Yale Law School and has taught in the Law Enforcement Division of New Haven College.

His book is addressed to the contemporary police officer and the myriad of common problems that he encounters when appearing in court. Tierney emphasizes the frequency with which police officers visit the courtroom and the necessity of their delivering complete and accurate testimony. In the majority of criminal trials, he points out, the evidence for the prosecution is heavily weighted on the crucial testimony of the arresting officer.

The book serves to assist today's policeman in presenting competent testimony on the witness stand. Illustrated with a variety of cases, Tierney discusses such areas as evidence, courtroom demeanor, and entrapment.

JUSTICE: THE CRISIS OF LAW, ORDER, AND FREEDOM IN AMERICA. By Richard Harris. New York: E. P. Dutton & Co., Inc. 1970. Pp. 268. \$6.95.

Justice is a remarkably candid book authored by one of America's most gifted political journalists. Sandwiched between the covers is the "mission of justice"—the overwhelming importance of the Department of Justice in furnishing resolutions to crucial domestic enigmas. Here also is Richard Harris' awesome respect for Ramsey Clark whom he describes as the "strongest Attorney General in history." This is the story of the sobering transition required of the Department of Justice from the Clark leadership to that of John Mitchell, President Nixon's "tough cop" AG. Harris further comments on the fate of the Department since the time of the initial arrival of the full Nixon Administration in Washington.

The author, a staff writer for *The New Yorker* magazine, is not at all optimistic. His book is a string of dichotomies: Clark v. Mitchell; the influences of each man on the practical effectiveness of the Department; and the prospect that faced with a choice between two conflicting courses—one that would anger his supporters but preserve the Union, or, one that would please his supporters but endanger the Union—the President has chosen the second.

The book is both interesting and readable.

THE POLITICS OF ECOLOGY. By James Ridgeway. New York: E. P. Dutton & Co., Inc. 1970. Pp. 222. \$5.95.

Ridgeway has written another popular book on yet one more

of the multitude of contemporary social issues. Like *The Closed Corporation* (a report on the university-industrial complex), this piece of literature is primarily political, purporting to reveal the essential facts necessary to a future cleanup of the pollution problem. The reader is primed with a fair amount of history. Ridgeway tells of the separate and interacting toils of government and industry which have only prolonged the desecration of our earthly environment. Moreover, the same corporate giants that have succeeded in contaminating the planet ironically march under the banner of "pollution control" in attempts to sell the American public the latest in survival commodities.

The author is certainly a prolific writer. He is now a contributing editor of the *New Republic*.

MAN AND NATURE: SELECTED ESSAYS. By Giorgio Del Vecchio. Notre Dame: University of Notre Dame Press. 1969. Pp. xxvi + 197. \$9.00.

The writing of ninety-three year old Giorgio Del Vecchio spans the greater part of the twentieth century. Once Dean of the Faculty of Law at the University of Rome, the Italian jurist is acknowledged as one of modern day's foremost legal philosophers. This volume is a neatly compacted collection of Del Vecchio's finest essays. Translated from Latin, they stand to enlighten the prospective reader as to the fundamentals and virtues of natural law. The essays are as relaxing and enjoyable as they are thought provoking.

THE NADER REPORT ON THE FEDERAL TRADE COMMISSION. By Edward F. Cox, Robert C. Fellmeth, and John E. Schulz. New York: Richard W. Baron Publishing Co., Inc. 1969. Pp. xiv + 241. \$5.95.

During the summer of 1968, under the guidance of consumer advocate Ralph Nader, a team of seven eastern law students conducted a full-scale investigation of the Federal Trade Commission. This book is their report.

Later characterized as "Naders' Raiders," the students were thorough and fair in their research. Their findings, however, created much more than a stir in Washington and, shortly thereafter, prompted Congress to make its own inquiry into the FTC. Appropriately, the authors of this report were summoned to testify at those hearings.

This book, greeted with mixed emotions from within and without the agency, tears into the FTC piece by piece. It attacks the slovenly bureaucracy, back-room politics, and stifling inefficiency of the nation's leading consumer-protection agency. Among a lengthy

list of recommendations, the authors rather pointedly call for the immediate resignation of FTC Chairman Paul Rand Dixon.

The book is of educational consequence on several fronts. Factual data on the FTC is spread generously throughout its pages supplying the reader with an abundance of information and material as to the organization and operation of the commission. Moreover, it allows ample opportunity to witness the day-to-day political and administrative workings of a mammoth federal agency. Finally, for those law students and attorneys with an eye toward public-interest advocacy, here is the ideal handbook prepared from first-hand experience by advocates with similar ambitions.

Paperback

AMERICA THE VIOLENT. By Ovid Demaris. Baltimore: Penguin Books, Inc. 1971. Pp. xi + 404. \$1.75.

The author is a journalist with a wealth of experience. He has worked in the Boston Bureau of the UPI and for seven years was copy chief of the *Los Angeles Times*.

In *America the Violent*, Ovid Demaris sets out to cure what he terms "historical amnesia." His mission is to close the amnesiac gap with the inclusion of the violent chapters of our American past most often omitted by historians. The book traces violence in the United States from the early days of the founders down to modern times and exposes much more than the slenderest thread of continuity. It explores both the psychic factors and the environmental influences which combine to ignite individual and mob violence.

Demaris' history also creates a powerful awareness of contemporary America. More perplexing, however, is his premonition for this country's future.

THE ENVIRONMENTAL LAW HANDBOOK. By Norman J. Landau and Paul D. Rheingold. New York: Ballantine Books. 1971. Pp. 496. \$1.25.

Complete with forward by Ralph Nader, this book is a concise account of the available legal remedies to halt government and industry from destroying the environment. The book is written by two leading authorities on environmental law and is conveniently geared to the purposes of not only the environmental litigationist, but the concerned layman as well.

The authors are an illustrious combination representative of both major worlds of the law: the practical and the academic. Mr.

Landau is trial counsel for the Interstate Sanitation Commission and is a member of the Board of Governors of the American Trial Lawyers Association. His co-author, Mr. Rheingold, is a member of the bars of New York, Massachusetts, and the District of Columbia. He is also a member of the faculty of Rutgers University School of Law and among his previous accomplishments is "Civil Cause of Action for Lung Damage Due to Pollution of the Urban Atmosphere," an article considered a landmark in its field.

The Environmental Law Handbook is prepared in a style equal to many hornbooks. It is a forthright, systematic, comprehensive study of one of America's most pressing problems. In it is a lucid description of how to prepare a case, including relevant information on pleadings, motions and briefs, statutes and regulations, digests of successful cases, and all of the necessary legal citations. The work is truly monumental and worthy of a place on the bookshelf of anyone interested in environmental law.

IN THE INTEREST OF EARTHQUAKE SAFETY. By the Institute of Governmental Studies. Berkeley: Institute of Governmental Studies, University of California. 1971. Pp. viii + 22. \$1.00.

This brief report summarizes background information, factual findings, and conclusions developed by the Task Force on Earthquake Hazard Reduction. In discovering the extent of man's knowledge of the earthquake hazard, and his progress and plans for reducing it, the Task Force centered on the following: priority programs for federal support; governmental tools for hazard reduction; urban planning for seismic safety; information before, during, and after earthquakes; strengthening basic and applied research; coordinating the federal agencies; and evaluation of the urgency with respect to establishing priorities.

THE NON-MEDICAL USE OF DRUGS. Interim Report Of The Canadian Government's Commission Of Inquiry. Baltimore: Penguin Books, Inc. 1971. Pp. 448. \$1.65.

In 1969, on the strong recommendation of the Minister of National Health and Welfare, the Canadian Government appointed this Commission of Inquiry. It was charged with the responsibility of reporting on the non-medical use of psychotropic drugs.

After nearly two years time, the Commission returned with some rather prolific conclusions founded on the following considerations: (1) the personal and social harm involved in non-medical usage; (2) the extent and patterns of usage, particularly, the increase among certain specified age groups; and (3) the societal characteristics serving to encourage usage.

Quite pointedly, the Commission emphasized society's paradox in dealing with such matters. On one hand, the danger of drug usage is widely recognized. Slightly incongruous is the response.

CALIFORNIA LOCAL AGENCY FORMATION COMMISSIONS. By Richard T. Le Gates. Berkeley: Institute of Governmental Studies, University of California. 1970. Pp. x + 128. \$2.75.

This is a short but balanced description of California's Local Agency Formation Commissions (LAFCo's). It includes information on how they began, their evolution, and their present and future operation.

The author's major assertion is that LAFCo's have grown into planning entities. As a result, much of their time is devoted to the documentation of planning developments. Although LAFCo's exist in fifty-seven of California's fifty-eight counties, the Le Gates study is limited to only those with urban environments.

LAWYERS FOR PEOPLE OF MODERATE MEANS: SOME PROBLEMS OF AVAILABILITY OF LEGAL SERVICES. By Barlow F. Christensen. Chicago: American Bar Foundation. 1970. Pp. xviii + 313. \$5.00.

If to no one else, this title is addressed and devoted to the present and future members of the legal profession. Barlow F. Christensen, a member of the Executive Staff Committee of the American Bar Foundation, has undertaken a polemical study of a key pitfall in the American judicial system: the relative unavailability of legal services to the majority of the population. He cautions his readers to take note of the increasing frustration and recourse to violence in answer to unfulfilled expectations of equal justice and opportunity from the failing legal, economic, and social edifices.

The Christensen study is logical, exquisitely written, and thoroughly well-organized. His conclusion of providing wider outlets for representation through a more concerned and aware legal profession is not a novelty. However, the soundness of his research and the clarity of his expression is refreshing.

THE HUD MODERNIZATION PROGRAM. By Al Hirshen. Chicago: National Legal Aid and Defender Association. 1970. Pp. 48. \$3.00.

This informative addition to legal literature is another of the monograph series published by the National Legal Aid and Defender Association. It is a useful vehicle for attorneys representing low-income tenants in obtaining better housing treatment for those clients under the HUD Modernization Program.

The author, Al Hirshen, is a staff attorney for the Housing Law Section of the National Housing and Development Law Project, Earl Warren Legal Institute, University of California, Berkeley. His monograph outlines in facts and figures the difficulties facing low-income tenants in today's society. More importantly, it offers some practical advice on how to resolve them.

THE WALL STREET LAWYER. By Erwin O. Smigel. Bloomington: Indiana University Press. 1970. Pp. ix + 386. \$2.95.

The Wall Street Lawyer is an empirical study of perhaps the most elite corps of American attorneys. The volume is a sociological masterpiece and ought to be required reading for members of the bar hoping to test the jungles of Wall Street practice.

Erwin O. Smigel is Chairman of the Department of Sociology at New York University. His work was made possible through grants from both Indiana and New York Universities. Furthermore, during the tenure of his research, he was appointed a Senior Fellow in Law and the Behavioral Sciences at the University of Chicago Law School.

The results are indeed impressive. The author strikes at the heart of the Wall Street syndrome. He questions whether the lawyer is in actuality a professional or merely an "organization man," the property of a "law factory." In addition, he describes the giant law firms, their distribution of work assignments, their specialization, and their bonds of organization, explaining how their bureaucratic structure affects the autonomy of the lawyer.

The book is both complimentary and critical, but, by all means, objective.

A CENTURY OF LAW AT NOTRE DAME. By Rev. Philip S. Moore. Notre Dame: University of Notre Dame Press. 1969. Pp. xi + 177. \$2.95.

Father Moore has composed an eloquent commemoration of the institution and leadership of the University of Notre Dame Law School. A detailed history of one of America's oldest law schools, the book is a tribute to not only a great university, but also the long list of personalities who have assisted in fostering the finest traditions of Christian legal education.

The achievements of the first dean, William J. Hoynes, are followed by records and recollections of the eras of the other deans who have led the school to increasing prominence. The present status of the Notre Dame Law School, the accomplishments of its graduates and the prospects for the future conclude this centennial volume.

The author has been, at one time or other, a student, a professor, and an administrator at Notre Dame. The feeling engendered herein is obviously one captured by only a living part of those ivory towers.

HOME OWNERSHIP FOR LOW-INCOME FAMILIES. By Charles L. Edson. Chicago: National Legal Aid and Defender Association. 1969. Pp. 90. \$3.00.

Congress has given the Department of Housing and Urban Development the task of transforming the concept of large-scale home-ownership for low-income families from dream to reality. This survey, a monograph of the National Legal Aid and Defender Association series, explores the means available to the two HUD agencies responsible for achieving this goal: the federal Housing Administration, and the Housing Assistance Administration.

The monograph focuses on the following home-ownership plans: home-ownership under section 235 of the National Housing Act; the HAA home-ownership program for low-income families; home-ownership of existing dwellings under section 159 of the Housing Act of 1937; the HAA home-ownership program utilizing leased housing (Los Angeles Plan); home-ownership program under section 23(g) of the Housing Act of 1937; and the HUD-assisted home-ownership of cooperatives.

LAW SCHOOL LEGAL AID PROGRAMS: A SURVEY. By Jewel Klein. Chicago: National Legal Aid and Defender Association. 1969. Pp. v + 50. \$3.00.

This monograph surveys the legal aid clinics in law schools throughout the country. It covers the scope of the programs, supervision, funding, and clientele. It should be a valuable aid to those concerned with law school legal aid programs, actual or potential.

LAWYERS FOR THE POOR VIEW THE UCCC. By Philip J. Murphy. Chicago: National Legal Aid and Defender Association. 1969. Pp. 42. \$3.00.

The author is a graduate of the Harvard Law School and is the Assistant Director of the National Legal Aid and Defender Association, the publisher of this monograph. He analyzes the newly adopted Uniform Consumer Credit Code in light of its effects on that economic stratum of society.

Murphy views the UCCC "as a nonrevolutionary document and yet . . . a good faith attempt to deal with the most shameful abuses in the consumer credit field." The author considers the UCCC

more protective of poor consumers than most state laws. His critical examination of the UCCC is extremely worthwhile and is reprinted from the *New York University Law Review*.

GOVERNING A METROPOLITAN REGION: THE SAN FRANCISCO BAY AREA. By Stanley Scott and John C. Bollens. Berkeley: Institute of Governmental Studies, University of California. 1968. Pp. xiii + 162. \$3.00.

This study is based primarily on the research of the San Francisco Bay Conservation and Development Commission. The Commission was created by the California Legislature in 1965. Although the Commission's initial functions were to formulate plans for the preservation of the bay and recommendations for the future government of the nine-county metropolitan region, much of the discussion herein is applicable to almost any regional government problem. The authors examine such areas as organization, finance, the extent of governmental power, and the role of partisan politics in metropolitan government. They also analyze alternative types of regional government. This study is an important contribution to the development of concepts which should be of ever-increasing importance.