

Volume 17 | Issue 1

---

1965

## Books Noted

Western Reserve Law Review

Follow this and additional works at: <https://scholarlycommons.law.case.edu/caselrev>



Part of the [Law Commons](#)

---

### Recommended Citation

Western Reserve Law Review, *Books Noted*, 17 W. Res. L. Rev. 361 (1965)

Available at: <https://scholarlycommons.law.case.edu/caselrev/vol17/iss1/17>

This Book Review is brought to you for free and open access by the Student Journals at Case Western Reserve University School of Law Scholarly Commons. It has been accepted for inclusion in Case Western Reserve Law Review by an authorized administrator of Case Western Reserve University School of Law Scholarly Commons.

## BOOKS NOTED

**A HANDBOOK OF FEDERAL HABEAS CORPUS.** By Ronald P. Sokol. Charlottesville: The Michie Company. 1965. Pp. xii, 277. \$10.00. To Blackstone, the writ of habeas corpus was "the most celebrated writ in English law." In America, the United States Supreme Court early stated that "the great writ of habeas corpus has been for centuries esteemed the best and only sufficient defense of personal freedom." Notwithstanding this acknowledged importance, little has been written about the writ since 1886. Consequently, the analysis presented in this treatise of the pertinent statutes and case law concerning federal habeas corpus brings to the bar a long-overdue and important aid to a proper understanding of this area of criminal procedure.

**GRISMORE ON CONTRACTS, REVISED EDITION.** By John Edward Murray. Indianapolis: The Bobbs-Merrill Company, Inc. 1965. Pp. lv, 528. \$15.00. This revised edition follows the same structure and philosophy of the first edition, namely, that there is a need for a single volume contract text that can be consulted without fear that it is inaccurate or misleading due to its brevity. In addition to a substantial amount of rewriting, Professor Murray adds to this edition an analysis of those sections of the *Uniform Commercial Code* which affect traditional contract doctrines.

**THE PRETRIAL CONFERENCE AND EFFECTIVE JUSTICE.** By Maurice Rosenberg. New York: Columbia University Press. 1964. Pp. xvi, 249. \$6.50. This book presents the results of a study made of New Jersey pretrial conferences between judges and lawyers in accident cases by the Columbia University Project for Effective Justice. This is the first time such an attempt has been made to uncover the complexities of the pretrial conference with a view toward improving its function. In addition to reports drawn from the study, this book includes a discussion of the pertinent court decisions and statutes bearing on the subject. In short, it will undoubtedly be of immediate interest to all concerned with court procedure throughout the country.

**SOCIETAL BEHAVIOR: NEW AND UNIQUE RIGHTS OF THE PERSON.** By Warren Freedman. Springfield: Charles C. Thomas. 1965. Pp. xvii, 337. \$10.50. The contents of this book are grounded upon the legal determinants of the individual's present day struggle against other individuals and against institutions. In the field of economics, for example, the author reviews the patterns of economic concentration, the business of sports and the antitrust laws, and the subject of gambling. In regard to the modern law of torts, Mr. Freedman states that we must inquire as to whether the dynamism in recent developments in this field is equal to the task of measuring the social value of individual rights amid ever-changing economic, political, and social conditions. Other topics are given similar treatment in a discussion designed not so much to present an exhaustive analysis of the complexities of the law as to foster intelligent appraisal by lawyer and layman alike of the total legal and social structure of modern society.

**STUDIES IN MEDIEVAL LEGAL THOUGHT, PUBLIC LAW AND THE STATE 1100-1322.** By Gaines Post. Princeton: Princeton University Press. 1964. Pp. xv, 633. \$15.00. Professor Post of Princeton University brings together in this volume eleven articles which focus largely on the legal thought that

resulted from the revival of Roman law at Bologna and the influence this thought had on medieval constitutionalism. The information for these articles was gathered from the opinions of the professors of the Roman and Canon law as stated in their glosses and commentaries in the Latin manuscripts preserved in libraries throughout Western Europe. A valuable addition to any library, this study is not concerned only with legal or jurisprudential matters, but also shows how the development of law — Roman, ecclesiastical, and feudal — is related to other important aspects of history such as the origins of representative government and of nationalism.

**TRIAL BY JURY, A COMPLETE GUIDE TO THE JURY SYSTEM.** By Samuel W. McCart. Philadelphia: Chilton Company. 1964. Pp. vii, 204. \$4.95. The prime thesis of this book is to explain the jury trial system in a manner easily understood by anyone. In so doing, the author traces the history of the system back to its primitive beginnings when jurors could be punished for bringing in a verdict contrary to the one demanded by the state. This book will be of as much value to the seasoned trial lawyer as it will be to all laymen interested in the historic institution of the trial jury.

**WILLIAM HOWARD TAFT: CHIEF JUSTICE.** By Alpheus Thomas Mason. New York: Simon and Schuster. 1965. Pp. 354. \$6.50. This book emerged as a by-product of a larger and more comprehensive study of the office and powers of the Chief Justice of the United States. Recognizing that Taft had a major influence on that office, Professor Mason traces the life of this Chief Justice from his early years as a judge on the Ohio Superior Court and as Solicitor General through his years as President and Chief Justice in an effort to understand the complexities of his personality.

**THE ADDICT AND THE LAW.** By Alfred R. Lindesmith. Bloomington: Indiana University Press. 1965. Pp. xiii, 320. \$7.50. The primary theme of this book is reform in the treatment of drug addiction. Professor Lindesmith advocates that drug addiction be treated as a disease, not as a crime. He presents a comparison of the United States and Far East narcotic policies with those of Great Britain and Western Europe where legal access to narcotics, under medical supervision, is permitted. The book also contains an extensive study of United States laws, regulations, police practices, and court procedures. Professor Lindesmith concludes that the present system of narcotics control in the United States is unjust to the addict and intensifies the social evil that it is intended to mitigate. He proposes a gradual reform which will result in a medical approach to addiction.

**CREATIVE COLLECTIVE BARGAINING.** Edited by James J. Healy. Englewood Cliffs: Prentice-Hall, Inc. 1965. Pp. x, 288. \$7.95. This book presents an objective examination of the development of "creative bargaining" in the United States. It contains an analysis of the problems presently confronting labor and management, and the practicality of employing the traditional collective bargaining process as a means of solving these problems. The book demonstrates the necessity of developing new processes to meet today's challenges which include automation, technological change and government intervention. It presents detailed studies of existing plans and committees currently utilized by industry, such as the Kaiser Long Range Sharing Plan, and compares them to each other. The emphasis is on practical philosophy, attitudes and ideas, which can be readily utilized by the reader.

TRENDS IN CONSUMER CREDIT LEGISLATION. By Barbara A. Curran. Chicago: The University of Chicago Press. 1965. Pp. xi, 379. \$8.50. This writing contains a study of the entire body of legal prescriptions applicable to consumer credit arrangements. It focuses primarily on state laws regulating consumer installment loan and sales credit and in addition, also examines legislation covering related matters such as credit insurance laws; laws establishing state consumer advisory bureaus; debt-pooling statutes; laws governing assignment and garnishment of wages; and wage-earner plans under the Bankruptcy Act. Miss Curran also presents a description and comparison of relevant statutory material indicating patterns and trends. The book contains a charted description of variations in regulatory treatment in all the states. As such, the book is useful as background material and as a reference tool in evaluating the original notions underlying consumer credit legislation and the necessity for revision of these notions and the concomitant laws.

THE GOVERNMENT AS A SOURCE OF UNION POWER: THE ROLE OF PUBLIC POLICY IN COLLECTIVE BARGAINING. By Philip Ross. Providence: Brown University Press. 1965. Pp. xiv, 265. \$6.50. In this book Mr. Ross gives an analysis and evaluation of the role of public policy in collective bargaining. His presentation of a badly needed affirmative side of the argument concerning the role of public policy in collective bargaining will very likely be a challenge to many established opinions. For instance, the author demonstrates that the duty to bargain was not imposed fortuitously but rather, as a result of government intervention in collective bargaining. In addition, he shows that the opinion that the Congress which passed the Wagner Act had no idea of the meaning of the duty to bargain is not merely probably mistaken, but entirely erroneous. Moreover, Mr. Ross examines the total ramifications of the duty to bargain and the Wagner Act in light of specific evidence, and concludes with an evaluation of the duty to bargain.

EQUAL JUSTICE UNDER THE LAW: THE SUPREME COURT IN AMERICAN LIFE. By the Foundation of the Federal Bar Association. Washington D. C. 1965. Pp. 141. \$2.75. This publication deals with the Supreme Court as an institution and outlines its history, operations, and landmark cases, such as *Marbury v. Madison* and *Gideon v. Wainwright*, by means of word and colorful illustrations. The purpose of this book is to tell and explain the unique position and power of the United States Supreme Court. It is planned particularly to serve the public and accordingly is nontechnical in nature. Nevertheless, the book should be of interest and enjoyable to lawyers as well as to the lay public.



# WESTERN RESERVE LAW REVIEW

Volume 17

December 1965

Number 2

*Editor-in-Chief*

ROBERT L. MATIA

*Managing Editor*

DALE C. LAPORTE

*Associate Editors*

DAVID A. BASINSKI  
RICHARD C. BINZLEY

PHILLIP J. CAMPANELLA  
LESLIE J. CROCKER

JAMES D. KENDIS

*Board Members*

KENNETH BOUKIS  
JAMES N. BROWN  
ALBERTA L. CARONITE

JOHN B. LINDAMOOD  
LARRY S. TURNER  
WALLACE W. WALKER, JR.

DAVID R. WILLIAMS

*Apprentices*

Edward C. Baran, Jr.  
Richard Bronner  
Charles E. Brown  
Elizabeth A. Butler  
Gerald B. Chattman  
Thomas J. Cunningham  
J. Hunter Downs  
Carl F. Gillombardo, Jr.  
Jerrold L. Goldstein

Robert J. Gregor  
Edward G. Greive  
Fred J. Haupt  
Owen L. Heggs  
Aberdeen P. Hutchison  
Francis A. King  
Edward A. Krause  
James C. Lynch  
Gerald E. Magaro

Robert D. Markus  
Lloyd D. Mazur  
Raymond D. D. Meyo  
David J. Neustadt  
Geoffrey J. Porter  
Norbert A. Rascher  
Marian Ratnofff  
Michael L. Ritz  
Charles P. Rose, Jr.

John D. Steele, Jr.

Joseph P. Valentino

*Faculty Advisor*

DAVID T. SMITH

*Published five times a year  
by students of The School of Law of Western Reserve University*

Copyright 1965, by Western Reserve University, Cleveland, Ohio 44106. Second-class postage paid at Oberlin, Ohio. Subscriptions: \$5.00 per annum payable in advance; \$2.50 for single issues, excluding Volume 12, Number 2, Volume 16, Number 3, and Volume 17, Number 2 which are \$3.00; back issues available upon request. If subscription is to be discontinued at expiration, notice should be sent to the Managing Editor; otherwise it will be renewed as usual.

Member, National Conference of Law Reviews. Citations conform to *A Uniform System of Citation* (10th ed. 1958), copyright by the *Columbia, Harvard, and University of Pennsylvania Law Reviews* and the *Yale Law Journal*.