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BOOKS NOTED

Problems of Proof in Arbitration, Proceedings of the 19th Annual Meeting of the National Academy of Arbitrators, 1966. Edited by Dallas L. Jones. The Bureau of National Affairs, Inc., Washington, D. C., February 25, 1967. pp. 416. \$8.50.

Problems of Proof in Arbitration, edited by Dallas L. Jones, is the product of the Nineteenth Annual Meeting of the National Academy of Arbitration. The central focus is on the problem of the degree to which rules of evidence and judicial procedure are applicable to arbitration proceedings. As such the book should be invaluable to arbitrators and parties alike in their search for standards to follow in the presentation and evaluation of evidence. The transcripts of the workshops of The Chicago Area Committee, The West Coast Committee, The Pittsburgh Committee, and the New York Committee reveal areas of consensus and disagreement which are brought out in the report of the General Session. The Presidential Address of Russel A. Smith takes a critical look at recent criticisms made by Judge Paul Hays in his Storrs Lectures at Yale University. Another area focussed upon is the progress and problems in Puerto Rico with a discussion of the use of tripartite industry committees to set minimum wages. There follows an interesting study of collective bargaining in the East and Gulf Coast Longshore Industry by David H. Stowe, Director of the Manpower Utilization and Job Security Committee, and Theodore W. Kheel, well-known arbitrator and mediator.

Silverberg's How to Take a Case Before the National Labor Relations Board. By Kenneth C. Mc Guinness. Washington, D. C.: B.N.A. Incorporated, 1967. Pp. 442. \$10.50.

This book, the third edition of a work originally prepared by Louis G. Silverberg, strives to present in a clear and orderly fashion both the formal and the informal procedure involved in bringing a case before the National Labor Relations Board. It is a thorough and comprehensive guide designed to assist attorneys, union officials, and executives in wending their way through the tangled mazes of procedure established by the N.L.R.B. In addition to the primary purpose of presenting the procedure utilized before the Board this work seeks to explain how the N.L.R.B. operates: how hearings are conducted,

how decisions are reached, and how rulings are enforced. In short the book covers the whole spectrum of the practical and procedural problems an attorney faces when he brings a case before the N.L.R.B. The book which is a revised and expanded edition of the standard authority in this area, should prove an invaluable aid to any attorney practicing in the field of labor law.

The Hotelman's Basic Law. By Ronald A. Anderson, Ocean City, New Jersey: The Insurance Press, 1965. Pp. 472. \$7.50.

Written in easily understood language, this book brings to the hotelman the principles of today's law which concern him. Avoiding legal technicalities, the author sets forth the reasons for the law and the values and interests with which it is concerned, enabling the hotelman to learn how to avoid costly litigation which may be damaging to his reputation. In addition to making him more sensitive to situations in which professional legal advice may be needed, the author informs the hotelman on how to co-operate more fully with his attorney or insurer, giving hints on recording and preservation of evidence. Adopted as the official text of the American Hotel and Motel Association, *The Hotelman's Basic Law* also includes particular chapters to be read by non-management employees, such as clerks, cashiers, etc. Although aimed at the layman, this book is of equal value to the lawyer and student, and particularly lends itself to a hotel management curriculum.

Federal Taxation: Basic Principles and Procedures. By George D. Brabson. Cincinnati: Fred C. Rosselot Co., 1965. Pp. 317.

The declared purpose of Professor Brabson's work is to present the fundamental principles of federal taxation in a clear and comprehensible manner rather than a detailed treatise of the field. However, the information presented forms a solid base upon which may be built a more detailed knowledge of recent developments in the area of federal taxation. The book is addressed for reading and reference not only to the student, but also to the lawyer, the accountant, and the business executive. As a point of departure, the theory of income taxation is explored along with the scope and sources of our federal tax laws. Next explained are the administrative and judicial procedures to be followed from the filing and processing of tax returns all of the way through the federal tax courts. A discussion is also included of the jurisdiction of the various courts in tax proceedings. Other subjects

dealt with by the author include depreciation, tax aspects of corporate organization and liquidation, partnerships, bankruptcy and receivership, gift and estate taxation, and employee benefit plans. The book closes with a discussion of the impact of the 1964 Revenue Act which has brought about significant changes in our tax concepts. As a whole, the book focuses very effectively upon a composite picture of the federal tax structure and serves to clarify a field in which the underlying principles have tended to become obscured in a mass of court decisions.

Manual of Practice and Procedure Before the Interstate Commerce Commission. By Eugene D. Anderson and Joseph D. Feeney. Baltimore: Association of Interstate Commerce Commission Practitioners, 1967. Pp. 80.

This manual, which is designed for those working primarily in transportation, is a revision of the original *Manual of Practice* published in 1945. The authors have divided the material into seven main areas. The first concerns the general principles covering practice and procedure before the Commission, and deals with such issues as limitations of the Commission's power and stare decisis in the administrative field of law. The second area focuses on the rules concerning standards of practice, procedure and form with emphasis upon pleadings, commencement of proceedings, and examination of application for admission to practice. The third area deals with informal proceedings and discusses both special docket applications and the six months rule. The fourth segment, which involves a discussion of formal proceedings, is a complete analysis starting with notice and prehearing techniques, moving next to the hearing, then to the posthearing with its emphasis on briefs and exceptions, and finally to the appellate procedure within the ICC. Special rules are dealt with next by the authors. In this section, such aspects as the suspension board, finance boards, transfer board, and motor carrier boards are discussed. The sixth section concerns judicial review of decisions of the ICC and focuses primarily on the mechanics of appeal and reviewability. The authors conclude the manual with a presentation of twelve exhibits or forms. The manual should be a valuable tool to the practitioner who expects to do a great deal of work in the field of interstate commerce.

Police Authority and the Rights of the Individual. By Sidney H. Asch. New York: Arco Publishing Co., Inc., 1967. Pp. 126. \$4.95.

Sidney Asch, who for ten years was a member of the New York State Legislature, is Judge of the Civil Court of the City of New York. He is a member of the graduate faculties of the City University of New York, the New York Law School, and Mount Sinai Medical School, holding a Ph.D. in sociology. In this book, in clear, concise language for the layman to understand as well as the attorney, Judge Asch has written a guidebook that examines the often vague line between police authority and human rights. The author discusses on the one side, the obligation of the police to use their power to uphold the law and protect the public, and on the other side, the restraints put on the police by the constitution and the courts to preserve the personal freedom of all citizens. Such relevant and controversial matters as civilian review boards, the use of force, civil rights, interrogation, confessions, search and seizure, the right to counsel, illegal detention, valid arrests, and police and the courts are discussed and interrelated. The author demonstrates the always constantly ambivalent currents in American life by showing that there has been an emphasis on enactment of more and more laws, yet, at the same time, there has been an impatience with restraints imposed by the structures of the law. All this leads to what is purportedly the central issue of our times, appearing to be increasing conflict between the assertion of authority and the maintenance of individual freedom.

Justice Is A Woman. By Dorothy Smith. Philadelphia: Dorrance & Company, 1966. Pp. 190. \$4.00.

This book grew out of talks which the author delivered to women's organizations on the legal status of women. It describes women's search for equality in the context of their present rights. The book serves as a handbook for women of their legal rights. It discusses dower, estates by entirety, alimony and community property. The legal rights, duties and responsibilities of husband and wives are explained. The author compares the laws pertaining to married couples in the fifty states of the United States to illustrate the privileged position that women enjoy. In the business world, women are urged to rely on their abilities to achieve success, instead of blaming their sex for their failure.

The author concludes by urging women not to strive for true equality of the sexes, for this will destroy their privileged position.

Treasury of the Rule of Law. By Richard W. Nice. Totawa, New Jersey: Littlefield, Adams & Co. 1965. Pp. 553. \$2.95.

Treasury of the Rule of Law is a compilation of representative legal documents from the major civilizations of history which reflects not only the different standards of social conduct through the ages but also the varied foundations of the Rule of Law. The examples chosen by the author range from the Babylonian Code of Hammurabi through the Mosaic Code and the Canon Law of the Catholic Church to the Common Law and the Constitutions of the major contemporary world powers. The documents themselves present a progression of the Law from the ancient concepts of right and wrong based on autocracy and superstition through subsequent periods of enlightenment to the present concern with utility, social expediency and individual rights. The selected documents reflect not only the different values of the societies that they represent but also they point out the fact that the basis of strength for the different systems varied between religion, family relationships and nationalism of internal revolution. The value of *Treasury of the Rule of Law* is not so much in its being an authoritative source for the present-day lawyer as it is in providing an interesting collection of the antecedents of our present-day system of administering our own concept of the Rule of Law.

Law and the Social Sciences. By Julius Stone. Minneapolis, Minnesota: University of Minnesota Press, 1966. Pp. 121. \$4.50.

Julius Stone is professor of jurisprudence and international law at the University of Sydney, Australia. He is the author of a number of books discussing the law and its functions in modern society. In the present work, he has attempted to analyze the impact of social theory upon juristic thought. To this end, he examines the influence of such diverse writers as Montesquieu, Charles Darwin, and Oliver Wendell Holmes. Stone emphasizes the necessity for increased mutual awareness and interaction between the social sciences and the legal profession. He also examines the contribution of behavioral science to the law in general and the appellate judicial process in particular, and sug-

gests the application of computer techniques to the problems of decisional prediction and data retrieval. The book will be of particular interest to those concerned with the future of the legal profession in a changing world.

CHIEF JUSTICE: The Judicial World of Charles Doe. By John Philip Reid, Cambridge, Mass.: Harvard University Press, 1967. Pp. 489. \$12.50.

The biography of Charles Doe is unique in that it portrays the development of the philosophy of a state court judge that has been influential in the judicial world. Charles Doe served on the Supreme Court of New Hampshire for thirty-seven years (1859-1896) and during that time distinguished himself by his ability to depart from traditional doctrine while at the same time maintaining the continuity and integrity of Anglo-American common law. Roscoe Pound called him one of the ten greatest jurists in American history, and he was the only one to spend his entire career upon the bench of a state court. Justice Doe's theories are based on the principle that law is precedent and presence tempered by consideration for tomorrow. This book provides the reader with an unusual insight into the important but seldom recorded world of a state justice.

The Rationale of Legal Punishment. By Edmund L. Pincoffs, New York: Humanities Press, Inc.

Some well educated and sensitive people view legal punishment as a survival of barbarism perpetuated only by inertia. "Why and by what right," asks a Tolstoyan character, "do some people lock up, torment, exile, flog, and kill others, while they are themselves just like those they torment, flog, and kill?" The author argues that though the question be vexed and confused, there are grounds for punishment. Provided one grants some general assumptions concerning nature, human nature, and human society, he argues that punishment can be morally justified. His justification, however, does not extend to capital punishment, and would radically curtail imprisonment. The author discusses the impasse between the traditional retributivistic and utilitarian positions, and holds the theories to be contraries. He then attempts to reconstruct the rationale of punishment. He discusses legislative and judicial versions, critically examines the proposal to substitute treatment for punishment,

and concludes with his qualified defense of the practice of legal punishment.

Notes of Debates in the Federal Convention of 1787. By James Madison, Ohio University Press, 1966. Pp. 659. \$10.00.

This record of the day-by-day happenings in the Constitutional Convention held between the months of May and September, 1787, was written by James Madison who was often hailed by his contemporaries as the "Father of the Constitution." It is the only complete picture surviving in history of the strategy, interests and ideas of the Founding Fathers at the Convention itself. To those concerned with the growth of the United States in its embryonic stage, this book is an indispensable primary document. From the legal standpoint, the book is interesting in that it gives the reader an insight into the behavior and intellect of those great minds who contributed to the Constitution. The end result of the Constitutional Convention was the embodiment of the prevailing political and legal philosophy of the day into one document and none of the participants in the Debates was more qualified than James Madison to comment on those philosophies. As such, this work is intended to present in an authoritative manner an accurate picture of the beginnings of American political history and of one of its principal figures.

UNITED NATIONS LAW REPORTS. Edited by John Carey. New York: Walker & Co.

This periodical, dealing with matters of legal significance taken up in the United Nations, first appeared in September, 1966. Concise, unofficial reports of International Court of Justice decisions, U.N. seminars and conventions, matter on treaties, and other matters are published monthly. The reports cite official reports and documents. Recent items have included reports on an interpretation of the United Nations Charter and a General Assembly declaration on the subject of interventions in domestic affairs, reports on international criminal law, rights of women and children, international protection of individuals, and a program to assist in increasing the appreciation of International Law. There have been numerous reports dealing with South West Africa, including reports on an International Court of Justice decision and a General Assembly resolution. The periodical may be put to good use

in directing efforts to find specific reports on legal matters handled by the U.N. The purpose of these reports is to inform the legal profession of legal topics of an international scope with which the United Nations deals.