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BOOKS NOTED

The Functions of International Law: An Introduction to the Role of International Law in the Contemporary World. By William D. Coplin, Chicago, Illinois: Rand McNally and Co., 1966. Pp. 294.

The purpose of this book is to set forth the operational role of international law in the contemporary world not only for the introductory student, but also for the mature student by providing an approach which creates meaningful theoretical questions rather than by furnishing dogmatic answers. In order to carry forth this purpose, the author has found it necessary to employ analogies with domestic law and make interdisciplinary use of other fields in the social sciences. The subject matter of international law is discussed in terms of democratic legal systems, legislative processes, the precepts of international bargaining, and the concepts of political socialization and culture derived through comparative study. Structurally, the book is divided into five main parts or chapters. The first one poses general theoretical questions and provides a framework for the rest of the book; and then respectively, the allocation of legal competences among states, the limitation of violence in international conflict, the development of international social and economic welfare legislation, and the climate of opinion on international relations in the development of an international political culture, which serves as a summarization, are treated. Lastly, a number of international treaties are included as supplementary material at the end of the book. Primary of academic note, this book serves simultaneously as an introduction and an attempt to develop a theoretical framework for the analysis of international law.

Criminal Responsibility and Mental Disease. By C. R. Jeffery. Springfield, Illinois: Charles C. Thomas, 1967. Pp. 324. \$11.00.

The author, Director of Delinquency Research, Washington School of Psychiatry, and Visiting Lecturer in Criminology at New York University Law School, presents a critical appraisal of the interrelation among law, psychiatry, and the behavioral sciences in the treatment of criminal offenders. The book is based on a study of the Durham Rule in the District of Columbia, and incorporates a study of twenty criminal

cases along with interviews of lawyers and psychiatrists. Dr. Jeffery contends that present criminal law and procedure have failed to make use of modern developments in the behavioral sciences, and presents strong arguments and evidence in support of the conclusion that a thorough overhaul in this area is necessary. The approach recommended is the use of behavioral psychology to control behavior by environmental contingencies, an approach which is provocative and refreshing in an area of legal and moral concepts conspicuously less that successful.

Pattern Automobile Interrogatories. By Douglas Danner. Rochester, New York: The Lawyers Co-operative Publishing Co., 1966. Pp. 651. \$25.00.

That the use of interrogatories may be both beneficial and even essential in the great majority of automobile cases is attested by the modern trend toward full pretrial disclosure of the relevant facts. Outlining the useful functions to which an interrogatory may be applied, the author includes discovery of new facts, verification of known facts to narrow the area of dispute, and assistance in settlements by clarifying the issues involved. Interrogatories may also be profitably employed in impeaching testimony of witnesses and often in finding an adversary's vulnerability. With these objects in mind, the author sets out an exhaustive array of inquiries in a systematic order suited to the requirements of motor vehicle practices. Not only are many of these interrogatories tailored to fulfill specific purposes, such as preserving the testimony of witnesses, determining damages, and proving or disproving negligence, but also to fit numerous fact situations. Finally, alternate interrogatories are included to fit the differing needs of either party—plaintiff or defendant. Although Mr. Danner recognizes several possible disadvantages in using interrogatories, including forcing an adversary to solidify his testimony and eliminating the element of surprise, he points out that interrogatories are usually of considerable profit when used with discretion. The text should undoubtedly prove a great time-saver in its thorough coverage of all aspects of automobile practice.

The Right to Silence: Privileged Communication and the Pastor. By William Harold Tiemann. Richmond: John Knox Press, 1964. Pp. 166. \$2.50.

In this book, William Tiemann, a Protestant minister, examines the present status of what is known in law as the "priest-penitent privilege."

Every week a minister meets in his study with people who have problems. At these times, he receives confidences of the most intimate character. Later he is notified that he must testify in court concerning something revealed to him in the course of counseling and confession. What legal right does he have to remain silent? The Reverend Mr. Tiemann indicates that under the common law the privilege to remain silent was rarely recognized. He shows that although thirty-seven states recognize the privilege in statutes, they are so strictly construed that they are usually meaningless. In the first section, he discusses the kind of cases which might arise where the pastor and the law meet; the Church's historic understanding of her role of silence in the ministry of counseling and confession; and the current theological reexamination of confession. In the second portion, he takes up legal considerations. When is a minister privileged to keep silent and when not? How do state laws vary and how have they been interpreted? What unresolved issues need attention? He closes with guidance for the minister who has been subpoenaed. The author expresses the opinion that the minister's right to receive and hold privileged communications is not adequately protected today, concluding that legislation is needed to remedy the problem. This book will provide the practicing attorney with an understanding of the problem of privileged communications as it affects the clergy. This might facilitate his handling of the clergy and other guidance counselors in the courtroom.

The New Wage Hour Law. (Revised Edition—1967). By the Editorial Staff of the Labor Relations Reporter Under the Direction of Howard J. Anderson, Managing Editor, The Bureau of National Affairs, Inc.: 1967. 393 pp.

The Fair Labor Standards Act of 1938 was the culmination of federal efforts primarily during the Great Depression to control hours. As subsequently amended, it is administered by the Secretary of Labor through the Administrator of the Wage and Hour Division of the Department of Labor. The law establishes minimum wage, overtime, and child labor standards which apply to employees engaged in interstate commerce. The law as applied does not deal in a blanket way with industries as a whole, but is determined on the basis of the employee's activities. The law also specifies a number of exemptions from its minimum-wage and overtime requirements. The law, since its enactment in 1938, has passed through several stages of modernization, tightening of restrictions, and

broadening coverage for employees and expanding the number of employees covered. Prior to 1966, the most significant amendments enacted were in 1961 when coverage was substantially broadened, the minimum wage was increased to \$1.25 per hour, and the concept of "enterprise" was introduced which laid the groundwork for later expansion of coverage. On September 23, 1966, President Johnson signed into law, a group of amendments that will have important and far-reaching effects. *The New Wage and Hour Law* is a highly detailed and analytical manual written to provide the basis for an initial understanding of the law as amended in 1966. It analyzes the revised law in the light of the objectives of the original law, the court decisions construing it, various administrative regulations and interpretations, and the legislative history of the new amendments. In this publication, the authors give detailed explanations concerning the evolution of the law, the general rules governing the determination of coverage, the broadened "enterprise" concept, the establishments and employees exempted under the Act, the rules governing white-collar exemptions, the minimum-wage standards, the equal-pay standard, the rules for computing hours of work and overtime pay, the restrictions on child labor, the administration and enforcement provisions under the Act, and the relationship of the Act as amended with other laws. In summary, *The New Wage and Hour Law* serves as a brief, detailed, and well-written operating manual useful not only for obtaining a broad understanding of the law but also for its further application into the many and varied legal problems which will invariably arise by virtue of its broadened scope and coverage.

The New Confession Standards—Miranda v. Arizona. By Hon. Nathan R. Sobel. New York: Gould Publications, 1966. Pp. 153. \$6.50.

In this book the author, Justice of the Supreme Court, State of New York, Kings County, discusses the older exclusionary rules in the law of confessions with primary emphasis on their relationship to *Miranda*. The changes in the "traditional involuntary rule," established by the Supreme Court in *Brown v. Mississippi* (1936), which were brought about by the *Massiah* "defendant stage" and the *Escobedo* "accusatory stage" exclusionary rules are discussed. These decisions did not preclude the application of the traditional rule, particularly to the issue of coercion. Now, under *Miranda*, it is no longer possible to have issues of coercion, *Miranda* does not affect the *Massiah* "defendant stage," but it does make the *Escobedo* "accusatory stage" rule extinct. In addition to

the two exclusionary rules, *Miranda* based on the Fifth Amendment and *Massiah* based on the Sixth Amendment, a third, quasi exclusionary rule is developed. This is the Fourth Amendment "primary taint" rule (*Wong Sun v. United States* (1963)). The procedural and practical problems of applying these rules are discussed. This book's greatest value lies in the fact that its organization makes it an easily accessible reference work for practicing lawyers.

Lawyers and Their Work (1967)—By Quintin Johnstone and Dan Hopson, Jr. The Bobbs Merrill Company, Inc.: 1967. 604 pp. \$10.00.

The legal profession today is faced with the problem of providing adequate legal services to an increasingly complex society. The traditional function of lawyers in assisting in the community process of authoritative decision is being eroded in that more and more laymen are performing legal services as law increasingly pervades human affairs. This book is concerned with delimiting these problems facing the legal profession in England and America and suggesting some solutions to them. The authors present the problems against a background including in-depth analysis of the education and qualifications of lawyers, the organizations which represent them, and the central roles lawyers play, as advisers, advocates, and adjudicators, in the control and operation of the community process of authoritative decision. Central emphasis is placed on making available satisfactory legal services from lawyers or lawyer's competitors at a fair price to all persons who can benefit from them. Rarely, if ever, should lack of financial resources, inferior social status, or unpopularity of cause prevent a client from securing the services of some lawyer able to help him or justify the lawyer in not providing satisfactory service. The means by which this can be accomplished, by standards to guide lawyers in providing their services and by goals to which the legal profession should strive, is the invaluable contribution of this penetrating study.

Arrests, Searches, Confessions by William E. Ringel, Gould Publications, Jamaica, New York. 1966. Pp. 328. \$6.00.

A number of recent decisions have drastically affected the law of arrests, searches, and confessions. Federal constitutional questions affect virtually all trials in state courts. This book was written to assist both lawyers and judges in reviewing and understanding the state of the law on these questions. The book covers questions of self-incrimination,

right to counsel, discovery, wiretapping, unlawful search and seizure, use of informants, and probable cause. Chapters are also devoted to discussions of the motion to suppress, police as trespassers, controverting search warrants, and other subjects.

The field of confessions, admissions, and inculpatory statements is particularly well covered, and the effects of decisions such as *Miranda v. Arizona*, and *Escobedo v. Illinois* are analyzed and summarized. This book is an expanded and updated version of a similar book which enjoyed great success following its initial publication in 1956. Although Federal and New York law is emphasized, the law of other jurisdictions is also treated where appropriate. The book is presented in a ready-reference format, for the use of the trial lawyer as well as the legal researcher. It should be a valuable addition to the library of any lawyer practicing or interested in criminal or constitutional law.

Crime and Its Correction: An International Survey of Attitudes and Practices by John P. Conrad, Berkeley and Los Angeles; University of California Press, 1967. Pp. 312. \$1.95.

In order to discover whether prisoners are being prepared for constructive participation in the community or rather becoming hardened and embittered by their correctional experience, the author traveled throughout the United States, Canada and Europe studying present conditions and advances in the correctional world. Based on his interviews and observations, the book offers a new perspective as it provides a realistic account of current correctional practices throughout the world. The emphasis is on a more humane program, the aim of which is not only the containment of delinquents, but also their ultimate rehabilitation as useful members of society. The author gives a concise description of the major ideological conflicts in correction, reports on the patterns of practice found in the survey, presents case illustrations of science applied to correctional problems and concludes with suggestions for corrections in a number of critical cases.

Legal Considerations on Ionizing Radiation: Radionuclides and Radiation Emitting Devices. By Gerald L. Hutton, LL.B. Springfield, Illinois: Charles C. Thomas, 1966. Pp. 93. \$5.50.

New and intricate legal problems have accompanied the increased use of radioactive materials and other radiation emitters during the past decade. In *Legal Considerations on Ionizing Radiation*, the author deals

with these problems while setting forth in summary form such topics as principles of radiation protection, radiation dose and radiation injury, statutes of limitation, proof of actionable radiation injury, *res ipsa loquitur*, malpractice and ionizing radiation, and the civil aspects of regulatory standards. The book was designed to provide expert advice on technical problems encountered in the use of radioactive materials for technical personnel, management and company counsel. Its scope and ultimate value however reaches far beyond this class. The legally trained non-technical reader will find the work invaluable in the identification of pertinent legal considerations and potential problems that may arise from the use of radiation emitting devices.

How to Adopt a Child. By Robert A. Farmer, New York: ARCO Publishing Company, 1967. Pp. 131. \$4.95.

Printed as one of Arco's *KNOW YOUR LAW* Book Series, this book is designed to provide a complete guide to the layman as to the multiplicity of laws, regulations and procedural methods which the complex problems of adoption have created among the fifty states. The book provides a complete guide for would-be parents of an adopted child in regard to acquainting them with various procedures and requirements which often differ from jurisdiction to jurisdiction. The author directs interested parties to sources of specific and specialized information and provides an entire appendix of state-by-state listings of both public and private adoption agencies. Other subjects which are covered include the selection of the child, who may and who may not adopt, religion and race requirements, foreign adoptions, and black market babies.