

Books Noted

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BOOKS NOTED

Civil Liberties in American History. EDITED BY LEONARD W. LEVY. New York: Da Capo Press (a reprint series consisting of 8 volumes).

Because the books put out by Da Capo Press are part of a reprint series, it was decided that the best way to review them was *en masse*. The series is entitled *Civil Liberties in American History*. Two of the volumes were received at an earlier date and were noted in the De Paul Law Review Vol. — at 319-20 (1970). The remaining volumes are noted here.

The latest editions received include a volume entitled a *Discussion on Civil and Religious Liberty* by two churchmen named Hughes and Breckenridge. It was originally published in 1836 and was a text account of a debate presented in January, 1835, to the Union Literary & Debating Institute. This particular volume is worthwhile as a reprint of an out-of-print edition. However, a quick glance through its pages shows two religious men engaged in a heated verbal battle consumed primarily in *argumenti ad hominem*. They discuss much in relation to religious tolerance, which may be of interest to the practitioner of hindsight, for it concerns itself with such oldies as the Lateran and Trent Councils. It seems to center on treatment of nonbelievers of by-gone days and its only historical value is to prove the adage "the more things change, the more they remain the same."

The next volume is *The Legislative and Judicial History of the Fifteenth Amendment*, written by a political science fellow at Johns Hopkins in 1909. Suffice it to say that as a reprint of an out-of-print work, it has some value. But as a historical work in relation to the law, it has little value save for the paramour of the picayune. It is so old that the cases cited are today rarely even discussed as important to the history of the voting-rights amendment.

On a different plateau is the volume *The Life of John McLean* by Professor Weisenberger. As a biography of a Supreme Court Justice about whom little has been written, the book has much value. This type of reprint revives a work which would otherwise be lost to time and has independent significance. It tells the life of a justice on the Marshall and Taney Courts and his significance in that era. Such work is of value to the legal historian because it gathers together the information on McLean's life, which is invaluable to one studying the background of the cases he heard.

Lectures on the Fourteenth Amendment to The Constitution of the United States serves no value other than preserving a fossilized article on the amendment. Similar to the fifteenth amendment volume, this work is so outdated that it only goes up to the time of *Plessy v. Ferguson*, and includes cases which gather dust on nearly all legal historians' shelves.

Perhaps the single most interesting book of the series is *Not Guilty*. In this work a series of cases of faulty convictions is examined, showing how too often under our system of law the innocent are not only convicted, but consigned interminably to jails because of an underlying belief in a guilty-

until-proven-innocent theory of justice. As a criticism, the book is only fourteen years old, but if indeed out of print, it was well worth reviving. It shows in current terms how unjust our system of justice can be, by use of historical examples.

Although they are fairly up to date, it seems a waste of money to reprint law review articles of which, by historical standards, the ink is scarcely dry. *The Juvenile Offender and the Law* is just that. It contains some very interesting articles on the topic, but for the price of a whole book, with the exception of those who like everything complete and hardbound, it is a waste of money for the legal scholar. He could just as readily purchase a back issue of the *Indiana University Law Review*, or copy the parts he wants to see without getting the extra copy of *In re Gault*.

Lastly is *The Eavesdroppers*, a reprint of a 1959 book which either sold so badly as to make second printing unprofitable at the time, or else Da Capo is to be congratulated for its *coup*. The book does not seem to fit the series in its strictest sense, because it is highly technical in the main. It is useful to one preparing to study wiretapping because it covers all the aspects of its use prior to 1959 and is of historical value in that it can help to explain later Supreme Court decisions and the consequent reaction in the *Omnibus Crime Act of 1968*.

In overview, Da Capo Press' historical reprints are not without value to the legal historian. But in the main, the choice of works for the series seemed to be dictated by a concept of "whatever was available." There does not seem to be any specific pattern to the works, since they cover a wide range of topics loosely connected by the heading civil liberties. Perhaps more care to connect more important and recent works will be used in Da Capo Press' next reprint series.

Riparian & Littoral Rights. BY CARROLL DUNSCOMBE. New York: The William-Frederick Press, 1970. \$———.

The land-buying boom is growing, particularly as to land which borders a body of water. Hence, it follows that more and more individuals who purchase these areas wish to know and of necessity must know what rights and what duties attach to the purchase of these lands. *Riparian and Littoral Rights* is a survey of these rights and some of the legal problems contained therein. The author, however, says too little, and more often than not, doesn't substantiate what he does say. His survey never reaches the depths necessary for the topic chosen. It is repetitious and meager in its delineation of the pertinent theories upon which a riparian owner can bring an action and for what. While the layman might find this book interesting, that criteria is not enough to recommend it to a practicing attorney.

The Great Cottage Industry. BY VINCENT L. CAREY. Chicago: Published by the author, 330 pp. 1970. \$9.50.

Mr. Carey, the author, is a patent attorney. As such he has a vested right in encouraging new product development, and the increased flow

of technology. To implement this right he has written an excellent work examining the type of business organization that now performs engineering work and the sources of support for engineering work. He concludes that this organization is inefficient and inept. Why? Because the developer cannot reap a sufficient profit margin, nor control the sale of his product, and finally "business espionage" eventually saps what little profits there are by cheap imitations. To cure the shortcomings of the system the author proposes to change the existing patent laws to: (1) protect know-how and computer programs from direct copying; (2) making detailed technical information about new products available at a reasonable price; (3) providing an incentive for independent engineering consulting and computer programming organizations; and (4) enabling know-how and computer programs to be more easily sold. Thus, the author presents some very challenging alternatives for the patent attorney and, as the author suggests, for the engineer-inventor, to consider.