

Books Noted

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Recommended Citation

DePaul College of Law, *Books Noted*, 19 DePaul L. Rev. 432 (1969)
Available at: <https://via.library.depaul.edu/law-review/vol19/iss2/13>

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BOOKS NOTED

Argument. EDITED BY LEON FRIEDMAN. New York: Chelsea House, 1969. Pp. 601. \$14.95.

In a single volume, *Argument* presents the full text of the oral arguments before the United States Supreme Court in *Brown v. Board of Education of Topeka*, a case described by Yale Law School Dean Louis H. Pollak as "the most important American governmental act of any kind since the Emancipation Proclamation." In addition to the complete oral arguments of 1952, 1953, and 1955, this work includes: a brief preface by editor Leon Friedman; introductions by Yale Kamisar and Dr. Kenneth Clark; the lower court decisions in *Brown* and its companion cases; the intermediate and final rulings of the Supreme Court; and a detailed index.

Professor Kamisar's introductory essay, "The School Desegregation Cases in Retrospect: Some Reflections on Causes and Effects," traces the succession of cases which led to *Brown* and discusses the *Brown* effects. Dr. Clark, a sociologist who was a key witness in one of the companion cases, focuses his introduction on the role of social science in *Brown*. His discussion includes racism, the effects of *Brown* in the North and the South, and the relevancy of integration in light of current black demands for separatism. Thus, *Argument* provides an invaluable source book on the topic of school desegregation. Its well-documented introductions containing cross references to the oral arguments make it an extremely useful and informative legal reference book.

Casebook of a Crime Psychiatrist. BY JAMES A. BRUSSEL, M.D. New York: Bernard Geis Associates, 1968. Pp. 212. \$5.95.

If one is to believe the "jacket" in which this book is encased, Dr. Brussel, an Assistant Commissioner of Mental Hygiene for the state of New York and a practicing psychiatrist, is the greatest boon to the field of crime detection since Sherlock Holmes. This description appears to be as fictional as was the revered Mr. Holmes. However, there is a tinge of fascination in the doctor's application of modern psychiatric principles as aids in the solution of some of the more publicized cases of the past two decades: the Mad Bomber, the Wylie murders, the Boston Strangler, and the Coppolino case.

Unfortunately, the elementary rhetorical style and the potential pandering to one's sexual appetite dim the deductive brilliance with which Dr. Brussel allegedly shines. Several interesting theories are to be found among the case studies, but they are somewhat overshadowed by the commercialism of a book obviously intended for a lay readership.

Federal Regulation of Insider Trading. BY WILLIAM H. PAINTER. Charlottesville: The Michie Co., 1968. Pp. 627.

The Securities and Exchange Act of 1934 has in recent years been the progenitor of an overwhelming body of case law. The fraud provisions of the Act, especially Section 16(b) and Rule 10b-5, have been the bases of the most publicized actions, among which is the case of *SEC v. Texas Gulf Sulphur*. Professor Painter has attempted to explore the development of the law under these provisions through extensive case analysis. While the author deals at length with *Texas Gulf Sulphur*, and understandably so, he has been attentive to virtually every problem faced by "insiders" when treading on the margins of Section 16(b) and Rule 10b-5. This volume, however, is not to be selected for light reading. It is heavy and detailed, as are the problems with which the author deals; it is far too detailed to be used as general background reading in securities regulation. The book, at first glance, appears to be written for the plaintiff; defendants, however, will benefit from the analysis of the available defenses and "marginal" activities of "insiders." It seems well suited as a manual for corporate watchdogs, hyperactive investors, and insomniac "insiders."

Handbook of Member Trusts. Darien, Connecticut: National Association of Real Estate Investment Funds, 1969. Pp. 213. \$17.50.

The NAREIF *Handbook* has a dual purpose: to disseminate general information on the nature of a real estate investment trust and to provide specific factual information regarding investment trusts which are members of the Association. The general information includes a brief history of such trusts, sets forth the essence of applicable Internal Revenue Code provisions, and discusses the purposes of the Association. This general information, which covers eighteen pages, is not intended to be of much value to the practitioner; it is more suited to providing a very basic frame of reference regarding real estate investment trusts for the layman.

From the point of view of either the investor or the practitioner who is advising a prospective investor, the more detailed information, which constitutes the bulk of the *Handbook*, is of more significant value. Eighteen leading "Equity Trusts" and seven leading "Mortgage Trusts" provide reports which discuss: history of the trust; names and associations of officers and trustees; investment policies; lists of properties owned; balance sheets; income statements; information regarding public offerings; and amounts of beneficial ownership of officers and trustees. Some statements are more detailed than others, but, in general, the *Handbook* provides an excellent source for making a comparative study of real estate investment trusts of all sizes. To an investor or advisor, such matters as earnings per share and dividends, as well as the other information provided, are invaluable.

Scenic Easements: Legal, Administrative, and Valuation Problems and Procedures. BY DONALD T. SUTTE, JR., AND ROGER A. CUNNINGHAM. Washington, D. C.: Highway Research Board, Division of Engineering, National Research Council, National Academy of Sciences—National Academy of Engineering, 1968. Pp. 174. \$6.40.

This book is a must for highway engineers, administrators, and legislators concerned with scenic easements in that it contains the best of both worlds; a scholastic, extremely well-documented legal study is combined with extremely practical "how-to-do-it" guidelines. Professor Cunningham, of the University of Michigan Law School, presents not only a legal history of scenic easements, but also focuses on definitional problems and specific legal problems encountered in the acquisition and enforcement of such easements. Of importance to legislators are proposals for enabling legislation and comparative excerpts from various states' statutes.

Mr. Sutte concentrates on administrative problems such as selecting a scenic easement area, acquiring that area in one of various ways, maintaining public relations before and after acquisition, and policing the area. Guidelines for establishing a state program are also listed. Valuation problems are discussed from interviews and from invaluable field experience gained by Mr. Sutte, as one of the first appraisers in the Illinois acquisition program.

In addition to the fine textual material, the appendix is rich with pictures, graphs, charts, case studies, comparative sales, and forms (deeds, letters of explanation to owners, explanatory brochures, etc.). Last, but not least, is the extensive annotated bibliography outlining salient portions of 174 books and monographs relevant to the study of scenic easements.

The Individual Income Tax. BY RICHARD GOODE. Washington, D. C.: The Brookings Institution, 1965. Pp. 367. \$2.50.

The Tax Reform Act of 1969 has resulted not only in considerable substantive changes in the Internal Revenue Code, but also increased interest in the theory of federal income taxation. *The Individual Income Tax*, one of a series in Studies of Government Finance, is a comprehensive appraisal of the foundations and effects of the income tax. The book serves a tri-fold purpose: (1) to evaluate the past performance of the current income tax structure; (2) to analyze possible modifications of the current system; and (3) to pursue the possibility of an entirely different, alternative federal tax.

In general, the effects of the income tax are related to their possible influences on saving, investment, and work motivation. Although an economic rather than an administrative approach is taken, the author makes every attempt to avoid ideological endorsement. The great flexibility of the present income tax is discussed in terms of its elasticity in the prevention or dampening of business cycle fluctuations and the con-

sumption of goods and services. A practical picture of the broad functioning of the individual income tax is given in chapters on exclusions, deductions, capital gains and losses, and exemptions.

Consumption and net worth taxes, as well as the more prevalent sales and excise taxes, are considered as possible practical alternatives to the graduated federal income tax. The impacts of these various taxes on saving, investment, consumption, work incentive, and tax cost are compared to the current standard.

Defects of the present tax structure are considered in broad, rather than specific, terms in order to avoid any hint of philosophical bias. Possible changes include elimination of logically unjustifiable exclusions and deductions, regardless of their moral justification, rather than complete destruction of a basically sound taxation structure. Such a broadening of the tax base would permit lower rates and greater efficiency, and economic performance and production would likewise show an increase. In conclusion, the author advocates an amalgam of several taxes in order to achieve the benefits of each. *The Individual Income Tax* deserves a careful reading by anyone who seeks a better understanding of the federal income tax.

The Supreme Court: From Taft to Warren. BY ALPHEUS T. MASON.
Baton Rouge: Louisiana State University Press, 1968. Pp. 293. \$6.95.

This revised and enlarged edition of a 1958 scholarly work has a renewed importance at a time when the Supreme Court has reached another crossroad in its history. Although the book is a survey of the past, its approach has utility as a diagram for the future. Understanding how the Supreme Court decides, rather than what it decides, enables projections as to the probable future course of the Court.

The decisions discussed in this analytical treatise of the workings of the Court in this century are familiar; the context in which the discussion takes place is not. Professor Mason, long a renowned constitutional law scholar, demonstrates excellent insight into why these decisions which have become so familiar were reached. The jurisprudential philosophy of the Justices and, when important, their personalities, are used to illuminate the framework in which the Court acted. All those who wish to know the "whys and wherefores" of the Court will find Professor Mason's book a dry but enlightening aid in pursuing that goal.

The Warren Court. EDITED BY RICHARD H. SAYLER, BARRY B. BOYER
AND ROBERT E. GOODING, JR. New York: Chelsea House, 1969.
Pp. 262. \$7.95.

The Warren Court, an opus of the Michigan Law Review, is a collection of eleven articles, nine of which analyse the impact of the Supreme Court of 1953-69 on major constitutional doctrines. Included are chapters on reapportionment, desegregation, criminal procedure, church and state, freedom of speech, freedom of the press, labor law, antitrust law, and the political process. The remaining two chapters, which open and close

the book, are devoted to Earl Warren—his political and judicial personality, his personal effect on the Court, and the resulting impact on the nation.

In an age when the relevance and workability of our political institutions are being challenged by vast sectors of the population, the Supreme Court has remained a major force for social change. Disagreement as to the direction and shape this social change should take has made the Warren Court one of the most controversial in the history of the Republic. The Warren Era has witnessed an increasing emphasis on individual rights in nearly every constitutional area. The book offers a comprehensive view of the broad changes of the past decade and a half in many diverse areas. This significant work places together in one volume a well-documented commentary not only on solutions offered by the Warren Court, but also on problems posed by an increasingly complex and, in many ways, stifling society. *The Warren Court* should be required reading for lawyers and students alike because of its stimulating and informative nature.

Special Mention

Mr. Nathan H. Schwartz, a former student and now a trustee of DePaul University, has graciously contributed to the College of Law a collection of letters written by the Justices of the United States Supreme Court—past and present. This collection of fifty-seven signed letters was purchased by Mr. Schwartz at a cost in excess of \$13,000. It is believed to be the only one of its kind in the world. The major part of this aggregation reputedly took over sixty years to assemble.

There are letters from all previous and current Supreme Court Justices except Abe Fortas, Thurgood Marshall and Warren Burger—a situation easily remediable. An examination of the collection from beginning to end reveals a great deal about the development of not only the Court, but the entire nation as well. The assortment of styles progresses from the hand-written, quill-penned, wax-sealed parchment to the modern type-written business letter with its quickly scribbled signature. These volumes will be of special interest to the legal historian. We wish to thank Mr. Schwartz for his generosity.