

## Books Noted

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## BOOKS NOTED

*Constitutional Limitations on Evidence in Criminal Cases.* BY B. JAMES GEORGE JR. New York: Practicing Law Institute, 1969. Pp. 413. \$12.50.

The reign of Earl Warren as the Chief Justice of the Supreme Court has been characterized as one of judicial activism. Professor George's scholarly work traces the Court's assumption of the task of supervising state criminal procedure. A comprehensive listing and analysis of fourteenth amendment cases, both Supreme Court and lower federal court cases, enables the reader to follow the Court's enunciation of these critical doctrines of constitutional law regulating how evidence of criminal guilt is to be obtained and what the consequences of noncompliance are.

Included among the many topics discussed in the volume are discussions of the fourteenth amendment as it affects searches and seizures, arrests, numerous aspects of interrogation, various methods of identification, the privilege against self-incrimination, the rights of juveniles, and a discussion of retroactivity. Typical of the volumes published by the Practicing Law Institute, Professor George's work is a handy desk reference to every practitioner, civil or criminal, no matter what his particular field of concentration may be.

*Democracy in Urban America* (2nd Edition). EDITED BY OLIVER P. WILLIAMS AND CHARLES PRESS. Chicago: Rand McNally and Company, 1969. Pp. 474. \$5.00.

In an attempt to break away from the traditional "there-are-three-types-of-municipal-governments" approach to the teaching of political science, the editors have compiled a group of essays by leading writers in the fields of local government, political science, economics, and so on. These essays are multi-faceted, touching many fields, either criticizing or praising.

Instead of looking at the simple factual structure of urban government, the essays look at the behind-the-scenes aspects of local political systems: machine politics, voter participation, metropolitan governmental structures, governmental systems in their political-electoral aspects, and influences on city government from business and civic groups. Although a text book in its format, it makes for informative and interesting reading, and is a must for the student of local government and the modern urban lawyer.

*Law in a Changing America.* EDITED BY GEOFFREY C. HAZARD, JR. New Jersey: Prentice-Hall, 1968. Pp. 207. \$5.95.

Perhaps it is trite to use the expression, "Law is the conscience of society." However simplistic the clause may be, it is clear to at least twelve esteemed minds that the ramifications of that statement have not adequately been considered by the legal profession. Even if these ramifications have been contemplated, it appears that the profession is unwilling to confront successfully the problems created by society, problems of which the profession is well aware.

Eleven attorneys (among them Dean Pollack, Dean Goldstein and Mr. Irving Reichert, Jr.) and one sociologist (Mr. Wilbert E. Moore) each lend a chapter to this book. Their method of inquiry is basic: discern the societal problem; isolate its internal characteristics; suggest amelioratory measures.

Beginning with the realities of a rapidly changing society, each author compares the realities of the profession, and finds the shortcomings in the profession due mainly to its obdurate clinging to a dilatory institutional evolution. Thus law schools are too theoretically oriented, with no clinical counterpart, save at the expense of a new lawyer's first clients. Institutional procedures for qualifying members to the bar in part dictate this orientation, and yet bear no logical relation to future performance by the practitioner. The practicing profession is fettered by a de jure non-specialization, not supported de facto; technological innovations, greatly felt by society, have but slight impact on legal machinations; economic rewards to the lawyer prescribe his clientele; and legal education to the practitioner is largely a function of available resources.

An overview of the entire work, however, shows each author's confidence in the ability of the profession to meet the needs of a changing America. The most valuable—and most demanding—function of the future lawyer will be to make himself modern, and to realign his profession into a homogeneous part of the conglomerate that is American society. This work suggests the means by which those objectives may be accomplished.

*Profits From Franchising.* BY ROBERT M. ROSENBERG AND MADELON BEDELL. New York: McGraw-Hill, 1970. Pp. 262. \$7.95.

*Profits From Franchising*, coauthored by a former "Esquire" editor and the youthful head of Dunkin' Donuts, is supposed to be a do-it-yourself guide for the ambitious entrepreneur. It is described on the dust wrapper as a sort of primer for both the franchisor and the franchisee. In actuality, however, it falls slightly short in both respects. There is no doubt that the prospective franchisee and the prospective franchisor will find some very useful information contained within these pages. It will, though, take *some* looking. For example, of the book's 262 pages only 173 contain text material. Further, it should be noted that within this meager text there are only about eighty pages worth reading. The first forty pages of text are devoted to the authors' case histories of successful franchisors composed of a little name dropping and a lot of little known facts you can use at the next boring party you attend. The remainder of the text (chapters 4-14) is fairly good, but the information contained therein could be compressed into a small article rather than a book. Perhaps the most salient features of the book are not in the text at all, but within its two appendices. The first appendix is an invaluable all inclusive list of franchises available—everything from soup (Pewter Pot Management Corp.) to donuts (Dunkin' Donuts of America, Inc.). The second contains two sample contracts: (1) a reproduction of a franchise agreement which details the various rights and obligations of the franchisor and the franchisee, and (2) an equipment agreement. I should like to point out that these two contracts are invariably the determinants of whether or not the franchisee is successful.

Hence, if you're a prospective franchisee I suggest that, rather than buy the book, you read chapters 4, 6, 7, and 9, tear out the two appendices for reference, pick out the franchise you want, and go to the Small Business Administration for a loan (this is recommended in chapter 8 so don't bother to read it). If you're a prospective franchisor merely glance at chapters 9, 10, 11, 12, and 13, and forget about the appendices. If you happen to be an attorney don't read the book at all, (the authors brush off the legal implications and complications of franchising in a couple of pages) simply advise your client that setting up a franchise takes more than knowing about the *Profits From Franchising*.

*State and Local Government Law.* SHO SHATO AND ARVO VAN ALSTYNE. Boston: Little, Brown & Company, 1970. Pp. xlviii, 1165. \$15.00.

This casebook gives comprehensive coverage to the increasingly important and complex field of local governmental law, while avoiding superficiality. Relying heavily on text and notes, the authors afford full treatment to this problem area, from intergovernmental relations, and regulatory enforcement, to financing, zoning and condemnation. Included in this broad examination of local governmental legal problems is a study of the critical role of the attorney, as both counselor and advocate for private clients and public officials, in shaping the dimensions of governmental policy and practice. The casebook is designed to backbone a course in local governmental law, and in addition to serve as a useful springboard to independent study and research into related and collateral topics.

*Stephen J. Field: Craftsman of the Law.* BY CARL BRENT SWISHER. Chicago and London: The University of Chicago Press, 1969. Pp. 473. \$2.95.

This book is a paper-bound reprint of Mr. Swisher's original work, first published in 1930, with the addition of an introduction by Robert G. McCloskey. The introductions, by Prof. McCloskey and Mr. Swisher, attempt to point out that Justice Field was one of the leading judicial innovators and protectors of capitalism in the Reconstruction. The "judicial biography" attempts to show us how the personal background of the Justice helped to form and shape his judicial reasoning, especially in regard to the fourteenth amendment. These tasks are ably performed.

In bringing out the background of Justice Field, however, Mr. Swisher shows the reader, in a manner that alternates between action-packed material and drab, lengthy excerpts from opinions, some facts about Justice Field which would make Judges Fortas, Haynsworth and Carswell look like candidates for immediate canonization. And in spite of these gross improprieties, Swisher, in his attempt to glorify Justice Field, has assumed the audacious position of glossing over them. Far from showing only how a judge's background tempers his legal reasoning, Mr. Swisher's book shows the reader what type of judge might serve on the high court were it not for Senate screening.