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# Book Reviews

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# BOOK REVIEWS

THE SUPREME COURT AND THE PRESIDENCY. By Robert Scigliano. New York: The Free Press. 1971. Pp. viii, 233. $6.50.

Studies of the Supreme Court in relation to the legislative process have been produced rather regularly by constitutional historians and lawyers. But much less notice has been paid to the Court and the executive branch. A great deal of attention has been lavished, of course, upon individual appointments to the Court made by various Presidents. But few scholars have troubled to step back and view the entire record of relations. Robert Scigliano has done that in this new study and he has accomplished his task with detachment, insight, and considerable success.

His thesis is that these two branches of the national government have had a "special relationship" to each other that neither has had to the Congress. This has existed in part because of the basic powers possessed by the two. Each is concerned with the execution of the law and thus they share a common perspective on governmental problems. But even more importantly, the drafters of the Constitution deliberately strengthened the judiciary and the executive in order to offset the power of Congress. Madison, Washington, Hamilton, and their colleagues in Philadelphia in 1787 felt that the legislative power posed the greatest danger to any system of "separate but equal," and they assumed the judicial and executive branches would act together to keep from being absorbed into the legislative vortex. Thus individual liberty would be best protected.

What emerged from the Constitutional Convention was not a formal alliance but an informal one. It was because he perceived this alliance that Washington as the first President saw nothing wrong in appointing Chief Justice John Jay a Minister Plenipotentiary to Great Britain simultaneously with his holding a judicial position, or in asking Jay, along with his own department heads, for advice on policy matters and for ideas for proposed legislation.

The record of American history reveals, as the author argues, that the Supreme Court has indeed been closer to the President than to the Congress. The Presidency has had the dominant voice in the appointing of Justices, and the extra-curiam relations of those appointees with the White House have been numerous and close. Both of these points are examined in special detail by Scigliano.

In regard to the first—the selection of judicial nominees—he finds that partisanship, the timing of appointments, and the threat of senatorial courtesy have the most important bearing. When the President and a majority of the Senate have been of the same political party, Presidents have naturally been much more likely to get their nominations approved than when they have been of different parties. In the latter instances, the chief executives have infrequently (only eleven times of twenty-six) had their nominations accepted.

The timing of appointments is also connected with the Senate's reaction to them. When they have been made in the first three years of a President's term of office, nominees have been able to join the Court without great difficulty (in

eighty-seven instances out of a hundred). When, on the other hand, they have been made in the last year of a term or in the interregnum between the non-re-election of a President and his successor's assumption of office, they have met with much less success (twenty-two failures out of thirty-four).

But it is neither partisanship as such nor the timing of appointments as such that accounts for most Presidential troubles in Court nominations, but rather the two factors in combination. When Presidents have given opposition Senates end-of-term nominations, these have almost invariably met with a dismal fate. In the last year of an incumbent's term, the opposition party appears to be moved by an understandable compulsion to have vacancies on the bench held for the next President, hoping naturally that he would be of their political persuasion. When the election has already taken place and an opposition candidate has won, the desire becomes irresistible.

Scigliano sees senatorial courtesy as much less a factor in filling Supreme Court vacancies that in appointments to the district or the appeals courts, both of which have definite geographical ties. But when a particular region or state has become associated with a seat on the Court, such as when the state has received at least two immediately preceding nominations for the seat in question, Presidents have been disposed to consult with the senators representing the area. New York, Pennsylvania, and Ohio have most often exerted this influence.

In choosing men to serve on the Court, the author surprises no historian by saying that the White House is most often moved by professional, representational, and doctrinal qualifications. The first is symbolized by the fact that every Justice has not only been a lawyer but has also practiced law at some time in his career and has traditionally been a man of high moral character, eminent in his public or private career, a few exceptions notwithstanding. Prior judicial service has been a more important factor to Republican Presidents who have tended to be more legalistic and less political in their thinking than their Democratic counterparts. But such prior service, of course, does not make better Justices or, historians often forget, worse ones either.

Representational qualifications refer to those attributes in a prospective Justice that link him to a significant segment of the American public. The main categories would be political party affiliations, geographic origins, religion, and ethnic background. The importance of the first is clear when it is noted that eighty-nine of our ninety-eight Justices have been of the same party as the Presidents who selected them.

Geographic balance has been a weighty consideration from the time of George Washington's very first nominations to the Court, though it had become somewhat less crucial in the twentieth century until Richard Nixon's "southern strategy" revived it in the ill-fated Haynsworth and Carswell choices. The abolition of circuit-riding in 1891 weakened the case for sectionalism substantially.

But with the decline of geography has come the rise of religion and ethnicity. There has been a Catholic and a Jewish seat on the Court regularly in this century. It is probable that a Negro on the Court is now an unofficial imperative and that a woman's seat need not be far off. While representational

qualifications would seem to tie the hands of a President to a certain extent, they can also aid him. First, they tend to simplify a difficult choice by pointing him towards persons with particular credentials. Secondly, he can play one off against another if he so chooses. He can prefer section over religion or vice versa depending on his political gameplan.

The significance of doctrinal qualifications needs no elaboration. Only when the Supreme Court has posed no important threat to the chief executive's programs have Presidents relaxed their guard here. Theodore Roosevelt, in a 1906 letter to his friend Henry Cabot Lodge, made clear this concern when he said of a prospective Justice:

> He is right on the Negro question; he is right on the power of the federal government; he is right on the insular business; he is right about corporations; and he is right about labor.[1]

But do Presidents usually get what they expect when they place a man who is "right" on the Court? Scigliano's conclusion is that they do. Insofar as an evaluation can be made in this difficult area, apparently Justices live up to expectations about three-quarters of the time. This figure should hardly be startling considering that Presidents have personally known about sixty per cent of the persons they have selected for the Supreme Court.

What, however, about that remaining one-quarter who proved to be judicial mavericks? How did the executive branch blunder in their choice? The easy answer is that the Presidents thought their candidates held different views than they actually did. The explanation sometimes lies in insufficient checking on the part of advisers to the President. Sometimes also a chief executive may assume that he knows how a man will act generally from a stand on a single issue. Woodrow Wilson expected James McReynolds, an ardent antitrust advocate, to be equally liberal on all issues. No President was ever more wrong.

Mistakes can be made also simply because a man can change his mind once he dons judicial robes. John Marshall, it will be recalled, had an uncanny ability for converting good Jeffersonian appointees into even better Federalist Justices. A sense of loyalty to the Court itself can modify a Justice's presumed philosophy as well. Constitutional historians have long suspected that Chief Justice Hughes' voting pattern in the New Deal cases was as much shaped by his concern for the Court as an institution as by the issues being argued.

The problem of out-of-Court relations between the Justices and 1600 Pennsylvania Avenue are examined in this study too. They are seen as taking three forms. Justices have engaged in activities related to their judicial responsibilities, such as advising on legislation affecting the judiciary or appointments to court positions. They have also accepted temporary service in some executive capacity (e.g., Jay as Minister to Great Britain or Robert Jackson as chief American prosecutor at Nuremberg), and they have acted as political advisers to Presidents, the most questionable role of all.

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1 R. SCIGLIANO, THE SUPREME COURT AND THE PRESIDENCY 116 (1971).

While much of this extra-curiam work has not been sufficiently consequential to matter, the author feels it all would have been better left undone. The exception can be noted though in the case of political crises so grave that they require all the moral authority that the American society can muster to resolve peacefully. Once faced with such an emergency, even though the Supreme Court runs a risk of sacrificing part of its reputation, the duty must be accepted. The service of five Justices on the Electoral Commission formed to resolve the disputed presidential election of 1876, a political struggle that threatened for a time to escalate into a new civil war, illustrates such an instance.

The Court's "special relationship" with the Presidency has intensified, if anything, in recent years. A trend toward the increased democratization of American life has enhanced the power of the White House more than the Congress or the states. And as the chief executive has gained strength, so also has his ally, the Supreme Court. It has become sufficiently bold to move into areas where the Congress and even the President have chosen not to act. Civil rights and electoral redistricting are just two of the areas involved.

But there is a danger for the Court here too. As the Presidency has gained in strength, it has shown itself less than willing to brook interference from the bench. While it has been three decades since the last significant confrontation between the two, a new conflict could be possible and it would find the Court much less able to defend itself than in the past.

Robert Scigliano's treatment of his subject is brief. He makes no attempt to delve into the specifics of past episodes in the relations between the two branches. It is rather assumed that the reader is familiar with the details of that story. For the reader who is, this interpretive essay on the topic can be especially rewarding.

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ASSAULT ON PRIVACY: COMPUTERS, DATA BANKS AND DOSSIERS. By Arthur Miller. Ann Arbor: University of Michigan Press. 1971. Pp. xiv, 333. $7.95.

*Assault on Privacy,* the most recent in a series of red alerts to the problems of privacy in the new technological era, focuses attention on the use of the computer in amassing unprecedented quantities of personal data by virtually every modern American social and commercial institution and the consequent threat to the private citizen's right to be left alone.

Despite Stanley Kubrick's futuristic horror sequence about a computer running amuck in *2001: A Space Odyssey,* computers do not themselves "assault" privacy. Unlike wiretaps, electronic bugging devices or infra-red photography or computers do not physically intrude or invade, peep or eavesdrop. Rather, because of the computer's incredible capacities to store, classify, and

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instantly retrieve virtually limitless data, new technology has grafted onto the old human snooping instinct an immense and unforgetting electronic memory.

Professor Miller sees in this new data-gathering capability the wherewithal to make new intrusions on personal privacy feasible and potentially threatening. Information which two decades ago simply was not collected because of its sheer bulk and dispersion is now routinely collected and stored in the data banks of credit bureaus, insurance companies, police departments and all levels of government, with new and more varied uses of computer dossiers in the offing. At the root of the problem is the erosion of the individual's ability to control the circulation of information relating to him, a vital form of personal autonomy essential to forming social relationships and preserving personal freedom. Historically, this fundamental power to control personal information was inadvertently protected—no organization could efficiently collect, use or make available meaningful personal information on a wide range of subjects. Data from the 1880 census, for instance, took nearly 10 years to collect and collate, by which time it was hopelessly outdated and virtually unusable. Similarly, because information could not be effectively centralized, the source of personal data was more readily accessible for confrontation and challenge: the local tax collector and the village gossip were at least available for argument.

Informational technology has had the effect of creating a wider and therefore less accessible audience for personal information. Conclusory or subjective evaluations by former educators, employers, or creditors receive a new air of objectivity once entered in the data banks, making an error or a malicious falsehood in a man's dossier more broadly disseminated, but more difficult to challenge. Even accurate information—the fact that a man had a juvenile police record, for example, or that he once declared bankruptcy—could condemn him to a "data prison" of foreclosed job opportunities and denied credit for the rest of his life, once committed to the unforgetting memory cells of the data banks. Data stored in a central location could be subjected to tampering by technically proficient "data-saboteurs" who could destroy, alter, or introduce false information into the system. Highly selective advertising or political campaigns could be directed at particular individuals based on their spending habits as gleaned from their computerized billings and bank statements. At the far fringe of possibility is the potential for psychological or political repression if computers are linked to surveillance mechanisms—television monitors, optical scansion of mail, even the implantation of body sensors in persons guilty of "suspicious conduct."

In a slightly tongue-in-cheek chapter entitled "The Psychological Effects of a Dossier Society," Miller discusses the developing computer counter-culture which seems intent on violating contemporary society's Eleventh Commandment: THOU SHALT NOT FOLD, BEND, SPINDLE OR MUTILATE. Some militant devotees of the subculture hold two or more social security cards in order to maintain multiple data lives, while more enterprising disciples speculate that by erasing their tax records from the Internal Revenue Service's computer tapes, they could transform themselves into untaxable non-persons.

Despite such resistance, the growth of computer and telecommunication complexes housing vast stores of information seems to be an irresistible societal

impulse. In 1967, the Bureau of the Budget proposed a National Data Center—a single, centralized, statistical data bank which was to merge existing bodies of government information then diffused among a variety of federal agencies. Although outcries by Congress and the press ensured that the proposal was aborted, various agencies of government are now studying common multi-access computer networks.

The development and use of data banks have not been confined to the federal government. Credit information bureaus, for instance, reportedly maintain dossiers on an estimated 100 million Americans for use by credit-granting institutions, employers, and insurance companies. Normally the data in a credit dossier contains predictable data on whether a particular subject is a "slow" or "fast" pay, his earnings and employment history, but occasionally—when there is a demand for more specialized information—may contain the opinion of a neighbor as to the stability of his marriage, his drinking habits, records of hospitalization for mental disorders, or information as to his political or religious persuasion. Rarely is this specialized information verified, and not until recently were there any controls on its uses or accuracy. As the demand for retail credit increases, greater reliance on this kind of information seems inevitable.

The most ominous of Professor Miller's observations relate to the use of intelligence and personality tests in schools and business. He objects to the illusion that subjective human qualities can be given a numerical hardness, that individual creativity, drive, ambition, or sociability can be objectively computed and scored. Language-oriented I.Q. exams can unfairly reduce the scores of minority students or job applicants who lack facility with middle-class English, and can be used more unfairly throughout their educational or job careers as the given limits of their intellectual capacity and achievement potential. Questions asked on some personality tests in pseudo-professional guise amount to outright invasions of privacy ("About how often do you go to Church?" . . . "To what race does your father belong?") if not salaciousness and psychological voyeurism ("Do you think there is something wrong with your sex organs?" . . . "Are you a special agent of God?"). Because a security clearance, a military commission, or a job may depend on their co-operation, most test applicants have little alternative but to answer. More foreboding is Miller's belief that today's schools, with their programmed learning machines, television lectures, and audio-visual devices, may be slowly numbing students' sensitivities to this kind of technological dehumanization.

Unfortunately, the federal government has not been an exemplar in balancing data efficiency and personal privacy. Census information, the chief function of which is to provide the statistical basis for Congressional apportionment, is made available to other federal agencies as well as profit making organizations with apparently few cost or procedural restraints. Other information freely given by an individual to one government agency for a carefully defined purpose may find its way into the hands of another agency without his knowledge or consent. Tax returns, for example, may be scrutinized by federal law enforcement agencies seeking a criminal prosecution. While this kind of dogged criminal investigation may not be objectionable, the recent episode of the Army's investigations

of private citizens for the FBI demonstrates that mutual back-scratching among government agencies may not be confined to criminal matters.

This proclivity for data gathering and sharing by the federal government is emphasized by recent legislation. The Freedom of Information Act,[1] which requires broad disclosures of certain government information, does not, in Professor Miller's estimation, give proper consideration to the competing policy of personal privacy, or to the new issues growing out of the government's use of computer data banks. Equally anachronistic in the age of computer technology are portions of the new Crime Control and Safe Streets Act[2] which give law enforcement officials explicit—albeit limited—authority to intercept certain telephone communications, but which exert no controls over computer data transmissions, or protection for persons who are the subjects of such transmissions.

All of this means to Miller that the law of privacy—such as it is—has simply not worked. In several highly readable chapters tracing the legal history of privacy from Warren and Brandeis' landmark 1890 *Harvard Law Review* article[3] to Ralph Nader's recent lawsuit against General Motors, he demonstrates that traditional tort and constitutional law theories of privacy have not kept pace with the rapid social and technological innovations of the last century. Successful litigants have had to rely on the intrusive, morally offensive, defamatory, or economically injurious aspects of the defendant's conduct, while legal actions seeking to vindicate simple control over private information have floundered. More importantly, he criticizes legal mechanisms which place the burden of establishing wholesale and often difficult to prove injuries on an individual who may lack the funds, energy or conviction to prosecute a lawsuit. Equally unsuitable have been various attempts to fit privacy into the old theorems of property and trust law. Not only is personal information incorporeal and therefor subject to infinite duplication and dissemination, but also involves a concept of personal reputation and community standing fundamentally distinct from the notion of ownership and proprietary interest.

Miller proposes instead an elaborate system of regulatory controls over organizations using data bank technology. He envisions a new federal agency staffed by telecommunications and computer specialists, lawyers, businessmen, and social scientists who would study and promulgate rules governing the collection, use, and dissemination of personal information by computer utilities and sensitize the public to privacy issues by conducting hearings and symposia and by instituting grievance mechanisms, including fair hearings and ombudsmen. He sees the need for employing various computer hardware and software devices and physical safeguarding techniques to protect the data bank environment against unwarranted intrusions, tampering, and accidental dumping of vital data. He advocates professionalizing information handlers.

None of these recommendations are particularly novel or necessarily correct. Different industrial or governmental uses of computer dossiers will very possibly

1 5 U.S.C. § 552 (Supp. III, 1968).
2 42 U.S.C. § 3701 *et seq.* (Supp. V, 1970).
3 Warren and Brandeis, *The Right to Privacy*, 4 HARV. L. REV. 193 (1890).

require varying degrees and species of control apart from the administrative regulation he proposes. Nor is it helpful in discussing a subject which is already emotionally charged to infuse speculations as to the future of personal privacy with a sense of Orwellian nightmare. Nonetheless, Professor Miller has successfully exorcised the demons of the new informational technology, and while he may not have dispelled them, he has done an admirable job of containing them in this highly readable and illuminating book.

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## BOOKS RECEIVED

ADAM CLAYTON POWELL AND THE SUPREME COURT. By Kent M. Weeks. Dean Weeks chronicles the efforts of Harlem's celebrated and controversial congressman to have his exclusion from the House of Representatives overturned by the courts. His conclusion is that Powell's victory in the Supreme Court was a Pyrrhic one. Although establishing an important Constitutional principle, Powell's success was at the expense of a loss of effective representation for Harlem at a time when Harlem needed representation most. New York: Dunellen Publishing Company, Inc. 1971. Pp. viii, 311. $8.95.

AMERICAN INDIANS AND FEDERAL AID. By Alan L. Sorkin. The author characterizes Indian reservations as "open air slums." Extensive examination is made of Indian education and health. The inadequacies in programs for agricultural development, welfare services, and manpower development are pinpointed and a program for improvement of these services is proposed. Washington, D.C.: The Brookings Institution. 1971. Pp. viii, 231. $7.50.

BLACK RESISTANCE/WHITE LAW: A HISTORY OF CONSTITUTIONAL RACISM IN AMERICA. By Mary Frances Berry. Professor Berry's thesis is that government has used the Constitution in such a way as to make it the instrument for maintaining the racial status quo. Her conclusion is that government has demonstrated a lack of imagination in eradicating racial prejudice. Because government, as a projection of the white majority in America, finds it convenient and desirable to suppress the black minority, it systematically fails to act in the face of blatant discrimination and legitimatizes its inaction by the maintenance of a Constitutionally authorized scheme of separation of federal and state rights. New York: Appleton-Century-Crofts. 1971. Pp. xi, 268. $3.95 (paperbound).

THE COURT-MARTIAL OF LT. CALLEY. By Richard Hammer. Journalist Hammer, who covered the trial from beginning to end, gives a colorful and dramatic account of the trial and its participants. The bulk of the book deals with the well-planned prosecution of Captain Aubrey Daniel and the ill-prepared and inadequate defense given Calley. Hammer basically agrees with the decision of the jury and deplores the attitude of those who regard Calley as a hero or scapegoat. New York: Coward, McCann & Geoghegan, Inc. 1971. Pp. 398, $7.95.

CRIME AND CRIMINAL JUSTICE. Edited by Donald R. Cressey. Despite the fact that the topic has been extensively covered in recent years, this collection of articles, all of which originally appeared in the New York Times, breathes new life into the discussion of how to stem the always increasing amount of crime. The most interesting portion of the book is a series of articles dealing with experiments in changing the criminal justice system. Chicago: Quadrangle Books, Inc. 1971. Pp. 289. $2.45 (paperbound).

ECONOMIC REGULATION OF THE WORLD'S AIRLINES: A POLITICAL ANALYSIS. By William E. O'Connor. The author evaluates the complex network of 2,500 bilateral agreements dealing with airline schedules, routes, rules, and fares. The author evaluates the trend toward creating a multilateral agreement

and puts forth a proposal for such a system of regulation which he believes would be acceptable to the Soviet Union, a country which has traditionally objected to any delegation of sovereign authority. New York: Praeger Publishers. 1971. Pp. xi, 189. $15.00.

EVOLUTION OF FEDERAL AIR POLLUTION CONTROL POLICY. By Robert G. Dyck. The author carefully examines the history of air pollution control policy-making, especially with regard to criteria and standards of emission. Federal financing, enforcement measures, and public participation in policy-making are explored in depth. Pittsburgh: Graduate School of Public and International Affairs, University of Pittsburgh. 1971. Pp. vii, 285. $9.00 (paperbound).

FIFTY-EIGHT LONELY MEN: SOUTHERN FEDERAL JUDGES AND SCHOOL DESEGREGATION. By J. W. Pettasan. Mr. Pettasan illustrates the role of the judiciary in enforcing the *Brown* decision. Case histories of specific desegregation actions are examined with particular attention paid to the individual district court judges hearing each action. The book is as much sociological as it is legal and is a fascinating study of judges under stress. Originally published in 1961, an epilogue brings the book up to date. Urbana: University of Illinois Press. 1971. Pp. 288. $2.95 (paperbound).

FREE & FAIR: COURTROOM ACCESS AND THE FAIRNESS DOCTRINE. Edited by John M. Kittross and Kenneth Harwood. The two main topics dealt with by the editors are the access of broadcasters to the courtroom for the purpose of reporting the developments of a case and the broader question of the fairness with which broadcasters treat controversial issues and individuals. Particular attention is paid to Canon 35 of the Canons of Judicial Ethics and to the *Estes* and *Red Lion* decisions. Philadelphia: Association for Professional Broadcasting Education. 1970. Pp. vi, 202. Price unreported (paperbound).

HOMOSEXUALS AND THE MILITARY: A STUDY OF LESS THAN HONORABLE DISCHARGE. By Colin J. Williams and Martin S. Weinberg. The authors' treatment of homosexuality in the military is basically sociological. Investigation is made into the number of homosexuals in the military, the number who satisfactorily complete their service, the number who are discovered and expelled, and the effects upon those who are discovered, labelled, and expelled. Extensive statistical data is included. The book is the fifth in a series published by the Institute For Sex Research. New York: Harper & Row. 1971. Pp. xii, 221. $8.95.

INTERSTATE COMPACTS: A QUESTION OF FEDERALISM. By Marian E. Ridgeway. Professor Ridgeway principally examines the interstate compacts in one state: Illinois, with emphasis placed on the Illinois perspective. Particular attention is focused upon the Missouri-Illinois Bi-State Development Compact, the Great Lakes Basin Compact, the Wabash Valley Interstate Compact, and the Interstate Oil Compact. Her conclusion is that these compacts represent an important, permanent, and necessary change in the federal system. States may now bridge the barriers of local boundaries to

deal with modern economic and social problems. Carbondale: Southern Illinois University Press. 1971. Pp. xiii, 385. $10.00.

LAND SUBDIVISION REGULATION: POLICY AND LEGAL CONSIDERATIONS FOR URBAN PLANNING. By Richard M. Yearwood. Professor Yearwood examines the question of whether cities and counties can enact and enforce subdivision regulations as a primary tool in urban and regional planning. He traces the history of zoning controls and subdivision regulations and focuses on problems of enforcement of such regulations. Separate chapters deal with the problems of developments, performance bonding, and park and school land dedication. New York: Praeger Publishers. 1971. Pp. xiv, 315. $16.50.

POISONED POWER: THE CASE AGAINST NUCLEAR POWER PLANTS. By John W. Gofman and Arthur R. Tamplin. The authors, noted scientists, argue that even small amounts of radioactivity can cause substantial harm. They further argue that nuclear power plants are not only undesirable but unnecessary. The Atomic Energy Commission is criticized for its promotional efforts in the nuclear power plant area. The authors charge that the AEC's promotional efforts have resulted in a failure to adequately gauge the dangers to health and life which are presented by nuclear plants. Emmaus, Pa.: Rodale Press, Inc. 1971. Pp. 368. $6.95 (paperbound).

TECHNIQUES OF MEDIATION IN LABOR DISPUTES. By Walter A. Maggiolo. Of importance to the practitioner, this book concentrates substantially on the practical aspects of mediating a labor dispute. Techniques for controlling the meeting, use of caucuses, minimizing membership rejection of recommended settlements and avoidance of common pitfalls are all explored in detail. Dobbs Ferry, N.Y.: Oceana Publications, Inc. 1971. Pp. x, 192. $10.00.

TREASON IN AMERICA: DISLOYALTY VERSUS DISSENT. By Jules Archer. The author attempts to formulate of definition of treason by sketching the histories of notable dissenters in American history from colonial times to the present. The question of when dissent advances to the point of disloyalty is raised but not answered. The book is readable but somewhat superficial in its analysis of the topic. New York: Hawthorn Books, Inc. 1971. Pp. 198. Price unreported.

WHAT TO DO WITH YOUR BAD CAR: AN ACTION MANUAL FOR LEMON OWNERS. By Ralph Nader, Lowell Dodge, and Ralf Hotchkiss. In this latest of what has become a long line of Nader-sponsored consumer rights literature, the authors contend that "lemons" are planned as such on the automobile manufacturers' drawing boards. The authors explain how to avoid purchasing a defect-ridden automobile and the most effective grievance procedure to follow once an automobile reveals itself as a "lemon." Appendices include addresses of major automobile executives, a key to code marks on tires, precautions to take before ordering a new automobile, and what the buyer should do before accepting a new automobile. New York: Bantam Books, Inc. 1971. Pp. xi, 241. $1.50 (paperbound).