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Book Reviews

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BOOK REVIEWS

LAW FOR THE PHYSICIAN. By Carl Erwin Wasmuth, M.D., LL.B. Philadelphia: Lea and Febiger. 1966. Pp. 583. $16.50.

Medical school and further training teach the physician that the practice of medicine is not as easy or clear-cut as popularized in novels and movies. The physician learns early that absolute and rigid rules do not work out and that the successful practice of medicine depends upon a curious mixture of knowledge, common sense, judgment, and mounting experience. The more he knows, the less sure he is of black-and-white explanations and solutions. It is thus surprising and amusing that the same man can expect simple and clear answers from law, and be disappointed and angered to discover that law can be as ambiguous and as difficult as the worst of medicine. This is so because law, like medicine, has as its subject man, and like medicine, it is run by man. Nevertheless, our needs are such that we hope for predictable decisions and unequivocal guidelines. It is with these thoughts in mind that the physician should view Dr. Wasmuth's new book.

A. The Problems Discussed

The author in his preface says that his book is "directed to the practicing physician to acquaint him with fundamental principles of law."[1] It lives up to its premise, despite certain shortcomings. It is a good, easy-to-use, and reliable reference, that covers a wide spectrum of medico-legal topics. This is not the type of book that one sits down and reads from cover to cover. Instead, a given chapter should be considered when the need arises. All physicians, regardless of type or area of practice, would do well to familiarize themselves with this volume and to retain it for future access.

Most of the topics in this book are discussed clearly and with relevant case citations. The issues are dealt with not only thoroughly but in a manner which places them in their proper socio-legal context. The contractual basis of the physician-patient relationship[2] and the technicalities of licensure[3] are well presented. Likewise, the three chapters on the physician's role vis-a-vis the hospital[4] are well developed. The discussion of the physician as an expert witness[5] provides a practical and theoretical framework that should prove soothing to the inexperienced physician faced with his first court appearance. The issue of consent, which has become a central focus in recent malpractice decisions,[6] is well hammered out without unduly frightening the reader.[7] Finally, the infinitely complex problems of blood transfusions[8] and research with new drugs[9]

1 WASMUTH, LAW FOR THE PHYSICIAN 11 (1966) [hereinafter cited as WASMUTH].
2 WASMUTH 15-30.
3 WASMUTH 31-47.
4 WASMUTH 48-130.
5 WASMUTH 187-210.
6 *E.g.*, Natanson v. Kline, 186 Kan. 393, 350 P.2d 1093, *rehearing denied*, 187 Kan. 186, 354 P.2d 670 (1960); Moore v. Webb, 345 S.W.2d 239 (Kansas City Ct. App. 1961); Comment, 109 U. PA. L. REV. 768 (1961).
7 WASMUTH 231-53.
8 WASMUTH 341-83.
9 WASMUTH 303-29.

are given adequate coverage. This is gratifying because both of these topics are used frequently as models in teaching and theoretical discussions of medico-legal interaction.

In contradistinction to the subjects mentioned above, several areas in Dr. Wasmuth's book are covered in a rather sterile and incomplete fashion. This, of course, is to be expected, since a single author is not likely to have an equal degree of interest or necessary expertise in all areas of medical jurisprudence.[10] The first such area is malpractice.[11] The chapter surveys the legal duty of physicians and surgeons, as well as the necessary requisites for breach of duty and consequent liability. It does not, however, spend any time on practical matters such as the social or practical causes of malpractice actions,[12] or the available surveys and studies that have been done in the field.[13]

On the subject of professional liability insurance,[14] the author treats the finer points of coverage, the contract rights of the physician, and the general importance of understanding the policy. There is no reference, however, to certain critical economico-legal questions such as why the American physician keeps paying relatively high premiums for professional liability insurance while the average Canadian physician still pays only about fifteen dollars per year. The sometimes-offered explanation that Canadian suits are defended and not settled is worth exploring.

By far the weakest chapter is entitled "Statutory Regulations."[15] The section of this chapter on drugs and narcotics[16] merely lists in chronological order the present federal laws. It does not talk of the physician's responsibility or of the dilemma that faces him in the form of the existing dialectic between the doctor-patient privilege and the reporting provisions of the federal narcotics laws. Worse, it does not even get into the vast and complex medico-legal problem that is currently blossoming because of newer available substances, and the need to find better approaches to narcotics regulation than the existing harsh and purely legalistic approach that is not doing the job. The regulation of sterilization and abortion is spoken of in a manner worthy of decades ago,[17] without any feel for the nature of the current problems of over-population and the number of illegal abortions,[18] and without any reference to the present legislative efforts to liberalize the law.[19]

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10 Besides the medico-legal chapters discussed in this review, certain sections of the book are devoted to purely administrative and financial matters such as business organizations, tax accounting and fiscal management. WASMUTH 254-302, 384-403.

11 WASMUTH 131-86.

12 See the discussion of these factors in part *B, infra.*

13 *E.g.,* O. Schroeder, *Insurance Protection and Damage Awards in Medical Malpractice,* 25 OHIO ST. L.J. 323 (1964); A. Knisely, *Modern Medico-Legal Trends, id.* at 360; B. Nicola, *Medical Malpractice, id.* at 378; Note, *Good Samaritans and Liability for Medical Malpractice,* 64 COLUM. L. REV. 1301 (1964).

14 WASMUTH 330-40.

15 WASMUTH 404-29.

16 WASMUTH 404-12.

17 WASMUTH 415-29.

18 *See generally,* H. ROSEN, ABORTION IN AMERICA (1967); D. SMITH, ABORTION AND THE LAW (1967); E. Ferster, *Eliminating the Unfit — Is Sterilization the Answer?* 27 OHIO ST. L.J. 591 (1966); Note, *Elective Sterilization,* 113 U. PA. L. REV. 415 (1965).

19 *West's California Legislative Service,* ch. 327 (1967); 196 N.C. Sess. Laws ch. 14, subch. III, art. 11 (1967). The recent Colorado enactment is discussed in *The Desperate*

The chapter on limited practitioners[20] is useful in identifying and defining certain of the existing cults. Unfortunately, it bogs down on fairly minor technicalities and does not do justice to the magnitude of the problem, or to the recent efforts and occasional failures of organized medicine to combat such groups.[21]

The important issue of confidentiality and privileged communication, although alluded to,[22] is not developed to any extent. This is a topic that is covered very poorly in the training of the physician, and yet one that is relevant to his daily practice. Thus, a more thorough exposition of existing legislation and practice[23] would have been in order. With time this is likely to become even more of a critical issue, as the tendency of both public and private agencies to seek medical and personal information, and the centralization of records becomes even more pronounced.

If there be one common theme running through the above criticisms, it is that some of the subjects have been presented in a vacuum and thus out of their full socio-medical context. This may be a necessary evil when each topic is tackled from scratch in a separate chapter or section, without truly laying down a substantial matrix. Such narrow treatment is, however, unfortunate because it risks ignoring some key related factors that affect all of the specific questions to variable extents.

B. The Unresolved Issues

The most worrisome problem facing the medical profession today is one of supply and demand. The shortage of physicians is already critical and is predicted to become worse as the population grows at a faster rate.[24] A relatively inadequate number of new medical schools have been created in the past

Dilemma of Abortion, TIME, Oct. 13, 1967, at 32-33. *See also*, MODEL PENAL CODE § 230.3 (Proposed Official Draft 1962).

20 WASMUTH 468-85.

21 *See, e.g.*, Annot., 89 A.L.R.2d 952, 971-80 (1963).

22 WASMUTH 17, 22-23, 431, 435.

23 *See generally*, 3 B. JONES, EVIDENCE §§ 838-50 (5th ed. 1958, Supp. 1967); C. MCCORMICK, EVIDENCE §§ 101-08 (1954).

24 In testifying before the Senate Subcommittee on Health, Boisfeuillet Jones, Special Assistant for Health and Medical Affairs, United States Department of Health, Education and Welfare, and Dr. Luther Terry, Surgeon General of the United States Public Health Service, made the following statement:

> What, then, is the present status of our medical manpower supply? Do we have at least an adequate supply? Are we producing at a rate commensurate with our expanding needs?
>
> The answers to these critical questions are clearly in the negative. The overwhelming evidence of supply and demand projections, underscored by the conclusions of several special studies of the problem, points to one inescapable conclusion — our professional manpower is already in short supply and the shortage will become much more acute in the near future unless there is a major enrollment expansion in schools preparing personnel for the key health professions.
>
> Just to keep pace with population growth — the most conservative index of our manpower needs — will require a 50-percent expansion in the number of physicians in training by 1975 . . . .

Hearings on S. 911 and H.R. 12 Before the Subcomm. on Health of the Senate Comm. on Labor and Public Welfare, 88th Cong., 1st Sess. 65 (1963) [hereinafter cited as *Senate Hearings*].

25 Between 1958-1967 the number of AMA-approved medical schools in the United States and Puerto Rico increased by 14, from 85 to 99. *Senate Hearings* at 76; ASSOCIATION OF AMERICAN MEDICAL COLLEGES, MEDICAL SCHOOL ADMISSION REQUIREMENTS — U.S.A. AND CANADA 45 (18th ed. 1967).

decade[25] and the existing ones have expanded relatively minimally.[26] This means one or both of two things. The educational process will have to be altered and shortened, and the resulting graduates will be different than the current products. Or, other personnel will have to carry certain of the responsibilities now borne by the medical profession. These developments are already taking place. Their purely legal implications are great and not fully explored.

The practice of medicine like so many other things, has been drawn into the vortex of mushrooming social complexities. The very writing of this book is symbolic of this. The life, practice, and responsibilities of a doctor are vastly different from those of a decade ago, and these factors become more complicated daily. In addition to treating individual patients, he is expected to participate in industry, government and social planning to an extent undreamt of not so many years ago. Likewise, the additional legal implications anticipation are very real — as real as the presently-existing legal implications discussed in Dr. Wasmuth's book.

Finally, the increasing knowledge in all the biological sciences, coupled with the advent of technology, is also creating radical changes in the practice of medicine. Doctors know more, but it represents a smaller fraction of the over-all medical knowledge. Machines now replace the practitioner for many tasks, and the specialist is rapidly displacing the generalist. The price paid for this progress is depersonalization; more people can be treated, but with a significant diminution in the degree of personal involvement. One of the needs of the patient is ignored, and he fails to get the necessary support, assurance, and understanding. The doctor is then viewed as a mere provider of services rather than as a respected and familiar figure. This situation results in a new social perspective, again with definite legal implications — a greater propensity and less reluctance to sue for malpractice.

In rebuttal, the author may argue that he intended merely to provide a useful guide for the physician, not to explore or solve such major and difficult problems. This may be well taken, but unless those of us with the awareness and necessary knowledge begin to talk and worry about these problems, we shall find out they have grown beyond hope before we know them and face them.

*John M. Suarez, M.D.**

INSIDER TRADING AND THE STOCK MARKET. By Henry G. Manne. New York: The Free Press, 1966. Pp. xiii, 274. $6.95.

It is the bold and novel thesis of Professor Manne that insider trading, on inside information, is not only harmless but also positively good. Insider trading, according to him, is the most convenient and painless method of providing an

26 In the five-year period between 1956 and 1960 the number of students in the 85 existing AMA-approved medical schools in the United States and Puerto Rico increased by only 954. *Senate Hearings* at 76.

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adequate reward for entrepreneurial success in our modern economy. Those creative individuals who are responsible for new methods, products, and services, whether they serve as promoters or as employees of established companies, need the incentive presented by an opportunity to receive at least a portion of the value they have created. Salaries and cash bonuses cannot do the job. Even stock options are too tame. These individuals need the chance to buy stock while possessed of secret information so that they can benefit from the market rise when the information becomes public.

This is an astounding proposition to anyone familiar with the federal securities laws, especially in the light of developments in this area during recent years. In its early attempts at securities regulation Congress regarded insider trading, at least of the "short-swing" variety, as so wrong that it adopted the unique and drastic provisions of section 16(b) of the Securities Exchange Act of 1934[1] to discourage virtually all buying and selling or selling and buying of a listed corporation's equity securities by its officers and directors within a period of six months. Beginning with its opinion in *Cady, Roberts & Company*,[2] the Securities and Exchange Commission has been seeking, to a degree, to extend the applicability of the section 16(b) theory to purchases or sales based on inside information even in the absence of short-swing trading. The apparent reason for this effort seems to be the Commission's belief that such insider transactions are so wrong that the offending insider must be deprived of his profit — whether or not the other party to the transaction has been damaged or seeks to recover.[3]

There are important differences between section 16(b) liability and the type of liability to be imposed by the Commission under rule 10b-5.[4] Both forms of liability, however, are based on the proposition that insider trading is unfair and unethical and should be prevented — whether or not any specific person has been hurt.

Many things can be and have been said about the present state of the law and about the Commission's endeavors to make new law through successive judicial actions. The inexorable operation of section 16(b) is often both cruel and futile.[5] Only "nice guys" get caught, because an officer or director who is

1 15 U.S.C. § 78p (1964).
2 40 S.E.C. 907 (1961).
3 SEC v. Texas Gulf Sulphur Co., 258 F. Supp. 262 (S.D.N.Y. 1966), is the most spectacular example. Employees of Texas Gulf Sulphur, after extensive searches, drilled two test holes near Timmins, Ontario. The results were very promising, so the holes were sealed until sufficient mineral rights to surrounding land could be acquired. When this had been accomplished and weather permitted, further holes were drilled which confirmed the find of an extraordinary orebody. The field geologist, certain officers of the company privy to the information, and certain acquaintances of these persons bought shares of Texas Gulf Sulphur, or calls for such shares during the period from the first drilling to the confirmatory drillings, and from the confirmatory drillings to the eventual public release of the information. While the Commission urged the court to order the defendant insiders to make restitution to the persons from whom they bought, the dominant purpose of the Commission was clearly to punish the defendants rather than to make the other parties whole.
4 17 C.F.R. § 240.10b-5 (1967). Section 16(b) is purposely and pitilessly mechanistic and wholly arbitrary in its operation. Among other differences, the use or even existence of any material inside information is irrelevant to section 16(b) liability, even though section 16(b) states that it is "for the purpose of preventing the unfair use of information which may have been obtained by [the insider] . . . ."; whereas liability in a rule 10b-5 action does at least, require the existence of material information known to the insider and not known to investors generally.
5 See discussion in note 4, *supra*.

deliberately trying to exploit inside information will probably be shrewd enough to avoid section 16(b). As for rule 10b-5, one marvels at how a rule drafted in a hurry many years ago to meet a particular problem[6] has become what Professor Manne has elsewhere called a sort of Sherman Act of the federal law of corporations.[7]

To the extent that the Commission is using the rule as the basis for an injunction against fraudulent purchases, it is close to the original purpose of the rule. But the extension of the rule to cases where no representations have been made and where the transaction takes place on an exchange so that the other party would have bought or sold, as the case may be, to or from anyone, and only accidentally and unknowingly happened to do business with an insider, is controversial, to say the least. The same can be said of the effort of the Commission, in its zeal to get the profit away from the insider, to seek restitution for the other parties to the transaction by basing the insider's duty either to disclose the information or forego the transaction upon a fiduciary relationship between the insider and investors at large — not just between the insider and the corporation or its stockholders.[8] Although one might, and no doubt many do, admire the substantive results of the application of rule 10b-5 to many specific cases, the flimsy legislative basis upon which these results rest can still be deplored.[9]

None of these criticisms, however, challenges the basic proposition that it is unfair and wrong for an insider to benefit from the purchase or sale of corporate securities while possessed of material information, unknown to investors generally, concerning the corporation's affairs. Thus, these criticisms do not attempt to assert that such insider trading is either harmless or good. Only Professor Manne has done that.

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6 See the remarks of Milton Freeman in *Proceedings, Conference on Codification of Federal Securities Laws*, 22 BUS. LAW. 793, 921 (1967) [hereinafter cited as "*Proceedings*"].

7 *Proceedings*, at 916.

8 In *Cady, Roberts* the argument was made that whatever duty of affirmative disclosure an insider might have toward existing stockholders, he has none toward persons to whom he sells if they are not stockholders until after the transaction. Former SEC Chairman Cary, in his opinion, flattened this obstacle as well as others and thereby, incidentally, validated his own warning that legal counsellors must be prophets. First he relied on clause (3) of rule 10b-5, which prohibits "any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person," rather than upon the more specific language in clauses (1) and (2) which prohibit both the employment of "any device, scheme, or artifice to defraud," and the statement or omission of a material fact "necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading . . . ." He also went on to say that

> neither the statutes nor Rule 10b-5 establish artificial walls of responsibility. . . . There is no valid reason why persons who *purchase* stock from an officer, director or other person having the responsibilities of "insider" should not have the same protection afforded by disclosure of special information as persons who *sell* stock to them. Whatever distinctions may have existed at common law based on the view that an officer or director may stand in a fiduciary relationship to existing stockholders from whom he purchases but not to members of the public to whom he sells, it is clearly not appropriate to introduce into the broader anti-fraud concepts embodied in the securities acts. 40 S.E.C. 907, 913-14.

Chairman Cary further pointed out that *Cady, Roberts* was a disciplinary proceeding against a registered broker-dealer and not a private action for restitution. *Id.* at 917-18. In *Texas Gulf Sulphur* the insiders *bought,* although some bought calls, and the seller of a call is not necessarily a stockholder. It is clear, nevertheless, that the Commission's views are rapidly being extended to private litigation.

9 See the paper of David S. Henkel, "Codification—Civil Liability under the Federal Securities Laws," and the discussions of Richard W. Jennings and George M. Duff, Jr., in *Proceedings*, at 866-90.

The author's arguments in favor of harmlessness are more persuasive than his arguments in favor of the benefits of insider trading. In fairness to Professor Manne, he does not attempt to justify all insider trading. He makes no brief for manipulative ploys and certainly none for the deliberate dissemination of false information — although he does not explain why these activities are bad and plain insider trading is good. What he does say is that, absent manipulation and "affirmative" fraud, no one is hurt if an insider buys or sells prior to the public release of information and thereby makes a profit that he could not have made if he had waited until the information was generally known.

Assuming the transaction does not involve any direct communications between the insider and the other party, Professor Manne has a point. He has more of a point if we assume further that the information is made public as soon as practicable, consistent with the interests of the corporation, and is not withheld to enable the insider to make his transaction. Considering the *Texas Gulf Sulphur* situation,[10] it is hard to see how anyone would have been better off if the insiders refrained from purchasing during the months in which the results of the drillings were not generally known. Knowledge of the initial drillings constituted a sort of windfall — a source of value which the insider could exploit without loss to anyone else.[11] Since everyone, including the Commission, seems to accept the fact that the corporation was justified in withholding public announcement of the results of the initial drillings until it could acquire mineral rights in the surrounding real estate, it does seem a pity to deny the insiders the chance for a free ride at no loss to others.

Professor Manne goes further. He tries to demonstrate that the presence of insiders in the market during the suspense period will cause a relatively gradual rise in market price (assuming that the inside information is good news and that the insiders are buying) from the date of discovery of the information until its eventual public dissemination, rather than the sudden leap that results when mere normal trading continues up to the release date. Such a gradual rise, he asserts, is to the benefit of more public investors on both sides of trades than is a precipitous change.

It is easy to have a certain sympathy with this part of the author's argument. Perhaps the prohibitions presently in the law plus those the Commission seeks to establish are altogether too severe for the mildness of the wrong to be prevented. Perhaps the lawmakers are caught in an extension of moral precepts and hazy fiduciary concepts to logical but unreasonable conclusions. There is surely a tendency, once one accepts the proposition that it is legally wrong for an insider to act upon material inside information, to arrive at a state of the law at which an insider scarcely dares ever buy or sell.[12]

10 The case is discussed in note 3, *supra.*

11 In *Texas Gulf Sulphur,* the district court held that knowledge of the initial drillings did not constitute "material" information because the drillings did not adequately establish the existence of an orebody capable of being mined. 258 F. Supp. at 283. Professor Manne's point would be the same, however, even if the opposite conclusion had been reached.

12 In *Cady, Roberts,* Chairman Cary impliedly countered the argument that an insider always has *some* inside information and is therefore always in some danger if he buys or sells.

> Corporate dividend action of the kind involved here is clearly recognizable as having a direct effect on the market value of securities and the judgment of investors. Moreover, knowledge of this action was not arrived at as a result of perceptive

Professor Manne, however, is not content with showing that insider trading may often be harmless. He proceeds to argue that those who perform the function of entrepreneur in our modern economy need the reward and incentive of insider profits to stimulate their innovative endeavors. Here again the author has a point, but on the whole, it proves too much.

There are many attacks on entrepreneurial profit that are discouraging to those who would take risks on new ideas and new businesses in the hope of unusual gain. Our tax laws surely do not do much to encourage entrepreneurs — as distinct from connivers. Nor do many state blue sky commissioners offer encouragement when they refuse to distinguish between stock options awarded by management to themselves and those negotiated options that may provide the only inducement for a brilliant young scientist to leave a secure post with an established giant to take a chance with a new company. The SEC has also been guilty of this "lack of encouragement" in relation to the mutual fund industry by its efforts in the past to prevent, in effect, the sale of management contracts. In the latter case it is safe to say that no one would bother to start a mutual fund merely for its salary prospects, without being able to secure for himself a return on the investments that he would be managing. Nor would any feasible amount of salary alone attract the young scientist. Professor Manne is therefore correct to the extent that he urges that the securities laws should not, intentionally or otherwise, cut off those entrepreneurial gains that encourage venturesome persons to experiment and take chances.

But he goes too far. His proposal is as distasteful as urging that the state provide brothels for artistic geniuses to keep them happy. Presumably the girls would not be harmed since they would be doing it anyway, etc. It is feasible that his argument might run persuasively to our tax laws and other laws and regulations, but it should not be extended to insider trading of the sort that depends upon the exploitation of secret information. Our legal system is obviously struggling with many dilemmas in this area, and there is some danger that we may come to an unreasonably puritan standard which would have a depressing economic effect and could not be maintained. But it is virtually unthinkable that the bar and industry will conclude to junk it all on any notion that insider trading is good for us.

In the course of propounding his thesis, Professor Manne is deliberately engaged in applying economic theory, or at least the theories of certain economists, and, to a degree, higher mathematics, to the examination of this legal problem. Our betters at Yale Law School and other exotic places have long praised the good that can come from interdisciplinary analysis of problems upon which our laws impinge. Without suggesting that lawyers should be blind to, or ignorant of, developing thought in other fields, it must nevertheless be said that the efforts of Professor Manne to wrap his arguments in the trappings of economic theory

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analysis of generally known facts, but was obtained from a director (and associate) during the time when respondents should have known that the board of directors of the issuer was taking steps to make the information publicly available but before it was actually announced. 40 S.E.C. at 915.

There is some indication that courts are also trying to draw the line at some workable point. *See* SEC v. Great American Indus., 259 F. Supp. 99 (S.D.N.Y. 1966).

tend to obscure rather than enlighten the reader — at least the lawyer reader. In the opening chapter, he gives credit to the economists who have most influenced his thinking.[13] But the work would have profited more from a direct exposition by the author without such frequent efforts to support his thinking with the ideas of economists. This feeling is no doubt nurtured by awareness that there are always two other economists in the next room with contrary theories, plus the fact that the lawyer must struggle with working rules for now, however imperfect, and however unsupported by any logical, symmetrical "world view." A lawyer can hardly resist the conclusion that what appears to be a clear evil should not be condoned for the sake of an economic theory.

*Ray Garrett, Jr.**

13 The theory of the entrepreneur, the second major area of economic analysis that may be drawn on in analyzing insider trading, is perhaps more familiar to economists than is information theory. Here a rich economic literature exists, the pioneering work on which is largely associated with the names of Joseph Schumpeter and Frank Knight. Indeed, the present work is in large part an application of the theories of these two economists to the modern question of insider trading. MANNE, INSIDER TRADING AND THE STOCK MARKET 4 (1966).

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BOOKS RECEIVED

ABORTION AND THE LAW. Edited by David T. Smith, Associate Professor of Law, Western Reserve University. A collection of essays examining the legal, medical and ethical aspects of the abortion controversy. Cleveland: The Press of Western Reserve University, 1967. Pp. ix, 237. $7.00.

THE ADMINISTRATION OF CRIMINAL JUSTICE IN ENGLAND AND WALES. By C. F. Schoolbred, member of the Middle Temple Bar, Barrister at Law and Clerk of the Peace of the Middlesex Area Quarter Sessions in Greater London. The author explains and clarifies the seemingly mystic processes of the criminal law in the United Kingdom in an effort to make it more readily intelligible to the public. Oxford: Permagon Press, Ltd. 1966. Pp. xxiii, 158. $2.45 (paperbound).

BEHIND THE SHIELD: THE POLICE IN URBAN SOCIETY. By Arthur Niederhoffer, Professor of Sociology and Anthropology at the John Jay College of Criminal Justice, City University of New York. An explanation, by a former officer on the New York City police department, of why urban police become cynical, vulnerable to corruption or condone illegal use of force. Garden City: Doubleday and Co. 1967. Pp. 253. $5.95.

CASES AND MATERIALS ON FOOD AND DRUG LAW. By Thomas W. Christopher, Dean of the Law School and Professor of Law, University of New Mexico. A first edition casebook analyzing a topic that has recently emerged as a separate field of law. Chicago: Commerce Clearing House, Inc. 1966. Pp. xix, 908. $25.00.

THE CONSTITUTIONAL HISTORY OF MODERN BRITAIN SINCE 1485. By Sir David Lindsay Keir, former Master of Balliol College, Oxford. A revised edition of the author's definitive work that was originally published in 1938. Princeton: D. Van Norstrand Co. 1966. Pp. viii, 600. $7.00.

THE CRIMINAL MIND. By Philip Q. Roche, M.D. A study of the basic issues of conflict between the realms of criminal law and psychiatry. The author's thesis is that this conflict has its roots in the different conceptual models and different language these disciplines employ to study the criminal mind, and that the conflict is most clearly seen when criminal law as a moral system and psychiatry as a scientific discipline, are brought together in the criminal courtroom. New York: John Wiley and Sons, Inc. 1967. Pp. xi, 299. $1.65 (paperbound).

DEFENSE OF DRUNK DRIVING CASES: CRIMINAL—CIVIL. By Richard E. Erwin, Public Defender of Ventura County, California. A guide in the preparation and trial of drunk driving cases, with particular emphasis on cross-examination and chemical tests for intoxication. The first edition was published in 1963. Albany: Matthew Bender and Co. 1966. Pp. xxiv, 790, $24.00.

DETECTION OF CRIME: STOPPING AND QUESTIONING, SEARCH AND SEIZURE, ENCOURAGEMENT AND ENTRAPMENT. By Lawrence P. Tiffany, Donald M. McIntyre, Jr., and Daniel L. Rotenberg. The first volume in the American Bar Foundation's series on the administration of criminal justice in the United States. The other titles in the series are *Arrest, Prosecution, Conviction* and *Sentencing*. Boston: Little, Brown and Co. 1967. Pp. xxx, 286. $10.00.

EARL WARREN: A POLITICAL BIOGRAPHY. By Leo Katcher. A study of Earl Warren's development as a man and as a political figure, and of the historic decisions that the Supreme Court has rendered under his leadership. New York: McGraw-Hill Book Co. 1967. Pp. 502. $8.50.

EQUALITY BY STATUTE: THE REVOLUTION IN CIVIL RIGHTS. By Morroe Berger, Director of Near Eastern Studies and Professor of Sociology, Princeton University. The author reviews and evaluates the significance and effect of legislation in reducing discrimination against the Negro. He concludes that summer violence in our urban ghettos and the growth of the "Black Power" movement reveal the American Negroes' increasing frustration with the prejudice and exploitation that remains despite legislative gains in civil rights. Garden City: Doubleday and Co. 1967. Pp. viii, 253. $5.95.

FEDERAL ESTATE AND GIFT TAXES EXPLAINED. A guide for both the student and the practitioner. Chicago: Commerce Clearing House, Inc. 1967. Pp. 294. $4.00.

FREEDOM AND THE COURT: CIVIL RIGHTS AND LIBERTIES IN THE UNITED STATES. By Henry J. Abraham, Professor of Political Science, University of Pennsylvania. An examination of the point at which a democratic society must draw the line between the rights of the individual and the rights of the community as a whole. New York: Oxford University Press. 1967. Pp. x, 335. $7.50.

HELLHOLE. By Sara Harris. A shocking story of the inmates and life inside the New York City House of Correction for Women. New York: E. P. Dutton and Co. 1967. Pp. 288. $5.95.

INSIDE INTERNAL REVENUE. By William Surface. An indictment of the policies and procedures used by the Internal Revenue Service in collecting the tax. New York: Coward-McCann, Inc. 1967. Pp. 250. $5.00.

LAND OF URBAN PROMISE. By Julian E. Kulski, Professor of Urban Planning and Architecture, George Washington University. A study of the problems of life and the hazards of urban redevelopment in the cities along the northeastern seaboard of the United States. Notre Dame: University of Notre Dame Press. 1967. Pp. xx, 282. $13.50.

LAW AND LEGISLATION FROM AETHELBERHT TO MAGNA CHARTA. By H. G. Richardson and G. O. Sayles. A survey of English legislation from the reign of King Aethelberht of Kent in the sixth century to the reign of King John in the thirteenth century. Edinburgh: Edinburgh University Press. 1966. Pp. 201. 50s.

LAW AND THE LIBERAL ARTS. Edited by Albert Broderick. An anthology of essays evaluating the present curricula used in the training of lawyers, with recommendations for its reform. Washington: Catholic University of America Press. 1967. Pp. xxix, 229. $6.50 (paperbound).

THE LAW AT HARVARD: A HISTORY OF IDEAS AND MEN 1817-1967. By Arthur E. Sutherland, Bussey Professor of Law, Harvard University. A personified history of the Harvard Law School on the 150th anniversary of its founding. Cambridge: Harvard University Press. 1967. Pp. xv, 408. $9.50.

LAW ENFORCEMENT MANUAL: RULES AND REGULATIONS. By Norman E. Pomrenke. A complete reference, for law enforcement personnel, of rules and regulations for the operation of a law enforcement agency. Chapel Hill: University of North Carolina Institute of Government. 1967. Pp. 108.

LAW, ORDER AND CIVIL DISOBEDIENCE. By Charles E. Whittaker, former Justice of the United States Supreme Court and William Sloane Coffin, Jr., Chaplain, Yale University. Justice Whittaker and Chaplain Coffin debate the merits and legality of civil disobedience in the United States in the 1960's, and the problem of maintaining order in the midst of civil strife. Washington: American Enterprise Institute for Public Policy Research. 1967. Pp. viii, 156. $4.50.

MODERN SECURITIES TRANSFERS. By Carlos L. Israels, Adjunct Professor of Law, Columbia University Law School and Egon Guttman, Associate Professor of Law, Howard University School of Law. An authoritative "hornbook" on securities transfers under the Uniform Commercial Code. Boston: Warren, Gorham and Lamont, Inc. 1967. Unpaginated.

MORAL DUTY AND LEGAL RESPONSIBILITY. By Philip E. Davis. A casebook study of the dialectic that sometimes exists between morally motivated action and established legal principles of conduct. New York: Appleton-Century-Crofts. 1966. Pp. 288. $3.95 (paperbound).

A PICTORIAL HISTORY OF THE WORLD'S GREAT TRIALS FROM SOCRATES TO EICHMANN. By Brandt Aymar and Edward Sagarin. With the help of 425 illustrations, the book describes the most important and intriguing trials of five continents. New York: Crown Publishers, Inc. 1967. Pp. viii, 373. $10.00.

POLICE—COMMUNITY RELATIONS: CRISIS IN OUR TIME. By Howard H. Earle, Chief, Office of the Sheriff, Los Angeles County, California. The author demonstrates the urgent need for police to accept the responsibility for greatly improved community relations in order to cultivate the respect and cooperation of the citizenry. Springfield: Charles C. Thomas. 1967. Pp. xiii, 143. $8.00.

RELIGION, POLITICS AND DIVERSITY: THE CHURCH-STATE THEME IN NEW YORK HISTORY. By John Webb Pratt, Associate Professor of History, State University of New York at Stony Brook. An examination of the church-state settlement worked out in the state's first constitution, an analysis of the nineteenth-century problems of religious freedom, education and the public welfare, and an exposition of the method by which New York's leaders are dealing with church-state conflicts in our own time. Ithaca: Cornell University Press. 1967. Pp. xi, 327. $7.50.

THE STRUGGLE FOR EQUALITY: THE SCHOOL INTEGRATION PROBLEM IN NEW YORK CITY. By Bert E. Swanson, Coordinator of the Institute for Community Studies and Professor of Political Sociology, Sarah Lawrence College. A report exploring the problems and decision-making processes associated with the integration of the public schools in the largest city in the United States. New York: Hobbs, Dorman and Co. 1966. Pp. 146. $4.00.

THE SUPREME COURT: JUDICIAL PROCESS AND JUDICIAL POLITICS. By Arthur A. North. The author attempts to relate the contemporary activities of the United States Supreme Court with the outstanding constitutional developments of the past, and to explain these activities in the light of the earlier developments. New York: Appleton-Century-Crofts. 1966. Pp. ix, 221. $2.50 (paperbound).

THE SUSPECT AND SOCIETY: CRIMINAL PROCEDURE AND CONVERGING CONSTITUTIONAL DOCTRINES. By Walter V. Schaefer, Justice of the Supreme Court of Illinois. Justice Schaefer argues for a reconciliation, on constitutional grounds, of the interests of society with the interests of the individual accused or suspected of crime. Evanston: Northwestern University Press. 1967. Pp. vii, 99. $3.50.

The listing of a book in this section does not preclude its being reviewed in a subsequent issue of the LAWYER.

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