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Book Reviews

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claims of his creditors would be thereby defeated, since the heir's wishes are subservient to his obligations.

In line with the minority view is the argument that the judgment creditor has an uncertain and unsubstantial claim which can be defeated in many ways. The devise can be renounced, as above shown, or it may be assigned to a third person who would take prior to the judgment creditor. *Cf. Lee v. Lee,* 207 Iowa 882, 223 N.W. 888, 890 (1929). The contention of both the dissenting and the concurring judges, that the creditors lien could be wiped out by a sale of the property during probate, is weakened by the rule which transfers the lien from the property to the debtor's interest in the proceeds of the sale. In re *Harris' Estate,* 28 Del. Ch. 590, 44 A. (2d) 18, 19-20 (Orphans Ct. 1945). A successful contest must result if the claim is to be satisfied, and the minority regards this tenuous interest too uncertain to harass the courts and heirs. The fact that any creditor can achieve the preferred position of a lien creditor highlights the basic fear of the minority — increasing the number of will contests. In re *Shepard's Estate, supra.*

In the last analysis, the controversy is between the policy favoring the enforcement of valid claims, and the policy of protecting probate administration from undue harassment. While it is true that the manner of paying a debt is optional with the debtor, and the obligation of taking voluntary steps to put himself in a position to pay is a strictly moral one which the law does not recognize, it is submitted that natural justice does not permit a debtor to avoid his debts and injure his creditors. If he will not contest the will, the judgment creditor should be given this right, especially in view of the conclusiveness of probate. Without this right, he might be forever prevented from satisfying his claim. In such cases, the law should not allow considerations of time and convenience to deter it from the objective — justice.

Carl F. Eiberger

BOOK REVIEWS

How To KEEP OUR LIBERTY: A Program for Political Action. By Raymond Moley.[1] New York: Alfred A. Knopf, Inc., 1952. Pp. xxvii, 339. $4.00. — In this interesting and valuable book, Mr. Moley proposes to do something about the disturbed state of our political weather. Pertinently he says: [2] "Merely to bewail a trend is not to correct it." The American wants to know what to do about it (viz., the preservation of his liberty). The threat to liberty is "Statism,"

[1] Contributing Editor, Newsweek Magazine; Professor of Public Law, Columbia University.

[2] Text at vii.

which the author interprets to be "the intervention by government in economic, social and personal life." Statism is thus frankly and logically made the villain of Mr. Moley's piece. Liberty will be safe, according to the author, when the force of this unlawful and destructive intervention by government is hurled back and permanently disarmed.

Implicit in this thesis is what Woodrow Wilson said in 1912: "The history of liberty is a history of limitations of governmental power." Thus interpreted, liberty can endure only when and where governmental power is strictly limited. Liberty shrinks with the growth of government and it disappears altogether when the power of government becomes absolute. Those who will object that this conception of liberty is narrow and negative (and believe me, I know that there are many in this category) simply must be asked to take or leave the broad affirmations of the Declaration of Independence upon which this vicarious reciprocation between liberty and government is based.

Early in his book Mr. Moley footnotes Edward F. Barrett's comment in the Natural Law Institute Proceedings at the University of Notre Dame.[3] "From that [Natural] Law" writes Mr. Barrett, "resulted certain basic human rights. These rights the State was morally competent to implement and protect but not to impair or destroy." This, which is a substantial paraphrase of the "self-evident truths" of the Declaration of Independence, puts government in its orthodox American place. Like fire, government is a helpful servant but one which constantly threatens to become a dangerous and destructive master. Like fire, government has to be watched and firmly contained behind the iron walls of Constitutional limitations.

Spelling out the role of such a government in the field of economics Mr. Moley says: [4]

> When individual and co-operative efforts fail and government assumes regulatory power, its function should be the making of rules generally prohibiting, not compelling. It is valid for government to tell a man not to do something against another man; it is not only impracticable but a denial of liberty to tell him exactly what he should do for another. The lurking danger in all governmental regulation is like that in press censorship. The censor will never be content to tell people what *not* to print. He ultimately will tell them what to print.

Against this, the libertarian theory of proper governmental action, the author postulates the "initial assumptions" of Statism, viz.,[5]

> (1) The basic purpose of the state is to supply the individual with more of the material means of life.
>
> (2) That political power is attained by the promise of those benefits.
>
> (3) That political power is further assured by creating envy and hatred among social groups — in short, class feeling.

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3 *Id.* at 6.
4 *Id.* at 30.
5 *Id.* at 172.

(4) Since the National Government is to be the source of benefits the loyalty of the individual must be to that source rather than to his immediate neighbors and local institutions.

These "initial assumptions" of Statism are now popular American assumptions. The turnabout from the libertarian fear of government to the modern worship of the State as a source of welfare, in Mr. Moley's view, was accomplished by a calculated mixture of practical politics with the "new look" in education, and socialistic economics. After World War I cynical materialistic pragmatism surged out of higher education and infested the grade schools right down to the kindergarten. Mr. Moley does not say so but the moral is pretty obvious; naturally worshipful mankind was turned away from the "impractical" worship of God to the worship of the Welfare State. Henceforth he could make his own handy and convenient devils out of the "Economic Royalists," "Wall Street" and the "Special Interests."

The author shows how our government of laws was turned into an "administration" of benefits, pains and penalties by hordes of "beneficent pro-consuls" sent out from Washington. From his carefully documented record it is clear that this revolution to Statism cannot be reversed by mere wishful thinking. To succeed the libertarians must be just as hard and realistic as the welfare politicians. Contrary to the myopia of popular impression, the record is the best of all briefs against the Statists. In the course of its political strangulation of private business the Federal Government is now violating its own unfathomable Anti-Trust Laws while its "proliferation of miscellaneous and hidden subsidies" launches endless means for the new "privileged groups" to live off the earnings of others.

If the reader desires more than the ample documentation of facts furnished by Mr. Moley let him turn to three other recent books on the same general subject. "Ten Thousand Commandments," by Harold Fleming, (Prentice-Hall); "Toil, Taxes and Trouble," by Vivien Kellems, (E. P. Dutton); "Man to Man," by Bernard Ward, (Caxton Press).

In conclusion, Mr. Moley warns us that "the vote is the pay-off." Liberty cannot be saved by a mere scoring of debaters points. The voters must first be convinced and then induced to kill Statism at the polls. "How To Keep Our Liberty" analyzes the electorate from many interesting and novel points of view and proposes a definite plan of action. The millions who have ruefully asked themselves "what can I do about it" and then proceeded to do nothing at all, should read Mr. Moley's book from beginning to end.

*Clarence E. Manion**

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* Former Dean, College of Law, University of Notre Dame.

NATURAL LAW INSTITUTE PROCEEDINGS 1950. Vol. IV. Edited by Edward F. Barrett.[1] Notre Dame, Indiana: University of Notre Dame Press, 1951. Pp. 144. $2.00. — These are the five papers delivered at the fourth annual convocation of the Natural Law Institute of the College of Law, Notre Dame University. They mark a milestone in the growing influence of this fine adventure in sound public education. Already there are evidences over the nation that this revival of the principles of Natural Law is finding wider and wider acceptance. There is no more wholesome sign in our present perplexed and troubled time.

Three of the authors of these papers are notable lawyers — Thomas J. Brogan, once Chief Justice of the Supreme Court of New Jersey; Joseph C. Hutcheson, Jr., Chief Judge of the United States Court of Appeals for the Fifth Circuit; and Reverend John C. Ford, S.J., of Weston College and Boston College. Two are distinguished publicists, George E. Sokolsky and Felix Morley.

In this convocation the Natural Law Institute leaves the realm of the philosophy and history of the Natural Law, in the salty phrases of Judge Hutcheson[2] "to get down to cases by talking about natural rights as realities, about, in short, words become flesh and dwelling among us. . . ." The theme is the relationship of the Natural Law to the rights which are fundamental to Americans — the right to liberty, to property, to freedom of expression, and to pursue happiness.

It would indeed be carrying coals to Newcastle for this reviewer to state the meaning or historical importance of the Natural Law. There has been no more eloquent expositor of that in our time than Professor Barrett, editor of this volume, and he has once more stated it in his introduction. Nor can I in this space rephrase the substance of these notable papers. This volume is small, easy to read, and its authors are well able to speak for themselves.

The first duty of a book reviewer, it seems to me, is to make clear to the reader of the review the specific usefulness to him of the book in question. Is it a book that he should read and if so, for what purpose — for general background information, for moral and religious inspiration, or for immediate usefulness in his daily work? I can provide a personal answer to this by stating how I found the preceding volumes of this series serviceable. I was compelled on short notice this spring to go to Phoenix, Arizona, to deliver a lecture-sermon at a Sunday service. My subject, which I selected for myself, was "The Right Above the Law." There was little time to prepare. About all that I could depend upon was my own education in jurisprudence and political science and whatever reading and note-taking I could do during a ten-hour plane ride. The three little red books answered my

[1] Professor of Law, University of Notre Dame.

[2] Text at 48.

need. For in them was deduced by the fine minds of the authors of the papers an abundant store of the wisdom of the ages. They were better for me than a library.

This present book can do that for one who seeks the basic theses of the political faith that Americans live by. Placed side by side with its three predecessors, it rounds out a fine summation of fundamentals. It is the sort of book that brings to us the sobering feeling that we are heirs to a great tradition and that it is our moral obligation to preserve that heritage and to pass it on unscathed.

Mr. Sokolsky seeks in his paper to determine the source of human rights. With rare and original insight he makes the point that surely our basic principles of living must be eternal, because as we move back through the centuries to materially smaller and simpler civilizations we find more and more clear and forceful affirmations of truth. He says: [3] "How does it happen that little Palestine and Syria and Greece understood so much and we so little? Is it possible or believable that in the realm of human relations all that needs to be known has forever been known?"

The answer to Mr. Sokolsky's question must be affirmative and, that being true, can any rational being deny the ultimate divine source of these precepts?

It is well that Judge Hutcheson has presented here and now his views on the inseparability of the right of property from the other rights guaranteed to Americans. It is well because in our Supreme Court in these recent years there has been a tendency to erect a hierarchy of rights, with that of property lowest in rank. It is well for Judge Hutcheson to deny this because, except for a determination by a president to appoint no one but those who agreed with him, this great Texas jurist would now be gracing our highest tribunal. In his paper, with a wealth of scholarship he proves that those who created our institutions asserted as a matter of course [4] "that a man would be no better than a slave if he could not exercise his natural right to acquire and own property and to retain it free from arbitrary control. . . ."

No one who is familiar with recent efforts of jurists and scholars to turn back the tide of positivism, pragmatism and futilitarianism in our law can fail to give high place to the contribution of Father John C. Ford. It suffices to add that his discussion, "The Natural Law and the Right to Pursue Happiness," is up to his rigorous high standard.

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[3] *Id.* at 14.

[4] *Id.* at 67.

These papers and the ones that preceded them in the convocations of the Institute become powerful tracts in a growing new conservatism in America. I am bold to say that we are witnessing another renaissance in thought, based, as was the former one, on a rediscovery of the past. A nation almost blinded and partially drugged by false philosophy and treacherous politics may yet find its way through the inspiration of Natural Law.

*Raymond Moley**

TEN THOUSAND COMMANDMENTS: A Story of the Antitrust Laws. By Harold Fleming.[1] New York: Prentice-Hall, Inc., 1951. Pp. xiv, 206. $2.25. — Mr. Fleming pulls no punches in this indictment of current uncertainty, contradiction and confusion in antitrust law. He writes with vigor and supports his contentions with full citations to cases and source materials. Portions of the book previously appeared in the *Harvard Business Review, Harper's Monthly,* and in the *Christian Science Monitor* of which Mr. Fleming is business reporter. Although the book was written "for the layman rather than the lawyer," it will be read with profit by lawyers, particularly by those whose busy practice in other fields leaves less time for keeping posted on antitrust law developments. This reviewer strongly recommends "Ten Thousand Commandments" to law students in connection with courses in Administrative Law, Trade Regulation and Constitutional Law.

According to Mr. Justice Douglas, "Philosophers of the democratic faith will rejoice in the uncertainty of the law and find strength and glory in it." [2] American businessmen, however, can hardly be expected to rejoice when prosecuted tomorrow for what they have done today in good faith reliance upon yesterday's administrative rulings or judicial decisions. Indeed, President Wilson urged the enactment of the Federal Trade Commission Act precisely because business needs "more explicit legislative definition of the policy and meaning of the existing antitrust law" and because "Nothing hampers business like uncertainty . . . or discourages it like the necessity to take chances, to run the risk of falling under the condemnation of the law before it can make sure just what the law is." [3] The "Rule of Law" should at

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* Professor of Public Law, Columbia University; Contributing Editor, Newsweek.

1 Business reporter, the Christian Science Monitor.

2 Address before the Section of Judicial Administration of the American Bar Association; quoted, text at 21.

3 Message to the Joint Session of Congress, January 20, 1914; quoted, text at 23.

least mean that government will be bound by rules established in advance which its administrators will not change with retroactive effect, to the injury of men who have bona fide planned their affairs in conformity with those rules. Otherwise the current admonition of the bar to the layman "See Your Lawyer First" is a species of deception.

Antitrust law administrators seem reluctant, however, to develop a set of standards by which a businessman would know whether he was violating the antitrust laws.[4] It seems from the statements of ex-Attorney General McGrath and House Judiciary Committee Chairman Celler, as quoted by Mr. Fleming,[5] that if antitrust law violations were codified or specifically enumerated, "the process would become a rat-race between the monopolist seizing upon omissions and the Congress trying to fill them into the law, always eighteen steps behind. . . ." The same issue was presented in England three hundred years ago on another occasion — "whether the Crown should be governed by specific rules of law or should be free-wheeling in its actions." [6] The issue was resolved in favor of the "Rule of Law." We have thought that resolution final for free government. Keeping the law "fluid" or "dynamic" (sometimes mere euphemisms for "uncertain") may be too high a price to pay for reducing the "time-lag" apparently inevitable in legislation by human beings.

Mr. Fleming thinks the courts as well as administrative agencies have helped to create this pattern of uncertainty. From 1937 to 1949 the Supreme Court reversed 30 earlier decisions. The author quotes Mr. Justice Roberts' warning: [7]

> It is regrettable that in an era marked by doubt and confusion . . . this Court, which has been looked to as exhibiting consistency . . . should now itself become the breeder of fresh doubt and confusion in the public mind. . . . With these frequent reversals . . . the law becomes not a charge to govern conduct, but a game of chance . . . instead of settling rights and liabilities, it unsettles them. . . .

Not all these reversals were antitrust cases, but the "dynamism" they reflect could not but influence lower courts and give a new look to administrative determinations. Between 1946 and mid-1949 the Supreme Court rendered 86 five-to-four decisions. Seemingly this unprecedented increase in "five-to-fours" may be due, in no small measure, to the ever-broadening judicial invasion of the legislative or policy-making function hitherto conceived as reserved to the Congress. Not only has there been judicial legislation in filling manifest gaps left in statutes, but even where the Congress has not legislated

4 Text at 22.

5 Rep. Celler, Proceedings of Symposium, Section on Antitrust Law, New York State Bar Association, January 25, 1950; quoted, text at 22.

6 Text at 24.

7 Quoted, *Id.* at 20.

at all. Thus, in the *Cement Institute* case,[8] the Supreme Court apparrently ruled out the "basing point system," although the lower court showed that over the years the Congress had repeatedly refused to declare it illegal.

From uncertainty stem contradiction and confusion. Mr. Fleming is ready with "chapter and verse." A few examples must suffice here. The *Morton Salt Co.* case [9] suggests that the law is violated by "the possibility" that price discriminations *"may have the effect"* of harming competition, without actual proof that they have done so. Mr. Justice Jackson vainly protested in dissent that "the law rarely authorizes judgments on proof of mere possibilities." The same case apparently requires "functional pricing" although the Robinson-Patman Act involved did not. Re-sale price maintenance had been condemned by the Supreme Court and by FTC.[10] Yet we have a ruling by the FTC more recently which practically compels a large oil company to enforce the practice on certain of its jobber-retailers.[11] In 1948, Senator Capehart in the course of Senate hearings asked FTC's "six top lawyers" about two proposed selling methods condemned by the Court and FTC. They said "so far as they knew they were all right." [12] Again, one Federal Trade Commissioner states in an interview "Freight absorption is out the window" and another declares that freight absorption "is not out the window." [13] In the antitrust field, the schoolboy conundrum "How Big is Big?" has a new version — "How Big is Too Big?" Mr. Fleming in this connection discusses the extent to which the new doctrine of "Opportunity for Abuse" is gaining upon the well established holding that "mere size is not outlawed." [14] If size alone raises the presumption of the existence of power or capacity to restrain competition, it is an easy step to hold that the existence of a capacity to do what the law forbids is itself a violation of the law. As Mr. Fleming says, "Any firm with any kind of economic power is now, off-hand, in violation of the Sherman Antitrust Act." [15] This is equivalent to saying that "The power to commit grand larceny may itself constitute an evil and stand condemned even though it remains unexercised." [16]

8 FTC v. Cement Institute, 333 U.S. 683, 68 S. Ct. 793, 92 L. Ed. 1010 (1948).

9 FTC v. Morton Salt Co., 334 U.S. 37, 68 S. Ct. 822, 92 L. Ed. 1196 (1948).

10 Ethyl Gasoline Corp. v. United States, 309 U.S. 436, 60 S. Ct. 618, 84 L. Ed. 852 (1940). In the Matter of Middle Atlantic Distributors, Inc., FTC Docket No. 5634.

11 See affirmance of FTC order in Standard Oil Co. v. FTC, 173 F. (2d) 210 (7th Cir. 1949).

12 Quoted, text at 19.

13 *Ibid.*

14 United States v. United States Steel Corp., 251 U.S. 417, 40 S. Ct. 293, 64 L. Ed. 343 (1920).

15 Text at 66.

16 *Ibid.*

To the tendency of the courts to abdicate in favor of the administrator's *expertise* and accept the findings of administrative bodies as conclusive — in other words "to take the government's lawyer's word for it"; to the indecision of the law enforcers with regard to business integration, whether vertical or horizontal; to the dubious practices of government lawyers in antitrust cases ("as far as business and the Sherman Antitrust Act are concerned, the Department of Justice has practically riddled the Bill of Rights." [17]); to these and many more alarming phases of antitrust law development, Mr. Fleming pays his strongly-worded but well-documented respects. If some think he presents "only one side" — and students of public law know well that there are at least "two sides" when enforcement of broadly worded policy-statutes like Antitrust laws are involved — it might be said that it is high time laymen as well as lawyers heard a clear, non-technical and forthright expression of the dangers of excessive enthusiasm in antitrust law interpretation and enforcement. Mr. Fleming's job was to state "what is." He leaves "what should be" to others. He quotes Federal Trade Commissioner Mason: [18]

> What a young law student needs most after a diploma and a shingle and a client is a good pair of eyebrows and broad shoulders. Then when his client asks him how to stay out of trouble with the government, he can raise the first and shrug the second. . . .
>
> If we [the FTC] had the money we could get a "cease-and-desist" order against every businessman in the United States who is engaged in interstate commerce. The businessman has nothing to say. He can only hope the law of averages will keep him off the wrong end of a complaint.

Small wonder! Mr. Fleming lists attacks by the courts, by administrative agencies and by the Congress on no less than 18 different aspects of American business and concludes: [19]

> It is hard to see how any firm of importance in America can fail to be guilty of violating some, if not most, of these canons or interpretations. In other words, if these things are all wrong, American business is all wrong and can be made right by nothing short of utter tear-down and re-assembly along totally different lines.

He suggests in his chapter "Arm Chair Economics" an interesting ideological ancestry for the attack on American business. It has been noted that nothing is more embarrassing than the genealogy of ideas. Thorstein Veblen, who "did not know anything about American business except what he had read. . . . But he didn't like it, any more than he seems to have liked expensively dressed women or college faculty boards. . . ." [20] has bequeathed not only his vocabulary but his bitter animus against American business to a very industrious progeny.

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17 *Id.* at 171.

18 *Id.* at 20, 7.

19 *Id.* at 189.

20 *Id.* at 180-1.

Alongside the "Folklore of Capitalism" we now have the "Folklore of Trust-Busting."

It is a "fixed cost" of American democracy that the demagogue and the doctrinaire have leave to speak on the relation which should exist between government and business based on free enterprise. Democracy also permits other voices to be heard. With two of these Mr. Fleming concludes. One is from a United States Senator seventy years ago. The other is from the Governor of a great state twenty years ago. Said the Senator: [21]

> I do not dread these corporations as instruments of power to destroy this country, because there are thousands of agencies which can regulate, restrain and control them. But there is a corporation we may all dread. That corporation is the Federal Government. From the aggression of this corporation there can be no safety if it is allowed to go beyond the well-defined limits of its power. I dread nothing so much as the exercise of ungranted and doubtful powers by this Government. . . .

Said the Governor: [22]

> Were it possible to find master minds so unselfish, so willing to decide unhesitatingly against their own personal interests or private prejudices, men almost God-like in their ability to hold the scales of justice with an even hand, such a government might be to the interests of the country. But there are none such on our political horizon, and we cannot expect a complete reversal of all the teachings of history.

The Senator was David B. Hill, Democrat from New York. The Governor was Franklin D. Roosevelt.

*Edward F. Barrett**

THE AMERICAN GOVERNMENT AND ITS WORK. By Edward W. Carter [1] and Charles C. Rohlfing.[2] New York City: The Macmillan Company, 1952. Pp. xv, 875. $6.00. — This book in reality is the fifth edition of a book first published in 1915. The title of the original book was "The New American Government and Its Work." It was written by James T. Young. Dr. Young is Professor of Public Administration at the Wharton School of Finance and Com-

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21 Quoted, *id.* at 195.

22 Quoted, *id.* at 196.

* Professor of Law, University of Notre Dame.

1 Associate Professor of Political Science, Wharton School of Finance and Commerce, University of Pennsylvania.

2 Professor of Political Science, Wharton School of Finance and Commerce, University of Pennsylvania.

merce of the University of Pennsylvania and is an outstanding authority in this field. His book was an immediate and permanent success and it was reissued in a second, third and fourth edition in 1923, 1933 and 1940 respectively.

The present volume is issued under the names of Edward W. Carter and Charles C. Rohlfing, both being members of the faculty of the University of Pennsylvania, but it is based on Dr. Young's earlier book. Dr. Young himself assisted extensively in the preparation of the present book. The present text in many, if not most, instances continues to use the phraseology of the fourth edition, with necessary alterations to reflect the changes in the world since 1940.

In examining the present and earlier editions of this notable book, the reader is struck by the impartiality with which are presented various aspects of controversial problems. Dr. Young was not and is not a special pleader who tries to distort facts in order to maintain a predetermined position. He and the authors of the present book have set forth an objective picture of the way in which American government functions in all of its branches. Naturally most of the book deals with government on the national level, but government on the state and local levels is fully treated.

At the time when the fourth edition was written, the Second World War was being fought, but the United States was not yet a belligerent. The tremendous changes, both of an international and a domestic nature, which were caused by this war have been adequately and accurately treated. Good examples of such treatment are to be found in the discussion of federal fiscal policies,[3] and the chapters devoted to foreign relations [4] and to war.[5] Similarly, where changes in national policy or the machinery of government have been less spectacular since they were caused by forces already operating or were the result of legislative or executive policies in existence before the war, the present book is entirely adequate and usually admirable in its discussion of them. As an example, one may cite the treatment of the slow but ever increasing growth of government regulation over business and industry.[6]

More than one of the persons who reviewed earlier editions of this book commented upon the large extent to which the author relied upon judicial decisions and the "legal approach" by which he reached his conclusions. Indeed, one reviewer felt that this was

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3 Text at 396 *et seq.*

4 *Id.* at 325 *et seq.*

5 *Id.* at 359 *et seq.*

6 See The Trend Toward Concentration, *id.* at 1 *et seq.* and the chapters entitled Trade Regulations, *id.* at 482, and Labor, *id.* at 527.

overdone,[7] which of course was nonsense, since a book about government must necessarily be a book about law. I cannot find that Dr. Young, Dr. Carter or Dr. Rohlfing was ever formally bred to the law. Nevertheless they write as if they were members of the bar. In the words of the great Bull Warren, of the Harvard Law School, they "make a noise like lawyers." If there is to be any adverse criticism of the book, it could only be directed to the fact that the college undergraduates for whom it is intended probably will miss some of its nuances since they are not lawyers. One is reminded in this instance of what Oscar Wilde said about youth, "Youth is a wonderful thing. It is a pity that it has to be wasted on persons who are too young to appreciate it." Only a lawyer who has the academic background of his profession can appreciate fully the legal flavor of much of this book. To such a reader let me commend it. He will not regret the time spent in reading it, but on the contrary will derive from it both information and pleasure.

*Daniel J. McKenna**

BOOKS RECEIVED

*AMERICAN GOVERNMENT AND ITS WORK, THE. By Edward W. Carter and Charles C. Rohlfing. New York: The Macmillan Company, 1952. Pp. xv, 875. $6.00.

ANTISLAVERY ORIGINS OF THE FOURTEENTH AMENDMENT, THE. By Jacobus tenBroek. Berkeley and Los Angeles: University of California Press, 1951. Pp. v, 232. $3.00.

BRITISH PLANNING AND NATIONALIZATION. By Ben W. Lewis. New York: The Twentieth Century Fund, 1952. Pp. xi, 313. $3.00.

BUSINESS INTERESTS: CONTRACTUAL DISPOSITION EFFECTIVE AT DEATH. Edited by Solomon Huber. Brooklyn: Farnsworth Publishing Co., Inc., 1952. Pp. 64. $1.50.

COLLEGE FROM WITHIN, THE. By Monroe E. Deutsch. Berkeley and Los Angeles: University of California Press, 1952. Pp. xiv, 232. $3.00.

CRISIS IN FREEDOM: THE ALIEN AND SEDITION ACTS. By John C. Miller. Boston: Little, Brown and Company, 1951. Pp. 253. $3.50.

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7 Rankin, Book Review, 34 AM. POL. SCI. REV. 1036, 1037 (1940).

* Dean of the School of Law, University of Detroit.

* Reviewed in this issue.

DUE PROCESS OF LAW 1932-1949: The Supreme Court's Use of a Constitutional Tool. By Virginia Wood. Baton Rouge: Louisiana State University Press, 1951. Pp. ix, 436. $6.00.

FOR BETTER OR WORSE: A New Approach to Marriage and Divorce. By Morris L. Ernst and David Loth. New York: Harper & Brothers, 1952. Pp. v, 245. $3.00.

HANDBOOK OF THE LAW OF EVIDENCE. By John Evarts Tracy. New York: Prentice-Hall, Inc., 1952. Pp. xviii, 382. $5.35.

*HOW TO KEEP OUR LIBERTY: A Program for Political Action. By Raymond Moley. New York: Alfred A. Knopf, Inc., 1952. Pp. xxvii, 339. $4.00.

INDUSTRIAL SOCIOLOGY: An Introduction to the Sociology of Work Relations. By Delbert C. Miller and William H. Form. New York: Harper & Brothers, 1951. Pp. xi, 896. $6.00.

LAW: THE SCIENCE OF INEFFICIENCY. By William Seagle. New York: The Macmillan Company, 1952. Pp. vii, 177. $3.50.

MEDIEVAL ECCLESIASTICAL COURTS IN THE DIOCESE OF CANTERBURY. By Brian L. Woodcock. London: Oxford University Press, 1952. Pp. xi, 160. $3.50.

*NATURAL LAW INSTITUTE PROCEEDINGS 1950. Vol. IV, Edited by Edward F. Barrett. Notre Dame, Indiana: College of Law, University of Notre Dame, 1951. Pp. 144. $2.00.

PATENT RIGHT IN THE NATIONAL ECONOMY OF THE UNITED STATES, THE. By Gustav Drews. New York City: Central Book Company Inc., 1952. Pp. iv, 211. $5.00.

PATTERN FOR INDUSTRIAL PEACE. By William Foote Whyte. New York: Harper & Brothers, 1951. Pp. ix, 245. $3.50.

PRE-TRIAL. By Harry D. Nims. New York: Baker, Voorhis & Co., Inc., 1950. Pp. xviii, 334. $5.75.

PRODUCTS LIABILITY AND THE FOOD CONSUMER. By Reed Dickerson. Boston: Little, Brown and Company, 1951. Pp. xviii, 339. $7.00.

SECURITIES REGULATION. By Louis Loss. Boston: Little, Brown and Company, 1951. Pp. xxvii, 1283. $17.50.

STATES' LAWS ON RACE AND COLOR. Compiled by Pauli Murray. New York: American Civil Liberties Union, 1952. Pp. x, 746. $4.00.

*TEN THOUSAND COMMANDMENTS: A Story of the Antitrust Laws. By Harold Fleming. New York: Prentice-Hall, Inc., 1951. Pp. 206. $2.25.

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* Reviewed in this issue.

THE COLLEGES AND THE COURTS 1946-1950: Judicial Decisions Regarding Higher Education in the United States. By M. M. Chambers. New York: Columbia University Press, 1952. Pp. x, 202. $3.00.

TREATY AS AN INSTRUMENT OF LEGISLATION, THE. By Florence Ellingwood Allen. New York: The Macmillan Company, 1952. Pp. xxi, 114. $1.75.

UNJUST ENRICHMENT: A Comparative Analysis. By John P. Dawson. Boston: Little, Brown and Company, 1951. Pp. viii, 201. $4.50.