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Book Reviews

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BOOK REVIEWS

THE LAW OF AWOL. By Alfred Avins.[1] New York: Oceana Publications, 1957. Pp. xxxi, 288. $4.95. To general practitioners of the law it may appear novel that since the adoption of the Uniform Code of Military Justice[2] in 1950 several text[3] and case books[4] have been published devoted exclusively to the subject of military law. To these, and even to some members of the profession who may have had occasion to appear in courts-martial proceedings, it may come as quite a surprise that one single article of the Uniform Code of Military Justice[5] has now evoked a volume of some two hundred and fifty pages, exclusive of index and tables. Be that as it may, Mr. Alfred Avins has at this length addressed himself to the military offense of absence without leave.

While the civilian offense of vagrancy may be contrasted with the military offense of absence without leave in that the former is objectionable presence and the latter objectionable absence, the two are similar in that in magnitude each is a very wee flower in the garden of crime. Vagrancy, consigned as it is to police courts from which appeals are indeed a rarity, has largely exfoliated without generating legal literature. Conversely, absence without leave, doubly blessed with a built-in federal question and now with the United States Court of Military Appeals as its ultimate forum, has proliferated into a luxuriant legal verbiage.[6] What the offense of absence without leave lacks in gravity in the individual case it makes up in the aggregate by its incessant repetition. As the author points out, it comprises more than half of all military offenses committed.[7]

The fundamental fact is that no effective military organization can permit unauthorized absences to go unchallenged. The shirking of duty to pursue personal desires breaks down *esprit* and teamwork. Military persons who need leave for emergency or compassionate reasons have recourse to Chaplains, Inspector Generals and the Red Cross in those rare instances where leave is not granted at once by the immediate commander. A person in any of the military services who through inadvertence, or otherwise, finds himself absent without leave may terminate that status by reporting into any of our armed forces' stations anywhere. Enlightened leave policies have all but eliminated "hard cases" but, unfortunately, have not substantially reduced absence without leave. In pursuing the subject it is important to have this in mind.

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1 Member of the New York, Florida, District of Columbia and Military Appeals Bars. Former Special Deputy Attorney-General of New York State.

2 64 STAT. 108 (1950), 10 U.S.C. § 801 (Supp. 1957).

3 PHILOS, HANDBOOK OF COURT-MARTIAL LAW (1951); PHILOS, HANDBOOK OF COURT-MARTIAL LAW (Supp. 1953); SNEDEKER, MILITARY JUSTICE UNDER THE UNIFORM CODE (1953); AYCOCK AND WURFEL, MILITARY LAW UNDER THE UNIFORM CODE OF MILITARY JUSTICE (1955).

4 MILITARY JURISPRUDENCE (1951); SCHILLER, MILITARY LAW (1952); WALKER, MILITARY LAW (1954).

5 70A STAT. 67 (1956), 10 U.S.C. § 886 (Art. 86) (Supp. 1957).

6 Court Martial Reports, vols. 1 to 22 inclusive, which report Board of Review opinions of all four services and Court of Military Appeals decisions for the period 1951-57, devote some ten pages of index alone to absence without leave.

7 AVINS, THE LAW OF AWOL 34 (1957).

The experienced military lawyer will be both gratified and bewildered by Mr. Avins' introduction. Cause for gratification is the brief historical treatment which traces the offense back to the fourteenth century.[8] In these latter days there is some tendency to assume that all military offenses originated with the Uniform Code of Military Justice and were not legitimated until thereafter approved by the Court of Military Appeals. Every historical account which dispels such callow thinking is commendable. Cause for bewilderment is use of the term "AWOLism."[9] Equated to civilian absenteeism and uttered by a sociologist this nomenclature might possibly pass muster, along with "momism." Used as a legal criminal expression one can only hope it is not contagious and will not spread to "murderism" and "rapeism."

One more tussle with semantics is indicated. At page 125 the reader is confronted fourteen times with "AWOLee" which, from the context, appears to be used to mean one who commits absence without leave. Agreement can probably be reached that "vendor" means one who sells, and "vendee" one to whom something is sold. From this it would seem that one who commits absence without leave is an "AWOLor" and that "AWOLee" might apply to the lady visited by an "AWOLor," or to his First Sergeant who finds him absent. Sifting the word pile a bit more we find that one who commits a murder is not a "murderor" nor is a murder victim called a "murderee." Perhaps one who commits absence without leave should not be denominated either "AWOLee" or "AWOLor."

As a preliminary the author very properly distinguishes absence without leave from the offenses of desertion,[10] missing movement,[11] misconduct in the face of the enemy,[12] escape from confinement,[13] and failure to obey a lawful order,[14] while indicating that under varying circumstances these offenses may be closely related. Frequently the offense of failure to obey a lawful order is discussed per se,[15] and connected only by stating that had the accused been charged with absence without leave, instead of failure to obey, he should or should not have been found guilty. These discussions, while interesting, appear to be somewhat collateral. Conversely, a remarkable feat is performed in divorcing the offense of absence without leave from desertion. Considering the innumerable cases in which courts-martial, by exceptions and substitutions, find an accused not guilty of desertion, but guilty of the lesser included offense of absence without leave, one may question the wisdom of completely segregating the two. However, as the author

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8 *Id.* at 35-38.

9 *Id.* at 33.

10 70A STAT. 67 (1956), 10 U.S.C. § 885 (Art. 85) (Supp. 1957).

11 70A STAT. 67 (1956), 10 U.S.C. § 887 (Art. 87) (Supp. 1957).

12 70A STAT. 69 (1956), 10 U.S.C. § 899 (Art. 99) (Supp. 1957).

13 70A STAT. 69 (1956), 10 U.S.C. § 895 (Art. 95) (Supp. 1957).

14 70A STAT. 68 (1956), 10 U.S.C. §892 (Art. 92) (Supp. 1957).

15 This occurs at p. 141; in the chapter on "The Problems of Communication" beginning at p. 97; in practically all the chapter on "Mistake of Fact" commencing at p. 188; again in most of the chapter on "Illegality" starting on p. 207; and in the chapter on "Ambiguity of Duty" beginning at p. 248.

points out in his Preface, no solution of the amaranthine problem of what material to include and what to exclude is likely to win unanimous acclaim.

Chapter I of Part II points out that only those in the military service may commit the offense of absence without leave. This is, of course, implicit in the language of article 86 which commences with the words, "Any member of the Armed forces who, . . . ".[16] Punitive articles which also apply to those civilians who under article 2 are subject to courts-martial jurisdiction, commence with the words, "Any person subject to this code. . ."[17] In cases of aiding the enemy or spying, for which anyone may be tried by courts-martial, the articles commence concisely with, "Any person who. . . ."[18]

In the discussion of when absence begins the following statement appears:

> The AWOL of a draftee called to active military duty begins when the time he is required to report arrives and he had not reported, for a person who fails to report for military duty at the time required is absent from military control and hence AWOL from that time (OPS JAG 1918, Vol. II, P. 535 [July 5, 1918]; *U.S. v. McIntyre*, 4 F.2d 823 [1925]).[19]

This simply is not now the law. In 1944 in *Billings v. Truesdell*[20] the United States Supreme Court held a court-martial did not have jurisdiction to try a draftee who refused to take the induction oath and that recalcitrant draftees who refuse to be inducted are subject to criminal prosecution in federal district court for a violation of the Selective Training and Service Act of September 16, 1940. Furthermore, under present law a draftee, until fully inducted, is not a "member of the armed forces" and so cannot commit absence without leave. The unfortunate textual statement to the contrary might lead the unwary into jurisdictional error.

The author devotes a chapter to discussing "leave." It is significant to observe that Article 86 in defining the offense does not use the word "leave," but uses instead the phrase, "absence without authority." The text says:

> . . . various members of the armed services are authorized to grant themselves leave. Such leave is a good defense to a charge of AWOL.

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16 70A STAT. 67 (1956), 10 U.S.C. § 886 (Art. 86) (Supp. 1957).

17 For example, 70A STAT. 72 (1956), 10 U.S.C. § 918 (Art. 118) (Supp. 1957) which denounces the offense of murder. This jurisdicition over civilians is now subject to such inroads as may have been made thereon by the Supreme Court in its eight judge, three-way-split, after-rehearing, decision in Reid v. Covert, 354 U.S. 1 (1957).

18 70A STAT. 70, 71 (1956), 10 U.S.C. §§ 904, 906 (Arts. 104, 106) (Supp. 1957).

19 AVINS, THE LAW OF AWOL 93 (1957).

20 321 U.S. 542 (1944). The Court distinguishes the *McIntyre* case on which the author relies. After stating that the *McIntyre* result ". . . was indeed the consequence under the Selective Service Act of 1917 (40 Stat. 761)," it continued, ". . . but the present Act and the regulations promulgated under it are differently designed." *Id.* at 546. The Court concluded, ". . . where Congress has drawn the line between civil and military jurisdiction it is our duty to respect it." *Id.* at 559.

The Court of Appeals for the Ninth Circuit in Corrigan v. Secretary of Army, 211 F.2d 293 (9th Cir. 1954), following *Billings*, reaches the same result under Universal Military Training and Service Act, 62 STAT. 622 (1948), 50 U.S.C. APP. § 462 (1952).

> . . . .
> . . . as a person rises in rank he is permitted to grant himself leave for more extended periods of time.[21]

While to an exceedingly limited extent this is so, it would be prudent to make clear that such authority, at least so far as the Army is concerned, is the very rare exception rather than the rule, does not pertain to enlisted men at all, and seldom indeed to officers. The author's broad statement in this regard could, in the hands of those not versed in leave procedures or of guardhouse lawyers, produce erroneous advice and induce violations of article 86. There appears to be some confusion between the term "leave" and the concept of geographical freedom to move about in the performance of duty. The text under review states:

> . . . the authority of a person to grant himself leave may be enlarged when he is absenting himself on government business.[22]

When a military person absents himself from his normal place of duty, but is still in the performance of government business within the general scope of his authority, he is not granting himself leave, but is actively performing duty. The reason he is not violating article 86 is because he is performing his duty, not because he has granted himself leave. Such a person can hardly be said to be "absent" in the sense of article 86. Whether, in a given set of circumstances, a military person is in fact discharging authorized government (that is, his employer's) business, as distinguished from being engaged on a frolic of his own, may be as difficult to adjudge as is this same problem in civil life in the law of agency.

This leads to a further word of caution. The author tends to rely on digest opinions of line-of-duty board determinations that death gratuities or pay are collectible under a given set of facts as being conclusive that these facts do not violate article 86.[23] At least in recent years, army line-of-duty findings have been as heavily weighted in favor of the individual as the proverbial tilting of insurance law for the insured against the insurer. The risk involved is similar to that of indiscriminately applying an insurance contract decision to contracts in general.[24]

Issue must be taken with the statement that:

> . . . where a person, compelled to be absent, has gone to all reasonable lengths to get leave, only to be refused, the law gives him leave . . .[25]

The two cases cited for this proposition are merely exercises of clemency and do not enunciate a doctrine of granting leave by operation of law. In the first, an East Indian commander in 1819, in disapproving a proceed-

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21 AVINS, THE LAW OF AWOL 90 (1957). Army Regulations No. 630-5, 5 Nov. 1957, as changed 7 Feb. 1958, as changed 28 Feb. 1958, prescribe basic army leave policies.

22 *Ibid.*

23 *Id.* at 91, 92, 95, 96, 130, 227, 273.

24 Mr. Avins has recognized, in another context, this very difficulty:

. . . the leading case advancing the doctrine that a soldier detained by civil authorities while AWOL remains AWOL, regardless of his guilt or innocence of the charge . . . was a civil suit for back pay, properly determined on contract principles, and not a criminal AWOL case.

Erroneously, failing to perceive that the law of AWOL is not based on contract, courts-martial followed this case in criminal AWOL cases. *Id.* at 153.

25 AVINS, THE LAW OF AWOL 93 (1957).

ing in which a sepoy was convicted of deserting to get married, said the circumstances ". . . ought to have been taken into consideration as greatly extenuating the prisoner's offense."[26] In the second, the Army Judge Advocate General in a new trial proceeding held:

> . . . The evidence legally supports the findings of guilty and the sentence.
> . . . Trial and punishment for desertion under these circumstances was manifestly unjust.
> . . . The findings of guilty and the sentence will be vacated.[27]

It must be remembered that military reviewing authorities have wide clemency powers and may exercise them by disapproving or vacating findings and sentences. To elaborate a substantive rule of the law of absence without leave from such clemency action is similar to changing the elements of burglary because criminal courts in civil life frequently grant burglars probation without the execution of sentence. Yet of these cases the author says, "In both cases, the accused must be held to have had leave by operation of law on account of the compelling necessity for his absence."[28] It is submitted that the authorities cited do not so hold.

Another statement regarding leave draws fire. In discussing an army case which ". . . held that a section head lacked authority to grant leave because he was only concerned with accused's activities during duty hours . . .," it is said this case seems, ". . . clearly erroneous, as there appears to be no reason for holding that the [officer] involved [was] under a personal disability."[29] Army enlisted men who work in staff sections of a tactical, area, or post headquarters are assigned either to a Headquarters Company or a Headquarters Detachment which is different from the staff section in which they work. Their records and administration are maintained by this Headquarters Company and only the commanding officer thereof may grant them a pass or leave. Standing inspection, guard, and other routine duties are performed in the Headquarters Company in addition to the clerical duties performed in the staff section. To insure coordination of leave an enlisted man so assigned must obtain prior concurrence from his section chief, but the leave is granted only by the Headquarters Company commander. This procedure, designed to prevent conflicting orders, is well known and would not produce bona fide confusion. It is not that the section chief suffers "a personal disability" in such cases, but simply that he is not the leave-granting authority.

The author makes a plea on principle that a person already absent without leave who is arrested, confined, and thereafter either convicted or acquitted by civil authority, should not have such confinement time included in his period of absence without leave because to do so is either to punish him twice for his civil offense or twice for no offense at all.[30] this argument ignores *Blockburger v. United States*[31] in which the Supreme Court announced the rule that:

> . . . where the same act or transaction constitutes a violation of two distinct statutory provisions, the test to be applied to determine whether there are

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26 *Ibid.*
27 *Id.* at 94-5.
28 *Id.* at 95.
29 *Id.* at 231. Referring to CM 302839, Tursi, 58 BR 363 (1946).
30 *Id.* at 155, 159, 160.
31 284 U.S. 299 (1932).

> two offenses or only one, is whether each provision requires proof of a fact which the other does not.[32]

The gravamen of the military offense is that without proper authority the military person is not present to perform his military duty. These facts, essential to the corpus delicti of absence without leave, are not elements of any civil offense. Furthermore, even assuming the acts to be identical, civil prosecution for a state law violation does not preclude trial by court-martial if federal law was also violated.[33]

Although this reviewer must declare diffident dissent from some of the conclusions of the author, Mr. Avins has brought to light valuable historical material and has approached the law of absence without leave from a fresh and unfettered point of view.[34] While this book is not likely to be accepted as full gospel in Judge Advocate sections, it will certainly there, and in many a wardroom, engender lively discussions and bring on re-examination of established doctrines in the law of absence without leave. Such fomentation is all to the good. This volume merits careful reading by students of the subject. The author is to be congratulated upon his analysis and exposition of this important segment of military law.

*Seymour W. Wurfel**

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32 *Id.* at 304.

33 See MANUAL FOR COURTS-MARTIAL UNITED STATES 103 (1951), which states the rule as follows:

> . . . The same acts when committed in a State may constitute two distinct offenses, one against the United States and the other against the State. In such a case trial by a State court does not bar trial by courtlmartial.

34 For example, Mr. Avins expresses non-concurrence in a Board of Review opinion: "Next the Board will have Congressional Medal of Honor winners confined in guardhouses." AVINS, *op. cit. supra* at 274. What a mischevious thought!

* Colonel, JAGC

THE SUPREME COURT IN MODERN ROLE. By Carl Brent Swisher.[1] New York: New York University Press, 1958. Pp. vii, 214. $4.95.

Constitutional development is a theme long familiar[2] to Carl Brent Swisher, whose 1957 James Stokes Lectures on Politics delivered at New York University[3] are now made available in book form. These lectures are largely concerned with the same theme, with particular attention being directed to the role of the Supreme Court in such development during the period from 1935 to 1956. References to important decisions since 1956 are briefly discussed in the notes, which unfortunately have been relegated to the back of the book.[4]

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1 Professor of Political Science, John Hopkins University.

2 He is he author of AMERICAN CONSTITUTIONAL DEVELOPMENT (2d ed. 1954).

3 Text at vi.

4 *E.g.*, discussion of Jencks v. United States at 200 and Yates v. United States at 201.

Four general problem areas in which the Court operates have been selected for discussion in the lectures. Much of importance and general interest is, of course, necessarily omitted. There is, for example, no mention of the problems of Church and State with which the Court was confronted during the period covered by the book. But most of the highly important problems in the four areas in question are competently and lucidly presented and the Court's solution sympathetically explained. The four general areas in question are: limitations on governmental power, the prevention and punishment of subversive activities, legal control of military affairs and functions, and finally, race relations. The author's purpose is by discussion of these four areas to illuminate "the essential nature of the judicial process in the operations"[5] of the Supreme Court.

Before entering into his treatment of recent problems, Professor Swisher provides a brief historical essay entitled "The Court and the Sweep of History," which, while covering what is well known territory for many, recalls events and doctrines of constitutional history that seemingly cannot be re-emphasized too often. One could hardly find thirty pages of printed material better designed to supply that modicum of historical background which is essential for the student of constitutional law if he is to have any real grasp of the subject. Much of the recent ill-informed criticism of the Court would not have occurred if more people were aware of the plain facts related in this first chapter of the book.

The second chapter, entitled "Checkreins upon Government," is concerned with the Court's role in applying those provisions of the Constitution that specifically limit governmental power: Article I, sections 9 and 10, the Bill of Rights, and the post-Civil War amendments. Here in brief is the story of due process of law and the shift of emphasis from the protection of property to the protection of people. The controversial preferred position of freedom of speech and the equally contorversial claim that the fourteenth amendment incorporates the safeguards of the Bill of Rights are explained.

The third chapter, entitled "The Threat of Subversion," is, of course, devoted primarily to the line of cases from *Schenck*[6] and *Gitlow*[7] to *Dennis*,[8] and to the clear and present danger doctrine and its various applications. The law of treason, loyalty and security programs, denaturalization, exclusion, and deportation cases are also treated. The author emphasizes the complexities of the Court's task in this area. He points to the difficulty "derived from the lack of clear demarcation between loyalty and patriotism on the one hand and disloyalty and subversion on the other."[9] He cites the familiar example of sympathy with Communism in the 1930's and thereafter which in many instances did not denote "basic disloyalty to the United States, as was later assumed by professional red-baiters: it marked rather a deep disillusionment with

5 Text at vi.
6 Schenck v. United States, 249 U.S. 47 (1919).
7 Gitlow v. New York, 268 U.S. 652 (1925).
8 Dennis v. United States, 341 U.S. 494 (1951).
9 Text at 101.

control in the United States by an element that permitted, and presumably could not have prevented within the pattern of its own ideology, the great depression that devastated the country before the advent of the New Deal."[10] The rest of what he says on this score is well worth noting and is recommended to all readers who are interested in public affairs.

The fourth chapter, entitled "The Place of the Military," traces the American attitude towards the professional soldier and a military class or caste back to colonial origins. This attitude is reflected in the Court's opinions from *Milligan*[11] to *Quirin*[12] and *Toth.*[13] The difficulties for the Court are to find the proper place for the military and to keep it there. The author states that the law in this area "is in a state of ferment rather than a state of fixity."[14]

The fifth chapter, entitled "Race and the Constitution," deals with the fourth great problem area previously mentioned. Before taking up the cases involving Negroes, which have been and still are those of greatest importance, the author discusses those concerning Chinese and Japanese persons, persons of Japanese ancestry, and American Indians. However, the bulk of the material in this chapter relates to the famous Negro cases from *Dred Scott,*[15] the *Civil Rights Cases,*[16] and *Plessy*[17] to the school segregation cases.[18] The role of the Court in this area has, as is well known, been under heavy attack for the past four years. The Court has been charged with usurping congressional functions. What has actually happened, it would seem, is that the modern role of the Court in this area parallels what has been done in the area of regulation of business. It is largely a corrective role. Errors committed by the Court in the past require correction which in many cases only the Court itself can bring about. Sometimes a constitutional amendment has seemed to be the only remedy. As a matter of constitutional history, however, as is shown time and again in Professor Swisher's book, the Court has corrected its previous mistakes of constitutional law. It has been remarked that the Court read *laissez faire* into the Constitution and subsequently had to read it out again. Similarly it brought "separate but equal" into the Constitution and ultimately had to interpret it out again. This correction had to be made in the face not only of the blunders of *Plessy v. Fergerson*[19] but also those made in the *Civil Rights Cases,*[20] as is noted by the author, in what is, perhaps, the most cogent passage in the book:

> But in one important respect the Civil Rights decision closely resembled the Dred Scott decision. The Dred Scott decision had set up bars to federal action in an important field, bars that could be removed only by constitu-

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10 *Ibid.*

11 *Ex parte* Milligan, 71 U.S. (4 Wall.) 2 (1866).

12 *Ex parte* Quirin, 317 U.S. 1 (1942).

13 United States *ex rel.* Toth v. Quarles, 350 U.S. 11 (1955).

14 Text at 136.

15 Dred Scott v. Sandford, 60 U.S. (19 How.) 393 (1857).

16 Civil Rights Cases, 109 U.S. 3 (1883).

17 Plessy v. Ferguson, 163 U.S. 537 (1896).

18 Brown v. Board of Education, 347 U.S. 483 (1954); Bolling v. Sharpe, 347 U.S. 497 (1954).

19 163 U.S. 537 (1896).

20 109 U.S. 3 (1883).

> tional amendment, in an area where constitutional language was not clear and where public sentiment was divided, and the Civil Rights decision set up similar bars. Here likewise constitutional language was unclear. And although public sentiment at the time was more in harmony with the decision, the field was one of political issues about which public sentiment might well change, as it has done in some degree, leaving the judicial prohibition as a barrier against democratic achievement of political purpose. In other words, the mood of disillusionment and weariness with protection of Negro rights proved too ephemeral to serve as an adequate basis for a statement of constitutional law.
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> It is not here asserted that Congress in the 1880's was obligated to enact legislation to protect Negro rights in the face of opposition from the electorate. That point can be left for speculation or discussion elsewhere. Certainly it would have been completely constitutional for Congress to repeal the Civil Rights Act of 1875. Congressional repeal could have been followed by congressional re-enactment if and when public sentiment changed. But what we got was in effect repeal by judiciary, in terms such that Congress was thereafter barred from enacting a similar measure, however much it and the people might at some future time desire such legislation.
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> It is true, of course, that the constitutional question was decided by the overwhelming majority of eight to one, and that such weight of opinion is entitled to respect. Yet the dissenting opinion of Justice Harlan as read today sounds plausible in its statement that "the substance and spirit of [the] recent amendments of the Constitution have been sacrificed by a subtle and ingenious verbal criticism." *Civil Rights Cases*, 109 U.S. 3, 26 (1883).] Justice Harlan emphasized the fact that the Fourteenth Amendment was not merely prohibitory upon the states, as the majority had implied. Its first clause was positive, creating and granting both state and federal citizenship. That which the Constitution created could be protected by Congress as well as by the judiciary, against all comers and not merely against the states.[21]

The sixth and last chapter, entitled "The Goal of Judicial Endeavor," leans heavily on the works of Justice Cardozo for determination of the function and nature of the work done by the Court. The author lists and comments on certain famous phrases that are familiar to students of constitutional law. Here is the list: police power, political question, business affected with a public interest, fair return on a fair value, separate but equal, stream of commerce, rule of reason, clear and present danger (with the ever less definite "manifest tendency" test), and primacy of civil liberties.[22] The author's succint treatment of these phrases is a valuable refresher for anyone acquainted with them.

Just as the author concludes his remarks by saying that close observers of the Supreme Court in its modern role commend the Court "to all who would develop a deeper understanding of man in his struggle toward higher things,"[23] so to the book itself should be commended to all students of constitutional law and to the legal profession generally for a rapid survey of recent important constitutional decisions in the context of history. It is a readily readable survey written in sober prose without rhetorical flourishes and without the heaviness and obscurity which often mar the writings of learned men. A number of emotionally charged questions are treated with urbanity and grace. Students and

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21 Text at 152-53.

22 *Id.* at 172.

23 *Id.* at 191.

professors of law can profitably sit at the feet of this professor of political science. The legal profession is in debt to Professor Swisher for this book.

*Roger Paul Peters**

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BOOKS RECEIVED

CONSTITUTIONAL LAW

*THE SUPREME COURT IN MODERN ROLE. By Carl Brent Swisher. New York: University Press, 1958. Pp. vii, 214. $4.95.

INTERNATIONAL LAW

EVOLUTION OR REVOLUTION. By Lincoln P. Bloomfield. Cambridge: Harvard University Press, 1957. Pp. 213. $4.50. The author analyzes our American foreign policy, and indicates the potential role of the United Nations in effecting a peaceful change in the international status of territories.

INTERNATIONAL TRADE ARBITRATION. Edited by Martin Damke. New York: American Arbitration Association, 1958. Pp. 311. $4.50. A treatment of the legal and economic problems arising in the settlement of international business transactions, with emphasis on fairness to the parties involved.

JURISPRUDENCE

FREE MAN VERSUS HIS GOVERNMENT. Edited by Arthur L. Harding. Dallas: Southern Methodist University Press, 1958. Pp. xi, 117. $3.00. This compilation of essays examines the varrious ideas of natural rights and their objects, together with a treatment of the recognition given by our judicial and legislative bodies to the interests claimed under these rights.

SOCIAL ENGINEERINGS THE LEGAL PHILOSOPHY OF ROSCOE POUND. By Linus J. McManaman. Atchison: The Abbey Student Press, 1957. Pp. 78. An analytical summary of the legal philosophy of an eminent American jurist.

MILITARY LAW

*THE LAW OF AWOL. By Alfred Avins. New York: Oceana Publications, 1957. Pp. xxxi, 288. $4.95.

POLITICS

PURITANS, LAWYERS AND POLITICS. By John Dykstra Eusden. New Haven: Yale University Press, 1958. Pp. xii, 238. $4.50. An analysis of the philosophy of the Puritan and the 17th Century lawyer, indicating the effect of their beliefs on our past, present and future political thought.

THE POLITICS OF INDUSTRY. By Walter Hamilton. New York: Alfred A. Knopf, 1957. Pp. ix, 169. $3.50. This author sets forth the government approved organization of our modern day economic business system, and describes the development of the privately owned business, indicating the effect of patent law and government subsidies on the present economic business structure.

WATER LAW

THE LAW OF WATER ALLOCATION: IN THE EASTERN UNITED STATES. Edited by David Haber and Stephen Bergen. New York: The Ronals Press, 1958. Pp. xxxviii, 643. $7.50. A study of the eastern and western law pertaining to the rights of the water user, pointing out the anticipated obstacles in water control legislation, and suggesting remedies for a more effective water allocation.

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* Reviewed in this issue.