
Richard Strichartz

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tolerance of government, church, conscientious objector and public finally "disintegrated." Perhaps intolerance had bred intolerance.

Neither an administration nor a citizenry is apt to regard civil rights with the same jealousy in war years as in periods of peace. Again, he who claims "rights" sometimes is required to produce his entitlement to them. If he lacks the strength to seize such rights by force, he must induce others to give them to him.

This volume is an effective broadside in a campaign of inducement. An overabundance of footnotes suggests accuracy, although much of the source material is not available to the reader. Occasional emotionalism is well documented with not completely impartial accounts of individual tragedies. But what salesman is restricted to complete objectivity? Whichever side of the fence he is on, the reader will be stirred by this report.

James P. Calhoun
Member of Florida and Hillsborough County Bars


Few casebooks offer so rich a mine of source material as does this provocative and brilliant study of political and civil rights by Emerson and Haber. The authors, both engaged in the art of teaching law, have seized upon the opportunity presented in preparing a casebook of materials on the political and civil rights of man to synthesize the body of human knowledge on this topic. They have not ignored the traditional "case" system, but they have advanced its use and application considerably. It is to be regretted that so few law professors utilize the plethora of sociological, economic and political materials that can help make the study of law so fascinating and vital.

In addition to the traditional presentation of extracts of cases, there are scattered throughout the book excerpts from law reviews, economic journals, sociological texts, and newspaper reports. Here one's mind may be stimulated by reading portions from Milton's "Aeropagitica," John Stuart Mill's "On Liberty," "The Report of the President's Committee on Civil Rights," the "Wickersham Report," the "Alien and Sedition Acts" and what has been suggested to be their modern counter-part, the "Internal Security Act of 1950." The authors' purpose in using these materials is obviously not intended as a display of erudition, but is to be viewed rather as a realistic attempt to integrate "law" in its social context.

The writers have rejected the traditional and accepted casebook approach as illustrated by their statement, "The materials are organized
in terms of problems rather than legal doctrines.”¹ These “problems” are broken down in the following fashion: The right to security of the person; fairness in governmental procedures; academic freedom; freedom of religion; discrimination and freedom of speech. The last mentioned field is divided into three chapters which deal with the vital questions of the right of political organization and expression, untruthful and harmful communication, and control over the specific media of communication. Skillful use of explanatory notes helps to connect the cases and materials to these problems. Notes are used to introduce a topic, then to break it down into its logical subdivisions and finally, to clarify, distinguish and relate the cases to the social and political atmosphere in which the decisions were rendered.

There is the usual index, an extensive table of cases and a detailed table of contents, all of which simplify the problem of research for the practitioner. The footnotes enhance the utility of the book by pointing out the distinguishing features of the “cf” and “see” type cases.

An important feature of this volume, largely ignored in other casebooks, is the role of the concurring and dissenting opinion. Many dissenting and concurring opinions included are skillfully edited to avoid repetition. Justices Black, Murphy and Douglas emerge in these dissents as the modern counterparts of Holmes and Brandeis.

Lest the reader fear that the millenium in casebook editing has arrived, this reviewer hastens to point out that perfection has not yet been achieved. “The authors confess to a strong bias in favor of political and civil rights.”² However, the reviewer himself must plead guilty to the same charge. Naturally a casebook on this topic will appear to unduly emphasize the violation of civil and political rights. But, after all, it is the violation which is the subject of court contests rather than the slow, unspectacular advances one sees evidenced each day in the field of community relations.

The tendency to overemphasize the use of recent cases, apparently for their time utility rather than their role in contributing to the development of the law, may also be viewed somewhat critically. This practice may mislead the student as to the true value of decisions rendered by past courts as compared to decisions rendered by the court as presently constituted.

The authors express the hope that the book may find wide use in the teaching of civil and political rights other than in the law school. Unfortunately, political science students will be unable, in many instances, to find their way through the maze of procedure permitted to remain in so many of the cases. Lawyers realize the necessity for this inclusion, but it will vex those untrained in the law.

¹. Page xv.
². Ibid.
It is to be expected that, as courses in political and civil rights gain greater favor in the law schools, this casebook will preempt the field. The following comment expressed by Chancellor Robert M. Hutchins in the foreword conveys this reviewer’s own conclusion:

These cases and materials will force the reader to rethink the most fundamental questions: the purpose of human life and of organized society; the relation of man to the state; the conflict between freedom and security; and even, as in the opinion of Chief Justice Vinson in *U. S. v. Dennis*, the nature of truth itself. 3

Richard Strichartz


American shipping has been a very controversial subject for many years, and one of the most debatable aspects has been government aid and regulations. This book is a lucid and cogent study of whether shipping conferences are necessary and involves such related questions as: Should they be abolished; let alone; or regulated? The author, in his approach to this subject, has avoided the usual emotional pitfall that besets many studies of ocean transportation, i.e., national pride in building and maintaining a merchant marine whether economically justifiable or not. In describing and analyzing the functioning of one of the earliest cartels in international trade, the shipping conference, the author maintains an objectivity rarely found in this field. Prejudice and preconceived opinions are missing from this study which adds greatly to the directness and clarity of the book. This reviewer was impressed by the logical collection and presentation of the facts of shipping cartels and the fact that the author’s conclusions flow logically from this skillful accumulation of evidence.

The organization and mechanics of the book follow a logical pattern which adds much to its readability. Chapter I raises the questions set out in the above paragraph, and the following chapters present the author’s observations and conclusions. Chapter II considers the nature of both demand and cost in the shipping industry; the consequences of which were found to be declining costs, discriminatory pricing, and other monopolistic arrangements. The relation of ocean transport to international trade, to the location of industry, and to the international balance of payments is depicted in Chapter III. In Chapters IV, V, and VI governmental investigations by the United States, the United Kingdom, and other countries are set out showing that, although the recommendations of these investigations varied with the countries, there appears to be agree-