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## Books Received

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## BOOKS RECEIVED

FEDERALISM AND SUPRANATIONAL ORGANIZATIONS. By Peter Hay. Urbana: University of Illinois Press, 1966. Pp. 335. \$7.50. Increasing economic interdependence and the need for transnational cooperation led to the establishment of European supranational institutions—such as the Coal and Steel Community, the Atomic Energy Community and the Economic Community—to deal with multinational problems. They have been invested with powers hitherto in the domain of states and national governments; thus a myriad of legal and practical problems are engendered. Should these organizations be regarded as a phenomenon of international law or of a new regional-national (federal) law? Are they forerunners to regional federations? To what extent are member nations surrendering or limiting their sovereignty in entering into these new regional associations? How and to what extent do the supranational laws preempt national laws? How are member nations accommodating their constitutions and processes for the new organizations? In Part I of the book, the author presents a detailed critique of various theories propounded to explain the nature of the European Communities as a form of federal or international organization. He discusses their complex institutional formation and reviews the law that is developing, chiefly in the decisions of the European Court of Justice as the central instrument of federal coordination of Community policies and organs. In Part II, he offers a penetrating study of the constitutional problems that would be presented by participation of the United States in such Communities, and a similar examination of the adjustments being effected in Germany under the Bonn Constitution. Finally, Professor Hay raises a basic question of policy which institutionalized regional association presents: how to preserve fundamental national values on the regional plane.

UNITED NATIONS FORCES IN THE LAW OF PEACE AND WAR. By Finn Seyersted. Leyden: A. W. Sijthoff, 1966. Pp. 447. \$12.25. The greater part of this book deals with the laws of war, whether and how they are applicable to UN forces, and whether "recognition" of the UN as an organization or as a belligerent is a condition to applicability. On the basis *inter alia* of practice after World War II, the author thoroughly examines the controversial question whether an aggressor and a victim state have different rights under the laws of war, and whether any further discrimination can be permitted in favor of the UN. The author

demonstrates that most UN forces are neither bound nor protected by the Geneva Conventions of 1949. He therefore devotes considerable attention to the question whether the UN can and should accede to or accept the Conventions for the purposes of any further enforcement and peace-keeping action. Also examined are the capacity of intergovernmental organizations to perform acts not authorized in their constitutions, to exercise criminal jurisdiction and to accede to multilateral conventions. The book is concluded by an unusually comprehensive summary, and an annex containing otherwise not easily accessible texts of the regulations enacted by the UN for its force in Cyprus and of the agreements concluded by the UN in 1966 with host states and the states providing military contingents.

**FREE PRESS AND FAIR TRIAL.** By Donald M. Gillmor. Washington, D.C.; Public Affairs Press, 1966, Pp. vi, 254, \$6.00 Journalist-professor Gillmor provides an authoritative account of the occasionally bitter clash between the courts and the press in their concern over two fundamental values: the constitutional right of an accused to a fair trial before an impartial jury, and the interest of the public in full coverage of news about criminal acts and criminal justice. While the circumstances under which this "interest" may be regarded as a "right" within constitutional free press guarantees remains to be expounded by the courts, the author devotes considerable space to the problem. Particular attention is given to state and federal decisions which have sought to balance the rights of free press and fair trial. Problems arising out of governmental information practices are also scrutinized. Among the subjects covered are: the Samuel Sheppard, Lee Oswald and Billie Sol Estes cases, the Warren Report, press-bar codes of ethical behavior, legislative proposals, and recent efforts to find grounds for an entente between journalists and lawyers.

**CHURCH, STATE, AND FREEDOM.** By Leo Pfeffer. Boston: The Beacon Press, 1967. Pp. xiii, 832. \$15.00. This revised edition seems to qualify for the *American Historical Review's* appraisal of the 1953 edition as "the most authoritative constitutional history of America's experience with the double-faceted principle of religious liberty and separation of government and religion." Dr. Pfeffer, whose books include *This Honorable Court*, has rewritten approximately one quarter of the volume and updated the remainder. The major question of

church-state relations in recent years has been the role of religion in public education. The author carefully explains the recent cases and explores the implications of the Higher Education Facilities Act of 1963, the Economic Opportunity Act of 1964, and the Elementary and Secondary Education Act of 1965. The "school prayer" and Bible-reading decisions and the proposed Becker amendment are also treated. In addition to education problems, Pfeffer adds sections devoted to church-state implications of the Peace Corps and War on Poverty programs, the controversy over religious tests for public office, and religious overtones of public welfare supervision of dependent children.

**THE GOOD SAMARITAN AND THE LAW.** Edited by James M. Ratcliffe. Garden City: Anchor Books, 1966. Pp. xv, 300. \$1.45. This collection of essays is based on a conference devoted to the legal, moral, and social aspects of good and bad Samaritanism sponsored by the University of Chicago Law School. Among the contributors are professors of law from the United States, Europe, and Australia, a psychiatrist, a sociologist, a journalist, and two professors of philosophy. The writers try to come to grips with such questions as: Are people increasingly prone to ignore another's cries for help in an emergency? What obligations has a citizen when he sees a stranger become the victim of an accident or attack? Who should bear the financial loss if a rescuer injures himself or someone else or damages property? Ought we change our laws to encourage or reward good Samaritans or punish bad ones, or would either of these be too much tampering with common law traditions? The volume concludes with a proposed model good Samaritan act consonant with an American legal context.

**THE STATES: UNITED THEY FELL.** By Frank Trippett. Cleveland & New York: The World Publishing Company, 1967. Pp. 232. \$5.95. This portrait of state legislatures and legislators, by an associate departmental editor of *Newsweek*, may be recommended for its sardonic wit and lively sampling of the motley characters who are the legislators. His many pronged attack reduces to two basic complaints: first, legislators wallow in trivia; second, legislators profess to be voices of the people yet they place themselves at the disposal of a commercial, lobbying constituency. Unfortunately, while providing an amusing collection of quirks and foibles and a catalogue of complaints, the author takes little account of political theory or justifica-

tion and furnishes no constructive recommendations for ameliorating the situation. Thus, the volume is hardly designed for the astute political theoretician or for a state body devoted to recommending changes in legislative process; on the other hand the volume reveals a plethora of entertaining and unusual facts.