

## BOOKS RECEIVED

ESCAPE FROM MARRIAGE. By *Donald J. Cantor*. New York: William Morrow & Co., 1971. Pp. 188.

Mr. Cantor is an experienced divorce lawyer who believes our divorce laws are obsolete, illogical, and unnecessarily cruel. In a book which can be easily read by lawyer and layman, he surveys the marriage and divorce laws of the various states and focuses on the adverse effects of requiring that divorces be obtained through an adversary process involving charge and proof of fault. He liberally illustrates his analysis with case histories, and also describes the workings of one international product of America's divorce laws—the Juarez, Mexico, divorce mills. As for solutions, Mr. Cantor rejects the most frequently proposed reforms. Rather, he insists on nothing short of automatic divorce upon simple filing by one spouse. Problems of support and custody would be dealt with as they presently are, except that the courts could decide them on their merits—whereas at present, neither party having an absolute right to divorce, these matters often are determined in settlement agreements in which one party buys cooperation in obtaining a divorce by sacrificing support and custody rights.

FEDERAL TAXATION OF SALES, EXCHANGES AND OTHER TRANSFERS. By *Earl M. Colson*. University of Michigan: Institute of Continuing Education, 1971. Pp. 202.

This book provides a concise and readable treatment of the tax consequences of disposing of property. In addition to a restatement and organization of the statutory and regulatory provisions, Mr. Colson includes an analysis of the various statutory and judicial rules involved in determining the tax consequences of a particular transaction.

The book was written for tax students and general practitioners but tax experts may find it interesting. Rather than being an exhaustive treatment, the book only attempts to deal with those questions most frequently confronting the practicing attorney.

THE FUTURE OF THE INTERNATIONAL LEGAL ORDER: CONFLICT MANAGEMENT. Edited by *Cyril E. Black & Richard A. Falk*. Princeton: Princeton University Press, 1971. Pp. 391.

This volume is the third of a five volume work published under the auspices of the Center of International Studies, Princeton University. The two volumes previously published are *Trends and Patterns* (1969) and *Wealth and Resources* (1970). The future volumes will be *The Structure of the International Environment* and *Toward an International Consensus*.

The eleven contributors to this volume deal with the role of law in the management of conflict, analyzing present conditions and discussing the prospects for legal control of international conflict. Part I of the book attempts to establish a framework within which conflict management can operate. The second part deals with special problem areas of international relations—Internal War, Regional Arrangements, Territorial Stability, Proliferation of Conventional and Nuclear Weapons, and Civil Nuclear Power. The conclusion focuses on the structural issues arising from political systems that affect conflict management.

JAPAN'S IMPERIAL CONSPIRACY. By *David Bergamini*. New York: William Morrow & Co., 1971. Pp. 1239.

After a review of heretofore unavailable documents, and innumerable personal interviews, Mr. Bergamini has evolved a radically new theory of Japanese history between 1931 and 1945, which is certain to foment a considerable debate, and might act as the catalyst for a new analysis of the old thinking concerning Japan's role in the world. The principal theme of the book is to refute the popular image of the role played by Emperor Hirohito during World War II. Far from occupying the place of a mere puppet or dupe, that has popularly been ascribed to him, Hirohito is here shown to have been a powerfully autocratic protagonist entirely responsible for the events of the war. Bergamini concludes, simply, that the history of Japan in this period has been a skillfully contrived illusion, contrived in Japan and furthered by outsiders to preserve the stature of General Douglas MacArthur (it was MacArthur who decided in 1945 to white-wash Hirohito so that he might lead Japan out of its defeat).

Throughout the book, the author seeks to answer what he describes as his childhood question: "What made the delightful, intelligent, artistic Japanese people turn to war and run amuck over half of Asia?" The answer seems to lie in the mission Hirohito inherited from his great grandfather—to rid Asia of white men. Ironically, or perhaps by extraordinary design, Bergamini seems to suggest that what Hirohito failed to do by military warfare, he is now accomplishing by economic muscle.

THE LAW OF TREASON IN THE UNITED STATES. By *James Willard Hurst*. Westport: Greenwood Publishing Co., 1971. Pp. 291.

In this collection of essays, Professor Hurst focuses on the policy backgrounds of the treason clause of the Constitution—Article III, section 3—as they may assist the advocate in treason proceedings. The book explores, basically, the answers to the question of how far the examination of history may be pressed to explain the ambiguous and restrictive words of the treason clause. Historical analysis, of course, is an integral part of constitutional interpretation, but it always raises the inquiry of how much of that history is to be taken into account. With regard to treason, Hurst believes that it is the logic of history and not individual juristic theories which must be given weight, because each treason prosecution involves so many socio-political motives and pressures peculiar to its own time as to make its precedential value very small. In analyzing English history and precedent, Hurst also believes that one is able to separate the appropriate from the inappropriate elements by making reference to the purpose of our own treason clause—to prevent the use of treason trials as an instrument of political faction. Thus, the English precedent and theory relating to "compassing the Crown" and "constructive levying of war" are to be discarded. In addition to these historical considerations, the book also provides an element-by-element analysis of the ingredients of the treason offense in this country.

THE LAWYER'S ROBINSON-PATMAN ACT SOURCEBOOK. By *S. Chesterfield Oppenheim & Glen E. Weston*. Boston: Little, Brown & Company, 1971. Four volumes, pp. 2723.

This four volume work is a collection of the court and FTC opinions affecting the interpretation and application of the Robinson-Patman Act. This work should provide a useful research tool to practitioners dealing exclusively with antitrust as well as general corporate lawyers. Opinions through 1970 are included in the work and supplements are contemplated to update the series. The Supreme Court and lower federal court opinions are reprinted with only limited

editing; however, the FTC opinions are heavily edited. Also, FTC opinions are limited to those issued since 1963.

The *Sourcebook* is organized under functional classification of topical subject matter. Also included is a statutory section containing relevant legislation and the legislative history of the Robinson-Patman Act. Of particular usefulness is the Industry and Commodity Index, in addition to the normal Subject Index, Table of Cases, FTC Advisory Opinions, and a headnote digest.

**MARIJUANA: THE SECOND TRIP.** By *Edward R. Bloomquist*. Beverly Hills: Glencoe Press, 1971. Pp. 434.

In the first eleven chapters, Dr. Bloomquist traces the history of marijuana and the problems it has caused in different societies, surveys the contemporary drug scene, compares marijuana to other drugs, and explores medical views and research findings. In the twelfth chapter, however, he shifts into the first person and puts forth his own views, from a public health standpoint, on the present debate over marijuana.

Basically Bloomquist believes that although the time has come to critically review and revise, the accumulating evidence should signal a warning against a headlong dash toward legalization. He agrees with John Kaplan that the harsh laws which categorize curious youth as felons should be repealed, but feels that society is unprepared for a legally regulated distribution scheme. Society should, Bloomquist believes, defer the legalization decision until emotion dissipates and all of the evidence is in. In place of the presently harsh laws, he would adopt an approach already used to control contagious disease. In facing the marijuana issue, Bloomquist advises against climbing a "fool's hill," with professional assistance, as happened in similar controversies over alcohol and opiate drugs.

**THE POLITICS OF RIOT COMMISSIONS.** By *Anthony M. Platt*. New York: Collier Books, 1971. Pp. 534.

As its cover advertises, this is a book about investigating commissions, not riots themselves. Sandwiched between a forty-six page introduction and a seven page epilogue, is a selection of commission reports, and commentary thereupon, ranging from the East St. Louis riots of 1917 to the Scranton Report on Campus Unrest of 1970. In his own commentary, the author clearly indicates his disdain for the "riot commission." It fails, he says, both as an intellectual resource and as a political institution, and "typifies the paradox and essential bankruptcy of modern liberalism." Though looking at the riot commission with an apparent political bias, the book is a highly readable document, and serves the most useful function of collecting in one place valuable comment concerning the nature of American racial unrest in the twentieth century. Perhaps not without some irony, the reader is appalled to review the brutality of the white man in East St. Louis in 1917, as well as the racism of President Wilson, only to find its reincarnation at Jackson State in 1970.

**VICTOR'S JUSTICE—THE TOKYO WAR CRIMES TRIAL.** By *Richard H. Minear*. Princeton: Princeton University Press, 1971. Pp. 229.

This is not a book about American justice applied in the trial of Japanese leaders for World War II "crimes against humanity." Rather, it concerns the use of visible features of the legal process to attain the political goal of publicly assigning guilt for the war in the Pacific—it is, as its historian author admits, "political scholarship." Mr. Minear examines the trial from the standpoints of the criminal and international law, and the legal process, and as an informed layman, finds that it was not sufficient from those points of view. Turning to the historian's

role, Minear challenges the popular view, sustained by the trial, that the Pacific war resulted from indefensible Japanese aggression. The book is not intensive legal or historical scholarship, but it is readable and rather convincing. Apparently without intending to do so, the author leaves one with the uneasy realization that ultimately legal safeguards depend on the will of those who wield power.

**WALL STREET: SECURITY RISK.** By *H. Baruch*. Washington, D.C.: Aeropolis Books Ltd., 1971: Pp. 356.

Mr. Baruch, Special Counsel, Division of Trading and Markets, Securities and Exchange Commission, analyzes the use of customer funds and securities by brokers. The book provides an interesting view of the financial structure of the brokerage industry emphasizing the ways customer funds and securities are held by the firm for its benefit rather than the customer's. The author details the record keeping problems and financial pressures that caused the collapse of large, national brokerage firms. Included in the book is an account of the securities industry's role in the passage of the Securities Investor Protection Act of 1970, as well as the effect the Act is now having on the industry.

The author concludes the book by suggesting reforms to protect and reassure investors. The announced purpose of the book is to educate the public, and it is written for the layman rather than the expert.



