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Book Review

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BOOK REVIEW

STATE LAWS ON RACE AND COLOR, by Pauli Murray; Women's Division of Christian Service Press, 1950 (\$4.00).

A reference book to include both the laws of each state against discrimination and the laws which authorize or require segregation is a monumental task—one which is well accomplished by this volume which Miss Pauli Murray has compiled. A member of the Bar of both California and New York, this negro woman has achieved a probably unprecedented task in designing a reference for both layman and lawyer which is clear and easily understandable.

The wealth of material in this volume has been carefully sifted by long research from statutes, codes, and laws of each individual state as well as from pertinent international documents, constitutions, references, and executive orders.

In the introduction the author states two purposes of the book: first, to serve as a convenient reference and guide to the states' legislation on race and color for both lawyer and layman; secondly, to indicate the extent to which legislative controls have been imposed in this field.

The introduction of the book is the only place where the author is free to interject any personal opinion. However, this section is surprisingly free from such comment, thereby assuring the reader that this is in reality a text whose fundamental objective is to furnish information.

The first portion of the book undertakes to point out the great diversity among the states concerning such legislation. By pointing out the alien land laws, legislation against orientals and restrictions placed on Indians, it is shown that the negro race is by no means the only race which has been restricted.

A third of the book is devoted to an alphabetical listing of the states and their laws on color and race, subdivided into the three general divisions of constitutional law, statutory law, and joint resolutions. The remainder of the book is an appendix containing the portions of the United States Constitution which are pertinent, as well as international and congressional acts which have cleared the way for more uniform state legislation.

Within the appendix there is a series of three charts which are well worth special mention in that they are a shorter reference for those desirous of knowing which states have legislation concerning a particular type of discrimination. For example, if one desired to know which states have laws authorizing or requiring segregation, a look at these charts would show not only which ones do have such legislation, but also what types of places are covered, educational provisions, employment provisions, hospitalization available, penal and welfare practices, transportation, and miscellaneous restrictions.

The length of the volume is due to the fact that the law is extremely unsettled in this field. This is evidenced by the constant revision and amendments of laws relating to segregation, the repeal of restrictive measures in some jurisdic-

tions, and the gradual strengthening of civil rights legislation in others. There are but a few legislatures which have not spoken on the subject.

This work will be of real value to one desiring a ready comparison of state legislation on race and color. The author more than accomplishes her first object, and the second—the indication of the extent to which legislative controls have been imposed in this field—is inferentially supplied. This volume does not attempt to define any hard and fast rule by which legislation has been formulated; it merely sets forth the major policies governing types of legislation and those statutes which adhere to them.

Miss Murray's work is especially timely in view of the present litigation before the United States Supreme Court relating to racial segregation in public schools.

John L. Costello, Jr.
Member of the Middler Class

BOOKS RECEIVED

THE LAW OF MUNICIPAL CONTRACTS WITH ANNOTATED MODEL FORMS, by Charles S. Rhyne; National Institute of Municipal Law Officers, Washington 6, D. C., 1952, pp. 192 (\$7.50).

The object of this work, according to its author, is ". . . to fill the need—widely recognized by municipal legal and contracting officers—for a practical handbook on municipal contracts which would be of service in the day-by-day contract problems they encounter in the ever active field of municipal law."¹ This book, covering the basic legal principles in the field, together with model forms on all phases of the subject, meets this need. The annotations to these model provisions assist in clarifying the technical language legally required to accomplish modern public purchasing objectives.

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PUBLIC ACCOUNTABILITY OF FOUNDATIONS AND CHARITABLE TRUSTS, by Eleanor K. Taylor; Russell Sage Foundation, New York 22, N.Y., 1953, (\$3.00).

This work traces the development of state regulation of Foundations and Charitable trusts. As used in this study "accountability" includes disclosure of the availability of this public trust; provisions for its protection against theft, squandering, or unreasonable withholding; and requirements for adequate reporting. The author points out that accountability should not be confused with control since freedom of operation is important if social progress is to continue. Professor Taylor presents an analysis of the regulatory machinery in twelve states, with brief consideration of Canadian and English law and then offers a recommended program.

¹ p. 3.

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HISTORY OF AMERICAN BAR ASSOCIATION AND ITS WORK, by

Edson R. Sunderland; Survey of the Legal Profession, Boston 9, Mass., 1953, pp. 230.

"This is the first history of the American Bar Association ever to be written. Professor Sunderland has used the scholarly approach of going to the original records. He summarizes the facts; problems of evaluation he leaves to history."² The author points out that the history of the development of the American Bar Association covers a span of nearly three-quarters of a century. For convenience of treatment, Professor Sunderland divided these years into three periods: the Saratoga Era (1878-1902), the Era of National Expansion (1903-1935), and the Era of Federation (1936-1950).

This work is entitled to the time and attention of every member of the Bar Association.

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EFFECTIVE LEGAL RESEARCH, by Miles O. Price and Harry Bitner; Prentice-Hall, Inc., New York, 1953, pp. 620 (\$10.00).

"Books on legal research can generally be categorized as: (1) comprehensive or reference publications, (2) laboratory manuals or outlines and (3) the intermediate books which steer a middle course. These approaches attempt to satisfy the various pedagogical needs; however, each manifests certain disadvantages which are recognized by the authors of this volume. Messrs. Price and Bitner attempt to meet this problem by including in their book desirable features of all three plans. They hope to satisfy the objections to a comprehensive treatise, such as limited class time, through the arrangement of materials and typography. 'Must' reading is in large type, followed often by discussion in smaller type, which amplifies the main statement. This arrangement provides a manageable text (in large type) for standard instruction while offering detailed information for the more intensive course or reference needs. Thus, the student whose time is limited need only study the large type to gain familiarity with the essentials of legal research. Further, occasionally under 'Notes,' the authors include historical and other explanatory material for the benefit of librarians and teachers. In this manner, the book assumes the characteristics of a students' and a teachers' manual. In addition, the book should also be of substantial assistance as a reference tool for attorneys and students with legal problems."³

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THE LIBRARIES OF THE LEGAL PROFESSION, by William R. Roalfe; Survey of the Legal Profession; West Publishing Co., St. Paul, Minn., 1953, pp. 443.

² From letter from Reginald Heber Smith, dated 6/15/53.

³ Foreword by Ervin H. Pollack p. vii.

"The study covers all of the aspects of law libraries which are of importance and interest to the Bar. After tracing the development of law libraries serving the legal profession Mr. Roalfe presents an analytic report on their present status. Members of the Bar are urged to read this Survey to become aware of the 'law library problem' which affects them every day in more ways than they know, and law librarians will find that the Survey will give them the perspective which is so hard to find amid busy routines. All who read it will find that it is more than a survey; it is a compelling argument for the improvement of law libraries and standards of law librarianship."⁴

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CASES AND MATERIALS ON CIVIL PROCEDURE, by Bernard C. Gavit; Bobbs-Merrill Company, Inc., Indianapolis, Ind., 1952, pp. 555 and 70 p. supplement.

The author points out that it is usually important, in teaching procedure, to deal primarily with only one system of procedure. "The variations in the student's own state can be learned without too much difficulty and the technique of really mastering one operating system is valuable learning. For those reasons the Federal Rules of Civil Procedure are used as the basic materials. The Code and common law backgrounds are included because an intelligent understanding and administration of the Federal Rules, or any given state system, presuppose some knowledge of the historical developments and deficiencies on the subject. Indeed when one includes the federal courts the federal system is now the prevailing system, and its final acceptance by most of the states seems to be a safe prediction."⁵

⁴ Foreword by Forrest S. Drummond p. xiv.

⁵ p. 1.