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Book Review

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*Reviewed by Elliott A. Cohen**

DISCRIMINATION AND THE LAW. Edited by Vern Countryman. University of Chicago Press. 1965. 170 pp. \$5.00.

In 1963 a conference was held at the University of Chicago Law School, sponsored by the Law School and the Anti-Defamation League, B'nai B'rith. Its purpose was to inquire into the impact of due process of law on employment, education, public accommodations and housing during the past 10 years. The papers there presented are consolidated in this volume, followed by two critiques and a summary of the discussion. Vern Countryman, Professor of Law at Harvard University Law School, the editor of the compilation, contributed an introduction and conclusion.

Many of the ideas expressed at the conference, about the problems considered, are reflected in the Civil Rights Act of 1964. One readily sees that some of the arguments unveiled at the conference may be utilized to influence the courts in their exercise of power to enforce the Constitution without the aid of Congressional action. It is argued persuasively that in the area of employment the reach of the constitutional guarantees against racial discrimination is as great as in any other scope. One participant, however, proposes the test of balancing through an evaluation, the extent of public participation in discrimination as against the right of the individual to discriminate. He fears that there may be a sacrifice of individual rights. Another participant asserts that there cannot be a resolution of the problem of job-discrimination on account of race until there is a solution of economic problems.

Regarding discrimination in education, the reader is told that the impending move of Negroes into white schools has been a powerful impetus to improving Negro schools. And, if the federal courts do not have the power to order total integration, they still could exercise their power to vouchsafe that there will not be racial imbalance. The reviewer is impelled to agree with the assertion of one of the contributors who states forthrightly that the phrase "constitutional law" is somewhat meaningless, and that commerce clause decisions were not constitutional decisions at all. What these matters reflect are a nation's public policy; and sophistic arguments are employed to achieve certain

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desired ends. It is pointed out, also, that segregation deepens undesirable attitudes of ghetto communities and mentality for whites. In discussing *Discrimination in Public Accommodations*, one of the participants reasoned that where private constitutional rights collide with the public interest, one or the other must prevail. He would transfer to the Supreme Court the power to decide which choice must be made.

It is reasoned that discrimination in housing contributes to overcrowding in the facilities available to those who are discriminated against, and as a consequence there is the creation of inadequate, unhealthy, and unsafe living conditions. Furthermore, it is said that such discrimination subjects the individual to public indignity and humiliation.

A very useful bibliography, listing of relevant cases, and an index, are furnished.

What emerges from this book is a plethora of legal and sociological insights. The volume therefore, warrants the attention of everyone; professor, practitioner, student and layman.

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*Reviewed by Richard E. Hendricks**

GUIDE TO WORKMEN'S COMPENSATION CLAIMS: THE ANATOMY OF THE CLAIMS FUNCTION, by Neil Carter. Roberts Publishing Corp., "The Insurance Advocate," New York, N. Y. 404 pp. 1965.

Guide to Workmen's Compensation Claims is written by a practitioner thoroughly familiar with his subject. The author updates here his earlier book on workmen's compensation claims, adding some areas not previously considered. He is a claims specialist with about 24 years experience as investigator, hearing representative, claims supervisor, and various high level executive positions with insurance companies. He has written and lectured extensively on the subject of claims work.

Mr. Carter emphasizes team work and familiarity with the job, feeling that intimate acquaintance with one's own duties, and knowledge of the responsibilities of co-workers, will pro-

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