



1960

## Book Review

C. Richard Andrews  
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mine if a question is within its domestic jurisdiction. President Eisenhower could not with self-righteousness suggest to Khrushchev that Russia also accept the Optional Clause. Even if Russia would accept, it would probably mean nothing. Because of reciprocity, every time the United States attempted to bring Russia before the Court, Russia would declare that the matter was within its domestic jurisdiction. "It is probably not too late for the United States to replace a bad example with a good one. If the Senate authorized the President to withdraw [the reservation] to our acceptance of the Optional Clause . . . the United States would then be in a position to exert its best diplomatic effort toward the establishment of the rule of law which we invoke so religiously" (p. 60).

In the final Chapter, Jessup looks far, far into the future when the advance of science will raise new problems for the international community: space travel, control of weather and human reproduction, and purification of sea water.

But the kernel of Professor Jessup's message is best said in his own words:

The theme to which this reexamination of international law has been addressed is that the national interest of the United States lies in the strengthening of the role of international law in international relations. The more widely and effective the international legal system is developed, to be sure, the more the freedom of action of the United States will be restricted. But, *ex hypothesi*, so will the freedom of action of other states, at least within a limited international community. The solidarity of such a like-minded law-respecting international community would be helpful in the contest with maverick States which presumably would continue in their own path. The advantages to international trade and commerce—again the international community—could be considerable (pp. 151-2).

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*Reviewed by C. Richard Andrews\**

THE AMERICAN CONSTITUTION, by C. Herman Pritchett, McGraw-Hill Book Company, Inc., N. Y. 719 pp. (1959).

To record "an exposition of what the Supreme Court has said the American Constitution means" is the announced intention of

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C. Herman Pritchett, Professor of Political Science at the University of Chicago, in his new book, *The American Constitution*.

The author contrasts this approach to a study of the Constitution with the historical approach. Although he intersperses some historical background in his analysis of each leading case on constitutional problems, the book is principally devoted to analysis of the Supreme Court's and other judicial interpretations of the meaning and effect of the Constitution.

Pritchett further points out that where there has been little or no judicial opinion on certain problems of constitutional interpretation he has noted executive or legislative practice if any there be.

With admirable conciseness and without notable exclusion, the book covers constitutional interpretations of the courts from the genesis of the Supreme Court to 1959. Also included are chapters on the formation of the document itself, covering the pre-constitutional period, the convention and the amending process.

For grouping purposes, Pritchett divides the subject into "The Union," "The Judiciary," "The Legislature," "The Executive," "First Amendment Freedoms" and "Due Process Rights."

Characteristic of the freshness of approach exhibited is a division of the analysis of the commerce power of the Legislature into two chapters, one entitled "The Commerce Power" and the other "The Commerce Power after 1937." In the latter chapter the author reviews pertinent decisions which "highlight recent trends" in the "unfolding of the Commerce Clause" and indicate the "breadth of power which Congress can now confidently exercise over commerce."

The book not only makes for easy and understandable reading, carrying the reader quickly from a statement of each problem of interpretation to a statement and an analysis of the judicial answer, but it also should serve, by reason of its well defined sectionalization and table of cases, as an excellent reference book for the student researching particular problems of constitutional law.

In an "Epilogue," recognition is given to the current political controversy raging over the Warren Court because of its integration, procedural rights, and anti-states rights decisions. As the author notes, the "role of judicial review in a democratic society is under examination." Whether the current controversies will have as drastic effect as did the Roosevelt court-packing plan

remains to be seen. But one observation is certain: The Constitution is a living document and this book serves as an up-to-date picture of its life to 1959.

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*Reviewed by Eugene H. Wiswell\**

MODERN CORPORATION LAW, Vol. 3, SHAREHOLDERS AND THIRD PARTIES, by Howard L. Oleck. Published by Bobbs-Merrill Co., Inc.; Indianapolis; v. and 846 pp. (1959). (Third volume of a five volume set.)

The modern corporation is organized by a few, managed by many, and owned by practically everyone. It closely touches the life of everyone.

Volume 3 of *Modern Corporation Law* is sub-titled *Shareholders and Third Parties*. In it Professor Howard L. Oleck has run the gamut from specific statutes to the-things-to-look-for in an annual financial report. For the best in corporate reading the author has gathered material from a number of experts. The acknowledgment page resembles a page from *Who's Who*. Among the nationally known authorities on corporations who contributed to this volume, to mention just a few, appear the names of Cataldo, Hill, Ringel, Warren, Skoler, Hornstein, Hoban, Armstrong, Thatcher, and Latty.

This volume, third in the five-volume plan of the work, follows volumes on *Organizing the Corporation* (Vol. 1, published in 1958) and on *Management of the Corporation* (Vol. 2, published in early 1959). The fourth volume, now in press, will deal with *Consolidation, Insolvency and Dissolution*, while the fifth and last volume, now in preparation, will be devoted to *Forms*. Each volume is planned and published as a work in itself on the particular phase of corporation law and practice it treats; while the complete five volume set covers the entire field of corporation law and practice. Volumes 1 and 2 already are fixtures in leading corporation law offices in the country as well as in the libraries of many general practitioners and courts and law schools.

Modern is certainly the correct word in the title *Modern Corporation Law*. It refers to the current statutes of the 48 old

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