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## Books Received

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## Books Received

## BOOKS RECEIVED

**AGGRESSION: OUR ASIAN DISASTER.** William L. Standard. New York: Random House, 1971. Pp. xi, 228. \$6.95. Although slightly out-of-date, *Aggression* is a lucid, well-documented review of the U.S. involvement in Vietnam and the resulting political ramifications at home. Sharply critical of American intervention, the author traces the difficulties of our involvement to the continuing American adherence to the Truman Doctrine of containment. Citing numerous statements by the present administration, the author discusses Vietnamization, the Cambodian invasion, the legal basis for the U.S. involvement, and the military-industrial establishment's stake in the warfare. Standard warns that the use of tactical nuclear weapons in Vietnam is a real possibility and documents their disbursement in Southeast Asia. He concludes that if we are to avoid a possible nuclear holocaust American withdrawal is necessary in the very near future. The book offers few novel insights but is worthwhile as a recent summary of American involvement in Vietnam.

**CONSCIENCE AND COMMAND: JUSTICE AND DISCIPLINE IN THE MILITARY.** James Finn, ed. New York: Vintage Books, 1971. Pp. 325. \$1.95 (paperbound). This book extends the general theme of the editor's previous works (*Protest: Pacifism and Politics* and *A Conflict of Loyalties: The Case for Selective Conscientious Objection*) which has centered on the problems inherent in the American military subculture. *Conscience and Command* is a compilation of articles and interviews characterizing the nature of military justice in America today, drawing upon the points of view of participants in the system: military lawyers and figures in the military underground movement. The final product is both a factual treatment and moving dialogue on the problems of a society beset with conflicting systems respecting the administration of justice.

**INTERNATIONAL DISSENT.** William O. Douglas. New York: Vintage Books, 1971. Pp. 155. \$1.95 (paperbound). In a succinct essay, Supreme Court Justice Douglas conjures up visions of a nuclear Armageddon to admonish that the "War System" must be supplanted by an international "Regime of Law." Conceding that nation-states will never be entirely harmonious, Douglas

argues that survival dictates that the governments must resort to collective cooperation in the form of treaties, international conventions and organizations, and an international judiciary system to settle their differences. Douglas states that inclusive reforms will alienate statesmen, because "the only way to get a consensus is to start with modest and probable agreements." To commence this peaceful settlement of disputes, Douglas proposes six preliminary steps that acknowledge the pervasiveness and complexity of the task. The steps are: 1) terminate *all* military alliances, 2) liberate all colonies, and abolish all protectorates, 3) recognize communist China, 4) establish an international regulatory body to govern the control and use of the ocean floor for the common heritage of all nations, 5) help developing countries enter the technological age, 6) enumerate rules of law to govern international relations. The brevity and eloquent style of this book make it eminently readable in an afternoon.

LEGAL LIMITS ON THE USE OF CHEMICAL AND BIOLOGICAL WEAPONS. Ann Van Wynen Thomas & A. J. Thomas, Jr. Texas: Southern Methodist University Press, 1970. Pp. 332. \$10.00. The authors have undertaken to present a comprehensive overview of the international law respecting chemical and biological weapons. Starting with pre-World War I efforts beginning in 1899, they have documented the various attempts at CB weapons control as a historical perspective on which to base their thorough discussion of the development of customary legal limitations that may be presently applied to such weapons. Their analysis involves an examination of the customary law of war, the practices and legal policies of major nations, and the general principles of international law as each relates to the control of chemical and biological weapons. Although a new proposal for CB weapons control is not presented, the authors have provided the necessary groundwork of present law on which a formulation of new CB weapons control law may be based.

NUREMBERG AND VIETNAM: AN AMERICAN TRAGEDY. Telford Taylor. New York: Bantam Books, 1970. Pp. 207. \$1.25 (paperbound). Although there has been a veritable cornucopia of literature that has emanated from the Vietnam conflict, General Taylor's penetrating analysis is more than a reiteration of past efforts. After tracing the historical development of war crimes which culminated in the Nuremberg trials, Taylor—the U.S. Chief Consul at Nuremberg—cites population transfers,

"zippos" raids, body count tactics, "free fire" zones, reprisals, mistreatment of prisoners, and the systematic destruction of terrain as blatant violations of the the Nuremberg principles. Although he does not condone aerial bombardment, he is careful to note that it does not constitute a violation of established principles of international law. Taylor suggests that these war crimes are not isolated incidents but rather the intended products of a "criminal pattern of practice" that evolved from the training of American soldiers. While acknowledging the difficulties and hazards of the war itself, Taylor avers that guerilla warfare was foreseeable and that better planning could have ameliorated the present situation, thus shifting the onus from subalterns to their leaders. Taylor argues persuasively that since the Japanese general Yamashita was convicted for crimes that his troops committed without his orders, and in the midst of a disorderly retreat, American generals should be held directly responsible for crimes that were committed by American soldiers in accordance with the "mere Gook rule." Recognizing that an issue remains with respect to which nation is the aggressor in a technical legal sense, he nonetheless concludes that the ultimate responsibility for the tragedy of atrocities in Vietnam rests with the politicians who have attempted to solve ideological and sociological problems with unharnessed fire-power tactics.

**THE LAW OF DISSENT AND RIOTS.** M. Cherif Bassiouni, ed. Springfield, Illinois: Charles C. Thomas, 1971. Pp. xii, 498. This comprehensive volume includes sections on dissent, civil disobedience, riots, police control of riots, and legal controls of rioting. It is a compilation of reprinted and original articles by numerous authors, and most of its chapters are extensively documented and current. Although the book serves primarily as a text and reference for public and law enforcement officials, it also provides the researcher with a well-annotated, comprehensive introduction to the law of dissent and riots and law enforcement, including an extensive bibliography. The lawyer already versed in First Amendment litigation would find this to be a worthwhile source of empirical research on police practice in riot control.

**THE LIMITS OF COERCIVE DIPLOMACY.** Alexander L. George, David K. Hall, William E. Simons. Boston: Little, Brown and Company, 1971. Pp. ix, 253. \$7.95. The authors, a team of political scientists and strategists, characterize coercive diplo-

macy—a mixture of diplomatic concessions and military pressures—as a political strategy with limited potential. Their analysis centers on the successful use of coercive diplomacy in the Laotian and Cuban crises of 1961 and 1962, and its failure in dealing with North Vietnam. The authors conclude that certain conditions are necessary for coercive diplomacy to be effective, among which must be considered the strength of American motivation, asymmetry of motivation favoring the United States, the clarity of American objectives, the sense of urgency to achieve the American objective, adequate domestic and political support, viable military options, the opponent's fear of unacceptable escalation, and clarity concerning the precise terms of settlement. Alexander George notes that wise statesmen employ restraint in their cautious use of military force and in the limited demands they make on other nations. The success of the strategy eventually devolves upon the skill of the diplomat and his ability to perceive these pre-conditions. The book assumes a moderately high level of competence in the area of diplomatic strategy and should appeal to political science theorists, diplomatic strategists, and those with a strong interest in international law.

**THE MILITARY ESTABLISHMENT: ITS IMPACTS ON AMERICAN SOCIETY.** Adam Yarmolinsky. New York: Harper & Row, 1971. Pp. xiv, 434. \$10.00. *Military Establishment* is the result of a study sponsored by the Twentieth Century Fund and directed by the author. It includes a wealth of data on the rise and establishment of military dominance in American society. This volume is not primarily concerned with the nature of the military establishment nor with its history, but rather with its impact on American society and the extent to which the society is affected and shaped by military purposes. Among these effects are the military's "automatic priority" over national resources and the government's subsequent ineffectiveness in meeting vital domestic needs; the role of the military in foreign policy; the impact of the military on the economy; and the absorption of military values and priorities in the American mainstream. The militarization of civilian life—and the corresponding civilianization of the military—is without doubt among the central domestic issues of the day.

**THE NLRB AND THE APPROPRIATE BARGAINING UNIT.** John E. Abodeely. Pennsylvania: University of Pennsylvania, 1971. Pp. 239. \$5.95. This book seeks to analyze the major bargaining

unit decisions of the NLRB by discussing post-bargaining unit issues in the context of various special bargaining unit situations which have come before the board. The analysis is premised on a discussion of the various factors—many of them negative in character—which determine an appropriate labor bargaining unit, including the absence of congressional guidelines, inconsistency of NLRB decisions, management pressure, and labor union rivalry. NLRB delineation of the bargaining unit affects the choice of which union, if any, will gain representation rights. This volume, the third of a series published by the Industrial Research Unit of the University of Pennsylvania, extends the scope of the first two volumes, *Compulsory Arbitration and the NLRB* and *Union Authorization Cards and the NLRB*, published in February 1968 and January 1969, respectively.

**THIS ENDANGERED PLANET.** Richard A. Falk. New York: Random House, 1971. Pp. 495. \$8.95. This timely book beckons man to rediscover his finiteness in the total scheme of the environment by rejecting the concept of "man versus nature" and recognizing a concept of "man in nature." Falk delinates four major factors contributing to the dimensions of that finiteness, in terms of the present world ecological crisis: 1) the war system, 2) overpopulation, 3) the waste of natural resources, and 4) the deterioration of the entire environment to such a degree that it no longer can sustain life. While the author approaches the environmental problem from philosophical, economic, and political perspectives, it must be kept in mind that he is a scholar writing primarily in the area of international law. Falk feels that the world environment problem is exacerbated by the fragmentation of the planet into numerous sovereign states. Consequently, he offers specific proposals as an initial step in dealing with the world environmental problem. This book is recommended for lawyers and laymen as both readable and instructive.

# Something New...

The *Denver Law Journal* is proud to announce the publication of a new law magazine of great interest to lawyers and laymen.

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