feature of our naturalization process." Then follows a résumé of court decisions on conscientious objector applicants for naturalization, and of the present provisions under the Immigration and Nationality Act of 1952, followed by an equally informative dissertation upon "Political Opinions" as they relate to naturalization.

Throughout the book are to be found, as might be expected, recommendations with respect to changes in the much discussed McCarran-Walter Act. The author endeavors to be objective and practicable, recognizing that some of the changes may not be forthcoming for some period of time while others should be more immediately acceptable.

Because book reviews take so many different forms, I have long been in doubt as to the most desirable objective. A general notion of the scope and content of the work is, I think, always desirable. This I have endeavored to give. A review which may be taken as a complete substitute for a reading of the book is a service neither to the author nor to a prospective reader. This I am confident I have not furnished. If a review is supposed to be an evaluation by one supposed to be competent to evaluate, then waiving the question of my competency I say that this little book is worth the reading. Perhaps that means that the author expresses my general point of view on the subject. I hope it means more than that.

We have not, up to this point, been much inclined to think or act in terms of civil rights with respect to immigration and naturalization. That this is true is reflected in court decisions, legislation, and administrative procedures. In placing the emphasis at this point, Dr. Konvitz has made an important contribution.

EARL G. HARRISON*

* Former United States Commissioner of Immigration; former Dean, University of Pennsylvania Law School; member of Supreme Court and Pennsylvania Bars.


These two ponderous loose-leaf volumes, which are, in certain areas, the only published text, have attracted curiously little notice. To be sure, they do not constitute a legal landmark, such as a Williston, Scott, or Wigmore might give

1 As of this writing, Vol. 2 ("Rights") had not been reviewed by any periodical listed in the Index of Legal Periodicals; Vol. 1 ("Law") only in 35 A.B.A.J. 123 (1949), and, of all places, in the English 17 Sol. 23. Some non-legal periodicals of the radio-TV industry have given it notice.
us. But their quality deserves a better fate. Perhaps it is the small size of the Communications Bar which has led the reviewing public to indifference.

This reviewer, however, reflects their true audience; the lawyer, not a regular Communications practitioner, who has intermittent superficial contact with all aspects of the field, and occasionally needs inquiry in depth into some of its corners. In a certain sense, all legal texts are written for such an audience. The tax specialist needs only the Code and a citator; the cross-index is in his mind. The general practitioner wants, as a starter, the general annotations of the loose-leaf services. Judged by this standard, these two volumes are of, at least, adequate, although strikingly uneven, quality, the second volume being markedly superior in organization and style.

In disparaging the first volume, one must make due allowance for the fact that no lawyer reads a text from cover to cover, any more than one so reads a dictionary. Yet, for what it is worth, it must be said that Vol. 1 ("Law") starts in the middle, continues with the end, and ends in the beginning. A newcomer to an administrative field usually likes first to master the legislative background, rather than study it after the administrative regulations. Perhaps the discussion of the legislative authority as an afterthought is a subtle slap at the Federal Communications Commission's frequent efforts at supplying authority and direction where Congress has been vague and confused.

Mr. Warner belongs to the school of thought which regards the Commission's station regulations, such as the Blue Book, as unwarranted assertions of power by an agency weakly endowed by Congress. Being a lawyer, not a political scientist, he seems unaware of the clarity with which the FCC represents the principle that politics abhors a vacuum. That is not to say that he ignores the basic dilemma of the Commission. Stations must be monopolistic as to area and frequency; someone must allocate those areas and frequencies; in the American economy, more people can and want to operate stations than there are frequencies available. If one accepts these three propositions, an exercise of power beyond the allocations is inevitable; how else, save by the influence of exterior considerations, can one choose a licensee for each one of five UHF television channels open in Chicago? Some members of Congress, to be sure, have intimated that political affiliation in some areas might be preferable; and some naïve persons have suggested that it is all simply bureaucratic arrogance; they, presumably, would throw dice to decide frequency assignments. Mr. Warner is critical of the Commission, but, on the whole, for the wrong reasons; in its milieu, it is surprising how little power the Commission has assumed, how much it has identified itself with the commercial broadcasting industry and its tawdry achievements.

This is not to say that all Mr. Warner's points are badly taken. He justly criticizes the Commission's habit of handling station disciplinary matters at

* Television Factbook No. 17 (Washington: Television Digest, 1953) lists only 210 lawyers in the United States as regularly handling FCC matters concerning "broadcasting and related matters."
renewal time, rather than in revocation proceedings, and in general, the FCC's fond theory that the license of a station whose physical plant may cost over a million dollars is a mere temporary permit, whose renewal or transfer may be denied quite arbitrarily—a fiction the FCC has rarely dared to act upon, to be sure.

The non-FCC aspects of broadcasting law receive rather meager treatment from the author in his first volume; one could hardly use this text as a guide to a defamation problem, for example. Considering his commendable energy in going into the critical and controversial phases of communications regulation, it is surprising how uncurious the author is concerning the fascinating esoterica of telecommunications defamation.³

Volume 2 ("Rights") is the most recent summary of the complex subject of intellectual property (as applied to radio and television), bringing under one roof statutory copyright, common-law copyright, unfair competition, and the right of privacy. The author also has had the unique good sense to include extensive discussions of the American Federation of Musicians⁴ and American Society of Composers, Authors, and Publishers in his work. Thus he recognizes the enormous influence of non-governmental institutions in this field. Yet on the whole, the volume does not go far enough. There are texts of varying adequacy on Copyright, Trade Mark, and Unfair Competition, but there is no text which deals with the complex make-believe law of performer's rights; the law one actually deals with in negotiation with the AFM, the American Federation of Television and Radio Artists, the Screen Actors Guild, and individual actors and artists. This "law," fascinating in its case-law weakness⁵ and institutional strength, has, so far as this reviewer knows, never been treated in depth. It is not just the practical necessity for such a guide that makes it a desirable objective; it is the great opportunity to study the influence of powerful monopolies—and few monopolies are more powerful (at least during prosperity) than the talent unions—on economic patterns, where the legal institutions existing are inadequate. Mr. Warner has left out whole parts of this story: the AFM gets the full treatment, the Screen Actors Guild hardly any. And he barely suggests the bitter struggle of AFTRA to prevent the use of kinescope as a means of "canning" programs.

In summary, it is a good volume, as far as it goes. The organization is no better—and it should not be—than the chaotic subject matter. Mr. Warner

³ This reviewer is informed by some of the author's associates that the publishers eliminated substantial quantities of text and were more responsible than the author for the lack of balance.

⁴ The chapter on the AFM is virtually a reprint, with full acknowledgment, of Countryman, The Organized Musicians, 16 Univ. Chi. L. Rev. 56-85, 239-97 (1948-49).

⁵ RCA Mfg. Co. v. Whiteman, 114 F. 2d. 86 (C.A. 2d 1940), cert. denied 311 U.S. 712 (1940), would appear to dispose of the residual rights notion for good; any newcomer to this field of law will be saved much time if he realizes that a higher court—the AFM, AFTRA, and similar unions—has never recognized it. But see Waring v. WDAS Broadcasting Station, Inc., 327 Pa. 433, 194 Atl. 631 (1937).
is as critical, where criticism is justified, as one can expect a lawyer in his field of practice to be. Perhaps a law school teacher, divorced from the necessity of pleasing the FCC, the networks, AFTRA, and all the other powers that be, could be more biting; but how would he master the vast amount of unreported data?

* Member of the Illinois Bar.


When the first volume of this series appeared, Dr. Kinsey received deserved praise for a monumental accomplishment in the face of great technical difficulties, and for having brought, for the first time, the scientific discussion of our sexual mores to the community itself. The reviewers took great care lest their technical criticism, which was severe at points, overshadow their respect for this basic achievement.¹

But this is the second volume and it is many years later; it seems proper, therefore, to explore how much Kinsey has improved his apparatus of inquiry and thereby the significance of his findings. Normally such a question could be left to the statisticians and sociologists. But Kinsey’s own aspirations do not permit such limitation. He has directed his book at the community at large, its opinion leaders and its lawgivers.² This makes it desirable that they all, along with the findings, have some briefing on the reliability of the apparatus from which these findings emerged. The briefing, in this case, will entail some sharp criticism. But it would poorly serve its purpose were it to obscure this reviewer’s deep respect for a scientific endeavor of the first magnitude.

Although only the next volume will deal specifically with the legal aspects of sexual behavior, Kinsey suggests that his present findings should lead to a reconsideration of our sex mores and sex laws.³ We will look, in turn, at the three types of data which could conceivably affect our notions as to what the sex mores and laws of the community ought to be: the sheer frequency of certain types of behavior in the community or in those of its strata which shape our mores; secondly, the evidence of specific effects of such behavior; and finally, data on the community’s attitudes towards such behavior.

The present second volume, on the human female, follows essentially the structure of the first, dealing in turn with each of the sexual activities from pre-


² “It is for this reason . . . that our first volume . . . was taken out of the hands of those who claimed the exclusive right to knowledge in this area and made a part of the thinking of millions of persons. . . . [W]e are under obligations to make the results of our investigations available to all who can read and understand and utilize our data.” P. 11.

³ C. I, especially pp. 8–21.