Book Reviews

THE COMMUNIST TRIALS AND THE AMERICAN TRADITION. By John Somerville, Ph.D.

This book was written by Dr. Somerville, who was a non-Communist expert witness on Communist doctrine regarding revolution and force and violence in three Smith Act trials. In all three of these trials the indictments charged the defendants, as members of the Communist Party of the United States, with, in effect, advocating and teaching the duty and necessity of overthrowing and destroying the government of the United States by force and violence and with conspiring to that end. In all three trials verdicts of guilty were returned by the respective juries.

In this book Dr. Somerville attempts to show that basically Communist theory and doctrine as to revolution and violent overthrow of an established government is similar to those thoughts and doctrines expressed in the American Declaration of Independence. At page 27, the author states:

For purposes of clarification by comparison, consider our own American Declaration of Independence, which is our very birth certificate as a nation. This Declaration exactly expresses a principle central to Marxism-Leninism when it states that one of "the self-evident" truths is that "whenever any form of government becomes destructive of these ends (life, liberty, pursuit of happiness), it is the right of the people to alter or abolish it." Another passage of the Declaration is an ever better expression of this principle: "But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them (the people) under absolute despotism, it is their right, it is their duty to throw off such government, and to provide new guards for their future security."

After this amazing revelation, the reader is treated to a classic example of building a complete structure on a totally false and misleading premise. The false premise, in this case, is that a Communist revolution will come about in the United States only when (1) the existing government has become so broken down and incapable of functioning that a democratic election as we now know it would be impossible to carry out, and (2) the majority of the people have become so dissatisfied with the existing government that they would be willing to support the revolutionary action.

Dr. Somerville goes on at great length to state that there must be "convincing objective evidence for the revolutionary step." Even though the author attempts to convince his readers that the Communists would never attempt a revolution unless this revolutionary situation existed, one need only observe Communist actions in nations such as Hungary, Bulgaria, and Poland to see how false and unrealistic such thinking really is. According to the author, under the Communist doctrine of revolution as advanced in this book, the Communists do not advocate overthrow of the government of the United States by force and violence unless those very same condi-
tions occur which would lead to revolution by any group, Communist or non-Com- 
munist—in other words such a group as the men who founded the United States of 
America. Thus the attempt is made to convince the reader that as a result of the 
convictions in the Smith Act trials we are doing something contrary to our demo-
ocratic traditions and that even under the clear and present danger doctrine we have 
no right to convict these Communists.

Such reasoning is expressly rejected by history and present day facts. No matter 
how much one reads Communist theory, the test of such theory is the action 
to which it is put. By reading the record of Communist revolutions and government 
take-overs, one must be rather naive to take Dr. Somerville's book very seriously.

In summary, this is a book one need not regret that he did not get around to 
reading.

CHARLES P. DRIBBEN*

xxii; text, 245; forms, 71; and tables and index, 66. $9.00.

Lesar on Landlord and Tenant, part 3 of the American Law of Property, has been 
made available by the publishers in a separate volume at modest cost.

The parent treatise, the American Law of Property, was favorably reviewed in 
1954 in the Missouri Law Review.1 With reference to the part on landlord and tenant, 
now reprinted, the reviewer said: "Landlord and Tenant, a field noted for its small 
fees and extraordinarily difficult problems, has long been in need of modern, 
scholarly treatment, and this is supplied by Professor Lesar in Part 3, § 3.1 et seq."

In addition to the material originally appearing in the larger treatise, Professor 
Lesar has added a chapter on federal taxation (also included in the 1956 and later 
pocket part supplements to the complete edition).2 This chapter covers the principal 
taxation problems in connection with leases. The treatment, of course, is not 
exhaustive, but is adequate for all but the specialist, and is so well organized and 
clearly written as to be an effective guide even for the person who gets lost in the 
tax jungles.

*Associate, Terrell, Hess, Van Osdol and Magruder. Member, Kansas City, Mis-
soir Bar.

1. Eckhardt, Book Review, 19 Mo. L. Rev. 97-99 (1954). See also Eckhardt, 
Book Review, 20 Mo. L. Rev. 104-105 (1955), reviewing volume VIA of the American 
Law of Property: Martz, Rights Incident to Possession of Land; this volume is now 
available as a separate text at $7.50.

2. The substance of this chapter was first published as an article, Lesar, 
Leases and Federal Taxation, 21 Mo. L. Rev. 237-273 (1956). At that time Professor 
Lesar was a member of the faculty of the University of Missouri School of Law and 
was faculty editor of the Missouri Law Review; at present he is a member of the 
faculty of the Washington University School of Law.
Following an introductory page of sound advice on drafting leases, Professor Lesar in several appendices gives six lease forms, including a basic short-form lease, a long Chicago office building lease, a long New York City apartment lease, a long cooperative housing association lease, and two farm leases. Appendix 6 gives a variety of lease clauses covering special problems. Appendix 7 is a valuable long-term lease check list. This material on lease forms is not included in the *American Law of Property*.

It is a pleasure to note that the index to *Lesar on Landlord and Tenant* is completely new and is entirely adequate, without the deficiencies noted as to the index to the *American Law of Property*.

The lawyer who has occasion to handle landlord and tenant problems, but who does not own or plan to buy the full *American Law of Property*, will find *Lesar on Landlord and Tenant* a valuable and much used addition to his law library. Lawyers who own the complete treatise already have all of the material in *Lesar on Landlord and Tenant* except the material on lease forms.

*Lesar on Landlord and Tenant* also will be of real help to law students. For many years law students have needed a modern text to supplement case method courses on landlord and tenant, or for reading law in a field in which the student does not take a formal course. This book of 245 pages of text is ideal for such purposes.

**Willard L. Eckhardt**

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3. It is beyond the scope of this brief review to consider at any length the proper use of text books to supplement the case method of learning law. Some law teachers object to the use of a text. My own view is that a text is helpful, but should be used only after the learning process from case analysis has been completed.

*Professor of Law, University of Missouri School of Law.*