

0/

REPEROTECA  
SALA 2  
ÉSTANTE 40  
TABLA 75

# New York University Law Review



THE SECOND MR. JUSTICE HARLAN: A CONSTITUTIONAL  
CONSERVATIVE

*Norman Dorsen*

SYMPOSIUM: CONSUMER CREDIT REFORM—PART II

PRESERVING CONSUMER DEFENSES: PLUGGING THE  
LOOPHOLE IN THE NEW UCC

*Neil O. Littlefield*

LAWYERS FOR THE POOR VIEW THE UCC

*Philip J. Murphy*

---

An Appraisal of the Webb-Pomerene Act

Due Process Considerations in Police Showup Practices

Book Reviews: *Frank C. Haymond; Michael A. Schwind;*  
*Jon R. Waltz*



# NEW YORK UNIVERSITY LAW REVIEW

VOLUME 44

APRIL 1969

NUMBER 2

## CONTENTS

### ARTICLES

- THE SECOND MR. JUSTICE HARLAN: A CONSTITUTIONAL CONSERVATIVE ..... *Norman Dorsen* 249

### SYMPOSIUM: CONSUMER CREDIT REFORM—PART II

- PRESERVING CONSUMER DEFENSES: PLUGGING THE LOOPHOLE IN THE NEW UCCC ..... *Neil O. Littlefield* 272

- LAWYERS FOR THE POOR VIEW THE UCCC .. *Philip J. Murphy* 298 359

### NOTES

- AN APPRAISAL OF THE WEBB-POMERENE ACT ..... 341

- DUE PROCESS CONSIDERATIONS IN POLICE SHOWUP PRACTICES 377

### COMMENTS

- Labor Law—NLRB Rulemaking Procedure—*Excelsior* Rule Held Invalid as Promulgated in Violation of Administrative Procedure Act: *Wyman-Gordon Co. v. NLRB* (1st Cir. 1968) ..... 394



Labor Law—Title VII of the Civil Rights Act of 1964—Employee's Pursuance of the Collective Bargaining Grievance Procedure Held to Bar Subsequent Judicial Proceedings on a Racial Discrimination Complaint: *Washington v. Aerojet-General Corp.* (C.D. Cal. 1968) ..... 404

Landlord and Tenant—Retaliatory Evictions—Month-to-Month Tenant Who Reported Housing Code Violations Held Entitled to Raise Defense of Landlord's Retaliatory Motive in Eviction Action: *Edwards v. Habib* (D.C. Cir. 1969) ..... 410

Taxation—Valuation of Shares in Open-End Investment Companies for Federal Estate Tax Purposes Held to Be Replacement Cost: *Estate of Wells v. Commissioner* (T.C. 1968) ..... 416

Torts—Occupier of Land Held to Owe Duty of Ordinary Care to All Entrants—"Invitee," "Licensee," and "Trespasser" Distinctions Abolished: *Rowland v. Christian* (Cal. 1968) ..... 426

**BOOK REVIEWS**

Reid: *An American Judge* ..... *Frank C. Haymond* 434

Herzog: *Civil Procedure in France* ..... *Michael A. Schwind* 439

Dorsen: *Frontiers of Civil Liberties* ..... *Jon R. Waltz* 443

BIBLIOTECA DE LA CORTE SUPREMA	<i>ll</i>
NO. DE ORDEN	42326
UBICACIÓN	

---

SUBSCRIPTION PRICE, \$9.00 PER NUMBER, \$2.25

WITH ANNUAL SURVEY OF AMERICAN LAW, \$12.00

Unless notice to the contrary is received at the editorial office, it is assumed that a renewal of the subscription to the **LAW REVIEW** is desired.

---

Published at 35 New Street, Worcester, Massachusetts in March, April, May, October, November, and December. Second Class postage paid at Worcester, Massachusetts. Subscription price, nine dollars per annum. Per number, two dollars and twenty-five cents. With Annual Survey of American Law, twelve dollars. For single volumes and bound sets inquire of Fred B. Rothman & Company, 57 Leuning Street, South Hackensack, New Jersey.

© Copyright, 1969, by New York University

---

Editorial and General Offices: 249 Sullivan Street, New York, N.Y. 10012

400282  61060