

1951

## Book Reviews

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## BOOK REVIEWS

LAW AND TACTICS IN JURY TRIALS, Students' Edition. By *Francis S. Busch*. Indianapolis: The Bobbs Merrill Company, 1950. Pp. 917, \$8.50. Supplementary Exercise and Quiz Manual, pp. 43, 25 cents.

In recent times zeal for procedural "efficiency" has led to severe and sustained attacks upon the jury system. A number of well-known critics could be cited in this connection, but it will suffice to refer by way of illustration to the opinion of Judge Jerome Frank in *Skidmore v. B. & O. R. R. Co.*, 167 F. 2d 54, in which Professor Edson R. Sunderland is quoted as saying: "While the jury can contribute nothing of value so far as the law is concerned, it has infinite capacity for mischief, for twelve men can easily misunderstand more law in a minute than the judge can explain in an hour." In the course of his opinion Judge Frank himself remarked: "Some revaluation of the jury system seems not unjustified in the light of the fact that ours is the only country in the world where it is still highly prized."

That such "revaluation," whether for better or worse, has in fact long been under way judicially and has carried far, apart from any direct legislative action, is clearly demonstrated by the opinion of the majority of the Supreme Court of the United States in *Galloway v. U. S.*, 319 U.S. 372, upholding defendant's motion for a directed verdict in a suit by a war veteran to recover benefits under a war risk insurance policy. In a minority opinion, in which Justices Murphy and Douglas concurred, Mr. Justice Black said: "Today's decision marks a continuation of the gradual process of judicial erosion which in 150 years has slowly worn away a major portion of the essential guarantee of the 7th Amendment."

Few lawyers will undertake, seriously, to defend the jury system from the standpoint of superior expedition or efficiency in the field of fact-finding. But doubtless a substantial professional majority will stand by it with deep conviction as an integral part of our democratic way of life: unimpressed by the fact, if true, that no other country may prize it highly, but rather mindful of the words of Thomas Jefferson, "I consider trial by jury as the only anchor ever yet imagined by man, by which a government can be held to the principles of the Constitution." (Quoted by Mr. Justice Black in *Galloway v. U. S.*, *supra*.)

In the light of such considerations as these one need have no hesitation in saying that by his "Law and Tactics in Jury Trials" Mr. Francis X. Busch has made a noteworthy contribution, not only to a more understanding and more effective working of the jury system as a basic element of our legal machinery, but through and beyond this to the better functioning of our democracy. The author writes as one who believes in the jury system, and who by long experience knows whereof he speaks. His point of view is expressed by the prefatory statement that the jury institution "stands out in the long history of trial methods as the surest safeguard yet devised to protect the rights and redress the wrongs of the common man." The first sentence of the text states: "This book is intended as a practical treatise on the trial of cases before juries." In clear language and pleasing style the author proceeds through the pages which follow in commendable achievement of this stated purpose.

Within the compass of a few hundred words it is impossible to comment adequately upon the scope and manner of treatment of a work of twenty-five chapters. The book covers first the history of the jury institution in England and America and the constitutional guaranties involved. It follows this by

detailed consideration of such subjects as the selection and summoning of jurors; examination of jurors to determine competency; challenges of the several varieties; respective functions of court and jury; preparation of the case; opening statements; presentation of the evidence; direct, cross and re-direct examination; rebuttal and surrebuttal; opinion and expert evidence; skilled and expert testimony in cases involving medicine and related subjects; opinion testimony as to questioned writings; objections; motions to strike; offers of proof and exceptions; argument; instructions; conduct and deliberations and discharge of the jury, and verdicts. Suffice it to say that each of the subjects treated is accorded thorough analysis, with clear differentiation between federal and state courts where such is called for and with widely representative citation of authority—statutory, rule and case.

For example, section 73 deals with examination of jurors to determine qualifications and desirability. The introductory paragraph of the section cites by name the several states which by statute direct that jurors shall be sworn before being examined, then goes on to cite case authorities laying down the rule where there is no such statute. Subsection A of section 73 deals in detail with prevailing state court practice in examining jurors. Subsection B, captioned "Practice in the federal courts," points out that the examination of jurors as to their qualifications in both civil and criminal cases is governed by the new rules of procedure, citing both the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure.

To those whose particular interest is with criminal law, it may be said that in his treatment the author appears to have kept that branch of our jurisprudence consistently in mind. The illustration just given indicates how attention is frequently called to criminal practice in appropriate connections. In some instances appropriately captioned sections deal wholly with criminal aspects of the phase of the subject under consideration. For example, reference may be made to section 31, "Extent of right to trial by jury in the federal courts in criminal cases"; section 33, "Right of trial by jury in state courts in criminal cases"; section 60, "Service of list of jurors on defendant in criminal cases"; section 129, "Peremptory challenges in criminal cases"; section 184, "Juries as judges of the law and fact in prosecutions for criminal libel"; section 282, "Cross-examination of a defendant in a criminal case."

Any one who has had experience with indexing knows that it is "tricky" business. It is not surprising, therefore, that the index topic "Criminal cases" does not catch all of the material dealing with such cases. For example, section 121, dealing with opinions respecting capital punishment as disqualification, is not indexed under "Criminal cases," but is to be found, where it rightly has a place, of course, under "Challenges for cause." On the whole the index is comprehensive and adequate.

It is particularly in order to emphasize those portions of the work which supplement the general text treatment by giving practical advice in various connections. For example, section 220 contains a four-page discussion of the order in which it is desirable to call witnesses, discussing both civil and criminal cases. Still other portions contain illustrative excerpts of examination and argument, taken directly from the court room. Thus, section 253 is a specimen direct examination of a defendant indicted for murder, stated by the author to have been conducted by a criminal lawyer of large experience. Specimen excerpts are to be found in a number of the chapters.

The "Students' Edition" is stated to have been prepared in response to an expressed desire from law schools for a revised and abridged edition better

adapted than the original to meet the restricted time available. Condensation of certain chapters, some limitation of cited authorities and omission of a number of illustrative excerpts of examinations and arguments were necessary in the process. To accomplish this purpose the author had to surmount some difficult problems of condensation and exclusion, but he appears to have done so satisfactorily. The result is a tool, well adapted to teaching, calculated to challenge the interest of the student, and which provides a thorough basis for instruction in this vital field. Its practical value is notably enhanced by a supplementary exercise and quiz manual, obtainable at slight extra cost.

Chicago

PALMER D. EDMUNDS

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THE LAW. By *René A. Wormser*. New York: Simon and Schuster, 1949. 585 pp. and Index. \$5.00.

To disentangle the varied precepts of the modern legal pattern and to trace historically the accretion of their details amidst changing customs, habits and practices of widely differing groups and social classes is well nigh a herculean task. René A. Wormser's *THE LAW* has attempted to perform this unprecedented encyclopedic service for laymen and lawyers alike. Through Jewish, Greek, Roman and Christian cultures, medieval philosophers, religious, political and intellectual reformers, and modern searchers for scientific truth, down into the legal disputations of our own times, Mr. Wormser has followed the history of law and law-makers.

*THE LAW* is a work of good intent, but, unfortunately, its vastness of purpose and congeries of content militate against its being a major contribution to the history of either law, procedure or administration. Scarcely twenty-five pages are devoted directly to criminal law, and these merely present the criminal code as a mass of oppressive barbarities and outworn incongruities. The lawyer-author plays on the concept of *lex talionis*, retaliation in kind, but scarcely mentions the germination and crystallization of a new penology triumphant against sanguinary law and procedure. Though Mr. Wormser reflects on the propagandist efforts of men obscure even to the professional historian, he omits mention of such prominent reformers as John Howard, Samuel Romilly, Dorothea Lynde Dix, Louis Dwight or Samuel Gridley Howe—all who contributed to setting in motion the forces which changed fundamentally the pattern of penal jurisdiction. If only the author had offered less of a critical analysis of the New Deal, the United Nations and the Nuremberg trial, and had concentrated, in part, on the nature of crime and its punishment upon which depends the life of society and therewith the State, a more proper balance might have been achieved in his work.

The book is put together with the skilled craftsmanship of a good writer and scholar and is highly readable and informative throughout. The absence of a bibliography is regrettable since Mr. Wormser's guide through the maze of historical jurisprudence gives his reader a capable introduction and an invitation to further reading.

Ohio State University

HAROLD M. HELFMAN

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CRIMINAL BEHAVIOR. By *Walter Reckless*. New York: Appleton-Century, 1950, pp. xii 537. \$4.25.

This text deals with the nature, causation and control of crime in a penetrating and straightforward manner. The book is well-written, the treatment is comprehensive. The historical background of present-day criminology and "modern" criminological trends are presented but not over-emphasized.

Major consideration is given, where it belongs, to the nature of and facts about criminal behavior as socio-cultural products. Sociologically considered, crime is not a surface eruption to be treated by *semantic* solutions. Its nature is rooted in the cultural life and is profoundly affected by the relative instability and continuity of social *norms*. The author is concerned with such questions as: How is criminal behavior causally related to changing *mores*. How and in what manner are problems of prevention and control related to variation in standards of approval, "vested" interests, and so on.

Reckless distinguishes with Lindsmith and Dunham between "individualized" and "social" offenders. He gives considerate attention to psychopathic and neurotic types but is not diverted by these intriguing deviates from the main tasks of laying a foundation for an intelligent theory and way of crime control. This, Reckless apparently believes, can be done through an understanding of the dynamic aspects of the social order. It is in his forthright discussions under such headings as Cataclysmic Risks, Social Class, Vagrancy, Gambling, Alcoholism, Age, and Race that the author makes a distinct contribution in the field of textbook writing.

The book is well documented and is provided with a good index.

University of Nebraska

JAMES M. REINHARDT

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HISTORICAL SURVEY OF THE QUESTION OF INTERNATIONAL CRIMINAL JURISDICTION. Memorandum by the *Secretary-General*, United Nations—General Assembly, International Law Commission, Lake Success, New York, 1949. Pp. 250.

This is a compact and well organized summary of the discussions and actions concernings international criminal jurisdiction both outside and within the United Nations. It begins with the Paris Peace Conference of 1919 and touches on discussions in the International Law Association, the Inter-Parliamentary Union, the League of Nations, the United Nations War Crimes Commission, and the conferences establishing the International Tribunals of Nuremberg and Tokyo. The volume then considers the discussion in the United Nations in connection with debates on the Nuremberg Principles, the Genocide Convention, and the establishment of an International Criminal Court.

Appendices reproduce the relevant documents or extracts from them.

The volume was prepared under authority of the Secretary-General of the United Nations in pursuance of a General Assembly resolution calling upon him to do the necessary preparatory work for the International Law Commission and requesting the International Law Commission to "study the desirability and possibility of establishing an international judicial organ for the trial of persons charged with genocide or other crimes over which jurisdiction would be conferred on that organ by international conventions," and in carrying out this task to "pay attention to the possibility of establishing a criminal chamber of the International Court of Justice."

In the introduction it is stated that "the possibility and desirability of according jurisdiction over certain offenses to international courts or organs have thus been questions distinct from those of qualifying particular acts as international crimes and of adding, by means of treaties, to the numbers of the latter." The existence of offenses against the law of nations was recognized by early publicists of international law and is explicitly referred to in the Constitution of the United States. Many trials for such offenses

have been held, but usually in national tribunals. The materials here presented makes it clear that national opinion is divided as to the desirability of establishing a permanent international criminal court to deal with some or all of such offenses. The most important advance toward such a tribunal was the convention ratified by a number of states for the creation of an International Criminal Court open for signature at Geneva, November 16, 1937. This tribunal was to try persons accused of offenses defined in the Convention on Terrorism completed at the same time (p. 88). This Convention never came into force, but the Tokyo and Nuremberg Tribunals, established by the principal United Nations for the trial of Axis war criminals, actually functioned.

A permanent international criminal court with jurisdiction over defined offenses against the law of nations, even though limited to offenses not adequately dealt with in national tribunals, would move the community of nations toward a federal rather than an international form of organization. International procedures to enforce a covenant of human rights would have a similar effect. The expediency of such a development is one on which opinions differ. This volume presents in compact form the basic materials for studying the attitudes toward and probable effectiveness of such a tribunal. The presentation is strictly impartial. It leaves the impression that world public opinion will have to develop for some time before such a tribunal is established.

University of Chicago

QUINCY WRIGHT

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CHARACTER ASSASSINATION. By *Jerome Davis*. Philosophical Library, New York, 1950. Pp. 259. \$3.00.

The author wrote this provocative book "just because of a fundamental faith in freedom." Professor Davis indicates that the "purpose of the book (is) to lay bare a tendency in American society which is in the nature of a group psychosis, the tendency to smear the character of others, in a word the phenomenon of character assassination." (p. 6)

Early in the book Davis points out that the "land of the free and the home of the brave is in danger of becoming the land of 'witch hunts' and the home of fear." After the fashion of a "pamphleteer" he remonstrates that, "Today there is more fear in the United States with less reason than in any country on the globe." (p. 4)

In explaining the rise of "Prejudice and Hysteria" today, Davis states that "Society has not educated the masses or their leaders." . . . "Our thoughts are made for us by the press, the radio, the moving pictures and the school. Instead of being taught *how to think* we are taught *what to think*." (p. 9) In presenting the material on "Smearing of Presidents" from George Washington to F. D. Roosevelt, the author documents the pages with various newspaper and handbill stories. In successive chapters Davis takes up "Anti-Semitism," "Ammunition Against the Negro," "Hitting Labor Below the Belt," and the "corrosive effects" of education and politics. His material on American higher education harks back to Upton Sinclair's *The Goose Step* (1923). Chapter Nine retells the author's judicial "battle" in the New York Supreme Court (1943) against *The Saturday Evening Post* because the *Post* charged that Jerome Davis was a "Communist Wrecker of American Labor."

The final portions of the book are devoted to the "Dies Committee" and "the Washington Purges" under the Un-American Activities Committee.

Here Davis reproduces Thurman Arnold's *How NOT TO BE INVESTIGATED: Ten Commandments to Government Employees*.

In attempting to explain the rise of "character assassination" Davis turns to "the law of emotional dynamics" present in group tension motivated by "fear, ignorance, envy, suspicion, malice, jealousy, frustration, greed, aggression, economic rivalry, emotional insecurity and an inferiority complex." (p. 222) Here the author is more pamphleteer than social scientist.

When the author stated that "there is more fear in the United States with less reason than in any country of the globe" he opens himself to serious criticism. He has failed to take into account "all the globe." In examining this book the reader should keep in mind two points, the copyright date, 1950, and the century old advice of Montesquieu, "One has to know the prejudices of one's century in order neither to offend nor follow them too much."

Iowa State College  
Ames, Iowa

WALTER A. LUNDEN

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RESEARCH RELATING TO CHILDREN. By *Clearinghouse for Research in Child Life*, Children's Bureau, Social Security Administration, Federal Security Agency, Washington, D. C.

This book is an inventory of studies in progress reported to the "Clearinghouse for Research in Child Life" between December 1, 1948, and June 30, 1949. The abstracts are listed under six principal headings—373 under "Behavior and Personality"; 159 under "Educational Process"; 166 under "Growth and Development"; 526 under "Physical Health and Disease"; 135 under "Pregnancy and the Prenatal Period"; and 246 under "Social, Economic, and Cultural Factors." These abstracts are, in the main, brief statements of the purposes and plans of each study; they serve primarily to bring to the attention of those working on one problem or in one area the work that is being done by others in the same or closely related areas. This Bulletin has a limited distribution since the Clearinghouse is organized solely to facilitate the exchange of information among research workers, and it is not planned to make the reports of unpublished studies available for other purposes. All who are providing services for children will doubtless obtain more useful information from published reports of completed research rather than from these abstracts of research plans or of unfinished studies.

The Clearinghouse which published this volume was organized to distribute to research workers information about studies in progress that have not been fully described in the literature and to bridge the time-gap before publication of reports. The value of the Clearinghouse is dependent upon its scope and coverage which, in turn, depend upon the reports submitted by investigators. It is to be hoped that, hereafter, there will be much less than a year's gap between the assemblage of material and publication.

Northwestern University

ROBERT H. GAULT

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MEN WITHOUT FACES. By *L. F. Budenz*. New York: Harper & Brothers. Pp. 305. \$3.50.

An avowed accomplice of the Communist movement for years past, a seemingly regenerate Louis Francis Budenz now attempts to don the prophet's mantle with his latest book.

Posing simultaneously as a raconteur, an expert in Communism, a political and legal philosopher, and a mournful penitent whose expiation can by-pass sack-cloth and ashes, the author sets out to describe the workings of the

Communist network in *MEN WITHOUT FACES*. The ensuing description is vitiated by an excess of generalizations sustained by nothing more than the semblance of moral fervor. Where a balanced and documented account could have had distinct value in the appraisal of the genuine security problems posed by Communism in a world at crisis we are treated to the effusions of a maudlin apologia. The end product is about as useful as an aid to action as *CONFESSIONS OF AN ENGLISH OPIUM EATER*, which had literary quality as a *raison d'être*.

The author's exposition of the thesis of the Communist danger covers a description of Communist hierarchical manipulations, a fleeting glimpse into Communist espionage, an attempted demonstration of Communist subservience to Soviet dictates, and a miscellaneous assortment of personal experiences.

Nothing novel is presented by the author's outline of Communist hierarchical operations. We are exposed to a rehash on the mechanics of Communist staff operations obtainable in brilliant form from Arthur Koestler. A perfectly valid case against the Communists for their use of illustrious dupes who unwittingly lend themselves to exploitation by Communist "fronts" is spoiled by such neurotic extravaganzas as allegations that Albert Einstein is being manipulated by the Communists. Statements such as this, devoid of substantiation of any kind by direct evidence, are legion. They are based upon prior allegations such as that the suspect's name "has frequently appeared on pro-Red lists." If perchance this suspect has ever voiced a view approved of by the Soviet Union, the argument concerning his use as a Communist dupe, according to the author, appears clinched. The dubious logical processes of such conclusions are perhaps best pointed up by the following "syllogism":

Communist propaganda in the Soviet Union has repeatedly urged that teeth be brushed regularly;

Professor X of Y University is believed to have made similar exhortations; Ergo- Professor X (and possibly even Y University) must be under Communist influence.

It is sincerely hoped that the details concerning Communist espionage in this country given to the authorities by the author are more impressive than those he has furnished in the book. Shadowy outlines appear in blurred form in weird detective story sequence, pregnant with ominous possibilities and devoid of factual detail. Every once in a while a direct statement is made which can be examined. Judith Coplon, the author assures us, had been drawn into the Communist party before she engaged in espionage. One is prompted to ask why, since at no time during her two trials had the government been able to present proof of Communist membership, the author did not volunteer the information while the outcome of the trials was in issue. We are never told.

A clumsy emotional attempt is made to trace the thoroughly established fact of Communist subservience to Moscow. The attempt is bungled. With no dearth of available material on the subject at the present time, any social scientist could amass an abundance of facts concerning the gyrations of the local Communist party line to conform to "the word" from Moscow and thus prove his point beyond a reasonable doubt. In lieu of an easily documented study the author resorts to the Aristotelian dramatic device of catharsis: a purging through pity and fear. The reader is to see and learn through the author's experience. It is regrettable that the author does not act as an accomplished raconteur. His confusion between the factual and anecdotal

is so far reaching as to require quotation to be believed. Thus the author recounts on p. 136:

“A high party leader whom I knew well was sent to several foreign countries, one after the other, on a mission so lengthy and so secret that even his wife didn't know where he was. After he had been away for more than a year, she began to live with another Communist. . . .

One day, after a long time, her husband did come back. His reappearance happened to follow immediately the proclamation of a sharp change in the party's line. The Red leaders, who knew that she was living with another man, ordered her to go down to the boat and welcome her returning husband. On the way down, she wondered how he would react to her conduct during his absence.

At the first possible moment, she told him that she had become interested in another comrade. Immediately he shouted out: “What is his stand on the new line?”

The chapter on the cult of Stalin worship alone is valuable. It furnishes a number of valid and vital insights into the psychology of Communism. This represents an isolated item of consequence in a book otherwise better adapted to the comic book milieu than to the social scientist.

The book concludes on an apocalyptic note of growing peril and an endorsement of the strictest measures for security. No legal conclusions or social findings can be based on material as sketchy and shallow as this.

The public desperately needs further works on the nature of Soviet thinking and of Communism, of a type provided brilliantly in the past, by the scholarship of men like Pares, Carr, and Crankshaw.

MEN WITHOUT FACES embodies no contribution in this field.

Law School Univ. of Buffalo

RICHARD ARENS

VERNEHMUNGSTECHNIK, By *F. Meinert*. VERLAG FÜR POLIZEILICHES FACHSCHRIFTTUM Lubeck, 1948 3. verb. Auflage Pp. 181.

German Police technique (Hans Gross: *Handbuch fuer den Untersuchungsrichter*) and German psychological techniques as devised for the examination of child and youth witnesses (*William Stern et al*) and finally the German methods in the experimental psychological evaluations of the testimony (*Karl Marbe et al*) have been of great influence in this country.

One should not, however, overlook basic differences in the trial and pre-trial procedures of Germany and the United States. Such differences are so great that the direct transfer of the procedures and methods from one country to the other is hardly feasible. These remarks, of course, do not refer to the period of lawless procedure and Gestapo methods of Hitler Germany. They were borne out in pre-Hitler Germany as well.

The book which is reviewed here bears ample witness of such differences. This is what Meinert has to say about cross-examination (*Kreuzverhor*). “The law does not know at all the term cross-examination . . . but the procedural law (*Strafprozessverordnung*) provides for the court, in its own discretion, to leave the questioning of the defendant to the prosecution and counsel for the defendant respectively if both agree to petition the court for such a procedure.

Nothing can illustrate better the difference between German and American attitudes than a comparison of this hedged- and hemmed- in provision of the German law with the ideas we have in this country about the rights of the defendant and the evidential value of cross-examination. “Cross-examination

was the true way to get at the sources of error. . . . It is the best expedient anywhere invented of getting at the truth of controversy."<sup>1</sup>

Meinert deals mainly with the pre-trial phase. While he gives advice based on direct psychological experience and certainly has an ability to describe what he sees, it is important to understand those assumptions in the back of the whole procedure which he does not think worth mentioning, i.e. that the defendant is, during the whole pre-trial, more or less at the mercy of the examining officials, especially during the hearings. Counsel may not intercede for him during this phase, may not even be present while the defendant is questioned.

Meinert thinks (Footnote p. 16) that there will be no basic changes in this procedure in any foreseeable future. He anticipates that, on the contrary, the rules and regulations as laid down in 1935 (i.e. at the height of Naziism) in a general decree of the *Reichsminister der Justiz* will on the whole be kept.

New York

W. ELIASBERG

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TRIAL OF HAWLEY HARVEY CRIPPEN, 2nd Edition, Edited by *Filson Young*. William Hodge and Company, LTD., 1950, London, Edinburgh, Glasgow. Pp. Introduction XXXV, 211, \$3.50.

This book deals with a realistic murder by poisoning that almost resulted in a perfect crime. Repeated police inspections of the murder house unearthed no clues. Amidst an atmosphere of innocence created by assurance from Doctor Crippen that his wife, Cora, was California-bound, no suspects could be found. But "Murder will out." Apparently conscience-stricken Doctor Crippen and his paramour (she disguised as a boy) had taken flight. Thereupon, another, and more meticulous inspection directed attention to a loose stone in the cellar-floor. It revealed that the body of Cora had been dissected. It resulted in the trial and execution of Doctor Crippen. It is a *cause celebre* included in NOTABLE BRITISH TRIALS SERIES. Why read science fiction when such realism is available?

De Paul University

JOHN W. CURRAN

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SEXUAL ANOMALIES. By *Magnus Hirschfeld*. Emerson Books, Inc., New York, 1948. Pp. 538. \$6.50.

This book is a comprehensive work in the field of sexual disorders.

The material was originally planned by Magnus Hirschfeld himself, and was intended to be a textbook for those whose professional duties render a knowledge of sexual pathology necessary or useful; for instance, criminologists, judges, probation officers, educators, etc. The case material is from his own wide clinical experience.

Unfortunately, Hirschfeld died before he could finish this work and it was particularly fitting that his students and disciples undertook to complete the work as a memorial to that outstanding teacher and humanitarian.

An attempt is made in this book to incorporate certain of the Freudian concepts concerning ideology and dynamics of sexual disorders. However, the book deals largely with case material on the conscious level with few attempts to evaluate unconscious factors. Throughout the book, one senses the deep interest and tolerant feeling that Hirschfeld possessed for sexual offenders and his strong desire to enlighten the courts in this respect.

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1. (See WIGMORE, INTRODUCTION TO SUPPLEMENT TO TREATISE OF THE LAW OF EVIDENCE, 2nd ed. 1923, p. XVIII.)

The book is full of interesting clinical histories and anecdotes and should prove valuable to all those interested in sexual problems.

Howard University Medical School

MICHAEL M. MILLER, M.D.

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REPORT ON PRISONS IN SCOTLAND, 1939 to 1948. By the *Scottish Home Department*, H.M.S. Office, Edinburgh, 1949. (cmd 7747), Pp. 40, Ninepence.

*The Report on Prisons and Borstal Institutions in Scotland and on the Criminal Lunatic Department of Perth Prison including the State Institution for Defectives for the years 1939 to 1948* is the first report to be published by the Home Department since 1939. Before World War II the Prison Department for Scotland published an annual report, but in 1939 according to the Re-organization of Office (Scotland) Act of 1939, the Prison Department was transferred to the Secretary of State and assigned to the Scottish Home Department.

Early in 1939 prison officers and prisoners in the Scottish prisons were given special training in Air Raid Precautions for Anti-Gas procedures, rescue work, fire fighting decontamination and black out programs. The day before the outbreak of World War II all prisoners with less than three months to serve and all Borstal inmates who had served not less than 6 months of their time were discharged unconditionally. All other inmates were re-distributed to minimize the effects of the raid attacks. During the war all Scottish prisons escaped severe air raid damage except the hospital block in Peterhead Prison.

At the outbreak of World War II, 64 prison officers, a number of whom had been in the reserve forces, entered the military service for active duty. Of all those who joined the armed forces 10 percent died in the services and two became prisoners of war. During the war, staff vacancies were filled by over-age pensioners from the prison service and from men unsuitable for military duty because of physical standards. After the war, in 1946, the Prison Department established training classes in order to recruit and train men for prison positions.

In spite of the discharge of prisoners at the outbreak of the war, the prison population increased steadily throughout the war. In 1940 after the discharge, the total prison population was 1320 inmates. Five years later at the end of the war, the total prison inmates numbered 1955 or an increase of 45 percent above the 1939 figure (1350). In 1948 the number dropped slightly to 1902 inmates. In the ten years from 1939 to 1948 the average length of the sentences for imprisonment advanced from 33.5 days to 81.4 days, which was due in part to the transfer of military cases from England to Scotland. During the war the prison industries of the Scottish prisons converted work programs and made necessary articles for the military. In addition, they reconditioned large quantities of goods for the Army and the Navy.

In 1938, full pre-war year, 15,192 persons (12,789 men and 2,403 women) were committed to the correctional institutions in Scotland. In 1944 the number declined to 10,909 and then increased to 12,017 (10,938 men and 1079 women) in 1948. In 1939 40 percent of the prisoners were first offenders (i.e., no previous record) whereas in 1948 the number increased to 47.5 percent.

From 1939 to 1948 imprisonments for crimes against persons increased from 1,373 to 1,480; crimes against property with violence advanced from 1,120 to 2,534 and crimes against property without violence rose from 1,980 to 3,487 in the same year. During those years imprisonments for crimes of malicious injury to property decreased from 206 to 122 and miscellaneous offenses