

Summer 1951

Book Reviews

Follow this and additional works at: <https://scholarlycommons.law.northwestern.edu/jclc>

 Part of the [Criminal Law Commons](#), [Criminology Commons](#), and the [Criminology and Criminal Justice Commons](#)

Recommended Citation

Book Reviews, 42 J. Crim. L. Criminology & Police Sci. 228 (1951-1952)

This Book Review is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in Journal of Criminal Law and Criminology by an authorized editor of Northwestern University School of Law Scholarly Commons.

BOOK REVIEWS

THE GERMAN PENAL CODE. Translated into English and edited by Christoph von Oidtman and Arthur E. E. Reade: Printing and Stationery Service, Control Commission for Germany, 1950. Pp. 106.

This volume is another bit of evidence of the fact that out of the tragedy of war and military occupation there may come significant contributions of lasting value. For many years there was no available modern English translation of the German Penal Code of 1871. However, the present volume is the second translation of German criminal law to appear since World War II, and both had their origin in the needs of military occupation authorities in Germany. The first, entitled "The Statutory Criminal Law of Germany," was published under American auspices in 1947 (reviewed in this *Journal*, 38 page 399), while the present volume is a product of the British Control Commission for Germany, and is designed for use in Control Commission Courts. Apparently, the American translation of 1947, as an American official document, was not freely available to British officers of the Control Commission, and the need was felt for a separate project.

The British project was carried out by an Anglo-German team composed of Herr von Oidtman and Mr. Reade, who were members of the staff of the Principal Legal Adviser to the United Kingdom High Commissioner. The Preface, prepared jointly by these gentlemen, indicates the difficulty of achieving accuracy in a project of this kind and also the scrupulous care with which the editors sought to accomplish their purpose. The Preface is also valuable in that it presents a brief historical background and survey of German criminal law and gives an interesting account of the complexities caused by the modifications introduced by Allied occupation legislation.

The main portion of the volume includes the text of the Introductory Act of 1870, the German Penal Code of 1871, and an Appendix containing a "Select List of Supplementary Penal Legislation." An Anglo-German alphabetical index was still in preparation at the date of publication of this volume.

The chief incidental value of the work will lie, of course, in the fact that it adds to the ever-growing mass of materials in English available to the student of comparative law. For this purpose there can never be too many translations. While this particular project was undertaken for immediately practical purposes, and therefore leaves something to be desired as a study in comparative law, there is a great deal of material in the Preface and in footnotes throughout the work which will be helpful in revealing comparative methods and approaches to the criminal law. The bibliography is particularly valuable, including, in the Preface, a discussion of the leading German commentators on the criminal law.

Tulane University

CLARENCE J. MORROW

ARE PRISONS NECESSARY? By *Joseph G. Wilson*. Dorrance & Company, Philadelphia, 1950. Pp. xii, 313. \$3.00.

As Dr. Wilson looks back over a long and useful life in the United States Public Health Service from which he retired in 1938, and ponders the problems of prisoners he had known while attached to Federal institutions in Atlanta, Leavenworth, and Lewisburg, as well as the difficulties of human beings in hospitals of Kentucky and New Jersey women's correctional homes, he finds himself impaled upon the horns of the dilemma which is the lot of

many students of penal treatment, to wit: what good does all this confinement do, is it worth the time, effort and cost?

In this small volume he has brought together reflections, experiences, suggestions, and inconclusive resolutions. From the inconsistencies of State and Federal law in defining crime, the basic errors in contemporary philosophy of punishment, criminal types, special psychiatric problems, penetrating analysis of homosexuality in women's correctional institutions, to the value of imprisonment, Dr. Wilson gives us a highly readable, non-technical, common-sense account of what he thinks of the whole business. There is little of the esoteric jargon of the psychiatrist posing as Redeemer. Many of his statements may be challenged on the basis of their demonstrable validity. He wrote what he saw, and he saw much. In the concluding chapter entitled "Are Prisons Necessary?" he uses five pages. He favors greater use of probation, permanent isolation of hopeless psychopaths, a complete straddle on capital punishment, abolition of reformatories, and the use of the Scarlet Letter "being exposed for a specified number of times in a public place with an appropriately obnoxious label pinned upon their breasts."

"Finally, I find myself unable to answer my own question, 'Are Prisons really necessary?'" Dr. Wilson will find himself in a numerous company. Like the rest of us, he doubts their reformatory value, but since no one has offered a more acceptable substitute to the taxpayers we shall have to seek long and diligently for some method that is superior. Maybe some day a wise legislature will insist upon classified treatment for classified needs of human beings who, for whatever reason, find themselves entangled like Laocoon in the serpentine coils of the criminal code.

University of Pennsylvania

J. P. SHALLOO

DOCTOR AND PATIENT AND THE LAW, 2nd Edition. By *Louis J. Regan, M.D., LL.B.* The C. V. Mosby Company, St. Louis, Mo. 1949. 476 pages. \$10.00.

Rarely is a reviewer in a position to give so much unstinted praise to a book as to Dr. Regan's 2nd edition.

Here is a wealth of information which is made accessible to both lawyers and physicians. And it is especially the physicians that may profit from a special feature of this book, viz. the discussion at the end of every chapter, in which the main viewpoints are made clear without the legal semantics, which is repulsive to most physicians. This book should also be useful in relation to the cooperation of the physician and his attorney and will make it easier in malpractice cases to understand the viewpoint of counsel for the plaintiff.

It is, of course, impossible to discuss in a review all those items that have been taken up. As to malpractice the author compares its increase to the effect of a disease creeping into the relationship between doctors and patients. A new policy, as the author points out, in special chapters will be necessary to protect, for the time being, mainly the doctors, but in the not-too-far future, the community. It is quite clear that, without a reform in the law, and the decisions on malpractice, the doctors will be unwilling to render certain services e.g. in emergencies. As we at present are in a national emergency, this viewpoint should be taken most seriously.

Such a protective malpractice program as is pointed out involves much more than the usual malpractice insurance. Special carriers with trained personnel will be needed for group contracts. In the interest of the reputation of the medical profession practically every physician should be a member of such a group malpractice plan. Further protective viewpoints: the protective con-

sultation whenever difficulties arise. A central agency set up by the medical group should be notified of premature discontinuation of treatment. Finally: the public should be informed much better than heretofore of what constitutes malpractice and how really few cases of malpractice occur.

This, then, is a book that should become a best seller among all those interested in the well being of the community and the frictionless functioning of the health services.

New York

DR. W. ELIASBERG

MAX D. STEUER: TRIAL LAWYER. By *Aron Steuer*. New York, Random House, 1950. 301 Pp. \$3.50.

Justice Aron Steuer of the New York Supreme Court has made no attempt here to write a definitive biography of his father, the late Max D. Steuer, master advocate of the New York bar. By selecting five dramatic courtroom defenses, the younger Steuer has sought to analyze informally the legal artistry and suave cross-examination technique that gained his father national prominence as a trial counsellor.

The art of cross-examination is the lawyer's most indispensable aid in the sifting, selecting and proportioning of truth, and here Max D. Steuer has become an honored legend among lawyers. The shrewd use of sequence questioning, his amazing memory and patient logic have established his name as an outstanding harrower of hostile witnesses. In the mental duel between counsel and witness, Steuer exhibited an almost intuitive instinct to unmask falsehoods in testimony and tame a wilful or unwilful perjurer. His relentless method of interrogation usually resulted either in discrediting the testimony by attacking the integrity of a witness in entirely collateral matters, as in the Rickard and Gardner cases, or by exposing a too carefully rehearsed recitation of perjured facts, as shown in the Triangle fire case or the Sherman libel suit.

Well-written introductions and summaries, free from misrepresentation or exaggeration, aid the reader through the fine points of the sometimes tiresome question-and-answer presentation of individual cases. But as Aron Steuer comments, "The drama is there if you can see it. The patient exercise of high intellectual talent, overcoming shrewdness and chicanery, often makes drama."

The Ohio State University

HAROLD M. HELFMAN

MY SIX CONVICTS. By *Donald Powell Wilson*. Rinehart & Co., New York. 1951. Pp. 369. \$3.50.

Is it fact or fiction? After carefully reading this book I confess I'm puzzled. The author would have you think it is all pure fact.

This is the tale of a psychologist's three years in Fort Leavenworth, and of six convicts who were assigned to help him in his studies. "My Six Convicts" is Dr. Wilson's reminiscences of his experiences with this group. Dr. Wilson reports "happily" that all contained herein actually occurred. I, for one, doubt much of it. We are told we can learn a great deal about the "criminal mind" from this tome. Again I say, no! If anything, we learn of the convicts ability to put things over on Dr. Wilson. I can't help but think he indulged his literary license much further than "the use of names, places, dates, and in the development of some of the episode recorded," as he states. Dr. Wilson claims this is a tale of "my world as they saw it and their world as I saw it."

The author was a professor of psychology when he reported for duty at Fort Leavenworth penitentiary. We find here many episodes that might make good reading if they were fiction, but readers will find it difficult to believe most of the following:

The episode of the colored swami, Hadad, who hypnotized the guards into believing he was dead. This prisoner was reported to be able to go into a trance to such an extent that he was declared dead by reputable doctors. But he comes to life just in time to save himself as they were getting ready to perform an autopsy. Would you believe that this same Hadad was able, through self hypnosis, to go into a trance in which he made the signs of the Zodiac appear on his body: "Aries on my forehead, Cancer on my breast, Sagittarius on the thighs," as he said or: "All twelve signs of the Zodiac will appear on my body at appropriate places."

It is difficult for me to believe prisoners could run around with a loaded revolver, as reported, leave it in the author's desk to intimidate him, and just as surreptitiously remove it without trace!

The report that prisoners could install hidden microphones for the purpose of trapping so-called "stool pigeons" is again something I look at with a jaundiced eye.

Would you believe the tale of the safe man who was taken from the penitentiary to one of the local banks to open the main vault, who upon arriving at the bank called a pal to deliver his own tools which were delivered in a cab after due payment was made for "taxi fare, rent, fixes, stuff like that?" It is noted they were delivered by "Benny," a noted safe cracker in his own right, whose "urge and itch to use them was overpowering," according to the author.

I don't know what kind of a warden would allow "Connie" a trip to Kansas City for a day, where he plundered the stores under the eyes of his guard and brought back presents for one and all, along with a considerable wad of money stolen in some unknown manner on the way. Some of the loot in the form of cigars and playing cards were for the warden but refused by him with due embarrassment?

Would you believe that a large component of the prison population were allowed to garden radishes and onions until the guards woke up to the fact most of their farming was devoted to growing marijuana?

Would you believe that the prison staff of doctors took part in hypnotizing an inmate only to become very concerned and quickly awaken him for fear he'd disclose where \$50,000 was hidden on the outside?

If half of what Dr. Wilson says actually goes on inside this penitentiary is true, the prison staff should certainly be booted out, if not actually locked up! If they are able to smuggle in prostitutes, as indicated in this book, with a good portion of the prison population using the goods, wares, and merchandise until it was worn out and a new one called for, it's putting it very mildly to say there is something radically wrong with the internal security of one of our federal prisons! When several hams disappear from the kitchen and it was so easy to smell them I wonder what the guards would say to the story they were never able to find them? I wonder?

Dr. Wilson handled a number of drug addicts. Perhaps some of these fanciful tales came from them. Like the one about the kitchen crew that "on one New Year's brewed powerful bootleg, and with this on their palates turned into whirling dervishes and cavorted through the storeroom and the empty mess hall in a mad revel." If Dr. Wilson saw this, alright, but, if he didn't and gets his information from convicts, as I'm inclined to believe, then he's

been taken in. They've made a chump of him. In this orgy he reports: "Solo dancers performing on barrels and tables, wearing prodigious numbers as towels and dishclothes as costumes and disporting themselves as nude nymphs," just couldn't happen, in my humble opinion, in any regulated prison.

We are asked to believe the episode of the convicts filing past some of the doctors and a dozen guards and leaving a huddled body which had been stabbed by six men. We are told: "This was violence right under our noses and in the presence of a dozen guards." It's difficult to believe a search for the knife would be useless. I wonder what the warden would have to say about this?

There is the tale about "Willie" who was always falling asleep. We are told he fell asleep on the rods of a freight and wound up in Kansas City. He didn't want to escape, we are told, but was missing again the next day?

How can Dr. Wilson keep running into ex-inmates as he tells? He says: "For several years after I left the penitentiary I had occasional word of my men. It usually came through anonymous emissaries of the vast brotherhood who had been charged with news and messages to deliver when they passed through my city. They would be waiting for me in the foyer of my office building downtown when I alighted from the elevator, or at my car on the campus. I have met them on the streets of Chicago and New York. They were diffident men who doffed their hats quickly at sight of me, and sidled up noiselessly. "Hi, Doc . . ." The foregoing is especially difficult for me. A member of a state parole board informs me he has never encountered an ex-inmate on the streets throughout the state although he meets a large percentage of the state convict population in state institutions regularly.

The author makes some fantastic statements that I think cannot be proved, for instance: "Only three percent of all crimes known to police are serious; ninety seven percent are minor offenses." According to Uniform Crime Reports of the FBI, Table 46, 1949, No. 2:—more than 33% of the crimes reported that year were in Part I Class—felonies.

"You are a criminal only if you are caught!" "The average citizen in one American city, considering himself entirely law-abiding, would unwittingly break sufficient laws to spend over 1,825 years in prison, and to accumulate fines in excess of \$2,085,919.55, *within one year of orderly living.*"

If this book had been published as fiction many persons would call it interesting reading, but in many instances fact seems to have been replaced by fancy. If the reader is able to separate the two he might find something of interest in it.

Chicago Police Department

CAPTAIN JOHN I. HOWE

LAW OF JUVENILE DELINQUENCY: THE LAWS OF FORTY-EIGHT STATES (Legal Almanac Series No. 22). By *Frederick B. Sussmann*. Oceana Publications, New York, 1950. Pp. 96. \$2.00.

This little book deserves a hearty welcome from a wide circle of readers. The author is a member of the New York and Federal Bars. He has written in strictly non-technical language.

There are eight short chapters on: The Juvenile Court—Origin, Purposes, and Development; Who is a Juvenile Delinquent; The Court and its Jurisdiction; The nature of the Proceeding; Detention of Children; Disposition of Children's Cases; The Staff of the Court; State Assistance and Participation in Juvenile Court Work.

In addition there are two appendices. One of these includes a state by state Summary of the Juvenile Court and its Delinquency Jurisdiction; the other, the Standard Juvenile Court Act. The latter is the 1949 Revision as published by the National Probation and Parole Association. It was prepared by the Association, and is reprinted here by permission of the Association, but the footnotes, comments and appendices as originally published with the Act are omitted.

In Chapter II (Who is a Delinquent?) is a chart in two parts, the first of which is a "List of Acts or Conditions Included in Delinquency Definitions or Descriptions" tabulated in decreasing order of frequency. The second part includes "Delinquency Definitions or Descriptions for each State, by References to Numbered items" in the first part.

In Chapter IV (The Nature of the Proceeding) is a two-page chart showing by states the "Juvenile Court Law Provisions Enforcing the Non-Criminal Nature of the Juvenile Court Proceedings." The facts are shown under three headings: "Adjudication not deemed conviction of crime"; "Adjudication not to carry disabilities or disqualifications"; and "Evidence or disposition not admissible in other proceedings."

Numerous footnotes and an index which supplements the citations in the charts mentioned above add considerably to the usability of the book. The quality of this work can not be better stated than it has been done by Mr. Sol Rubin, Legal Consultant to the National Probation and Parole Association in his foreword: "It is valuable as a general view of the law for those of lay interest in juvenile delinquency or those in adjoining legal or social work activity as well as for the review of those in the field. It is of interest to those who seek to improve the law in their own states. As a stock-taking, it is a contribution to the continued growth of its field of law. Brief as it is, in this book Mr. Sussmann has provided the data to meet these purposes in lucid, excellent fashion."

Northwestern University

ROBERT H. GAULT

THE PSYCHOLOGY OF DEVELOPMENT AND PERSONAL ADJUSTMENT. By *John E. Anderson*. Henry Holt, New York City, 1950. Pp. v+720. \$3.25.

This book was written to serve as a text in a course in human development and adjustment in the University of Minnesota. In its first portion the volume includes rather extensive discussions of motivation, attitude, emotion, interest and social behavior. In the second part Dr. Anderson emphasizes processes of meeting problems of personal adjustment.

It is because of these features that the book is exceedingly useful to all—teachers and others—who have to think and act in relation to waywardness and juvenile delinquency.

The author has selected interesting material for his book and he usually exhibits the rare art of writing about it simply and interestingly.

Northwestern University

ROBERT H. GAULT