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## Police Science Book Reviews

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## POLICE SCIENCE BOOK REVIEWS

Edited by  
Ralph F. Turner\*

THE LAW OF SEARCH AND SEIZURE. By *Ernest W. Machen, Jr.* Institute of Government, University of North Carolina, Chapel Hill. 1950. Pp. 158. \$1.50.

THE LAW OF ARREST. By *Ernest W. Machen, Jr.* Institute of Government, University of North Carolina, Chapel Hill. 1950. Pp. 151. \$1.50.

The late Justice Frank Murphy in *Wolf v. Colorado*, 338 U.S. 25,44 (1948), in dissenting from the holding of the United States Supreme Court that evidence obtained in violation of the Fourteenth Amendment by state officers is admissible in a state trial, alluded to police recruit and in-service training programs affording instruction in the law of search and seizure in the states which had adopted the so-called federal exclusionary rule of evidence. From this he argued the efficacy of the rule as a sanction against lawless enforcement of the law. In Mr. Machen's excellent guidebooks for North Carolina law enforcing officers we have the gratifying and somewhat surprising phenomenon of first-rate instruction on the search and seizure and arrest rules being given in a state which has declined to follow the federal lead. What is even more gratifying is the author's warm support of the views of Mr. Justice Frankfurter as expressed in his dissents in the significant *Harris* and *Rabinowitz* cases with reference to the permissible scope of search incident to arrest. While most of the law review pundits accept these views as cant, it bodes well for our society to find them eloquently presented in a practical handbook for the police. Of course it would be visionary if not possibly dangerous to try to convert police trainees into civil libertarians by such a course. Yet if the arrest and search and seizure restrictions are indispensable for preserving the type of society we think we want, it is far better that they be taught to the persons whose conduct they regulate in the spirit in which they were created rather than as obstacles maliciously placed in the path of efficient police practice by misguided and "unrealistic" judges and legislatures.

Let it not be thought from the foregoing that Mr. Machen's books are theoretical flights into the realm of policy. As guidebooks for law enforcement personnel they seem eminently practical. Their language is clear and forceful without technical quibbling. On the other hand, there has been no attempt to gloss over difficulties or create an impression of certainty in areas of the field which are notoriously unsettled, e.g. right of police to detain for questioning, state-federal "standing agreements" for cooperation, arrest without a warrant based on hearsay, and extent of search without prior judicial authorization. Illustrations are furnished abundantly not only from decided cases but by means of hypothetical fact situations conjured up by the author to show how a rule works under present-day conditions. Mr. Machen also suggests certain courses of action for the police to follow in situations governed by no crystalized rule. This is a definite gain over the sterile "horn-book" approach with its black-letter rules which seldom apply to the "exceptional" case at hand.

Unfortunately the emphasis is mainly on the North Carolina cases and statute law with a sprinkling of the leading federal cases. In form the Machen books are similar to the treatment of the Wisconsin arrest, search and seizure:

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pattern by Dax and Tibbs, with however a somewhat more critical approach to its subject. In fine, these two short booklets are worthwhile and profitable reading not only by police trainees for whose benefit they were written, but by anyone interested in the problem of how the pronouncements of the Supreme Court in search and seizure cases can be made manifest in the lower echelons of law enforcement work where contact between government and citizenry first occurs.

Ohio State University

WARREN P. HILL

**SPECIFIC PROCEDURES FOR INVESTIGATIONS IN GENERAL.** By *Charles J. Frary* and *Paul F. Sullivan*. Security Counsellors, Baltimore, Md., December 1950.

Messrs. Frary and Sullivan, the co-authors of this book, are now actively engaged in the training of investigators and the setting up of protection for industrial plants and other vital installations, under the trade name of "Security Counsellors." They are of the opinion that "between the crime scene and the court room or between the crime scene and the laboratory" there is a need for training and instruction to arm the investigator with the knowledge necessary to carry a case to a satisfactory conclusion." They have written this volume to be applicable to "Investigations in General," and not solely to plant protection or security training.

As the outline of the chapter headings indicate, the authors have attempted to cover all the factors entering into investigations. The Investigation-The Investigator; Observation and Description; Psychological Factors Involved in Observation; Observation and Descriptions of Individuals; Identification Aids for Witnesses; The Legal Aspects of an Investigation; Crime Scene Procedures; Investigative Note Taking and Investigative Reports; Sources of Information; Informants and Informers; Interrogation and Interviews; Surveillance; and several chapters of a more specific nature, U. S. Treasury Enforcement Agencies; Crimes; General Aspects of Sabotage; Plant Protection and Secret Detection; and Physical Evidence.

The text in many instances is crowded with what appear to be superfluous detail and "asides", which have the ring of the lecturer rather than of the author. This is no doubt due to the fact that much lecture material used by the authors in their particular profession has been incorporated in this book.

The authors have spent considerable time in the instruction of both civilian and military personnel and it appears that this book is the result of their endeavors to turn laymen into adequate investigators; the tenor of the book is geared to this purpose. There is little new or original material to be found in this text which will be of interest to the average practicing investigator other than to provide him with lecture material in the event that he is engaged in the instruction of laymen in the art of investigation.

The book is mimeographed and bound between medium hard paper covers, which facts do not recommend its readability, bulk, or durability. Reproduction of the illustrations is extremely poor.

New York State Police

WILLIAM E. KIRWAN

**THE SECRETS OF DOUBLE ACTION SHOOTING.** By *Bob Nichols*. G. P. Putnam's Sons, New York. 1950. Pp. 152. \$3.00.

In the course of the 152 pages that make up this book, the author sets out the arguments in favor of double action shooting, particularly as applied to police officers or to members of the armed forces. In addition, a method of

double action shooting developed by the author by combining several previous methods is presented.

If you are interested only in discovering the arguments in favor of double action shooting and learning the method proposed by the author, you will have to do a great deal more reading than should be necessary. This material could be readily presented in not over ten pages. The remainder of the book is made up of considerable sermonizing on the advantages of the Smith and Wesson action that preceded their present short actions, the lack of practicability of single action shooting, and considerable material relative to the author's opinion that the old time gun fighters were really some boys with a revolver.

This book appears to be made up of a series of articles originally written for magazine publication. As a result, it suffers greatly from repetition. There is no real continuity to the publication.

Many people interested in guns like to re-argue the sort of material presented in this publication, and so this book would be of interest to them. However, if you are looking for a concise practical manual presenting an effective method of double action shooting, this is not your book. If you want to take the time, you can dig out the material you would need to develop the particular method that the author recommends. It might be a rather tiresome chore as it is quite obscured by much folklore relative to pistol shooting.

So far as I could determine, there is only one place in the publication where the author actually gives scores shot with his particular method. While he is high in his praise and certainly deservedly so of the remarkable double action shooting of Ed McGivern he doesn't advocate McGivern's method, except for his trigger pull, but he does refer to just how well McGivern can shoot. Aside from a few scores that are hidden among a mass of material you have to take the author's word for it that this is a good way to shoot.

I wouldn't argue with the author about the value of double action shooting to a police officer or any one else who is interested in killing somebody quickly. Further, it is entirely possible that the method he presents is a good method. However, I don't like the way it is presented.

Institute of Public Affairs  
State University of Iowa

RICHARD L. HOLCOMB

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FINGERPRINT MECHANICS. By *Walter R. Scott*. Charles C. Thomas, Springfield, Ill. 1951. Pp. 442. \$8.50.

The author states that one of the purposes of this volume is that it might "serve as a comprehensive course of instruction for the student of fingerprints, the investigator, and interested laymen." Lieutenant Scott then sets out in orderly fashion, in carefully planned, successive steps, essential instructions, ably supported by references and the results of his own personal experiences, an excellent course of study in what he has termed "fingerprint mechanics."

The term "fingerprint mechanics" apparently distinguishes that phase of the science of fingerprints usually associated with investigative procedure from that of records.

Beginning with definitions and a basic explanation of the biology of papillary ridges, the text moves smoothly to awaken or stimulate fingerprint consciousness; then to develop simply yet with considerable thoroughness, the many activities involved in the journey from crime scene to court room. The

procedures described include not only powder, iodine, and chemical development, but the use of ultra-violet light and luminescence in fingerprint work, and the compounding of powders, for special as well as routine processing. Cases representative of conditions under which the investigator may be called upon to work are included, as well as a very brief discussion of the preparation of exhibits.

The publisher has again been very helpful in the field of police science in the quality of print and text paper. With the author, he has kept text and illustrations close together for convenient and ready reference.

*Fingerprint Mechanics*, with its questions and answers, may be used for self-instruction as well as a general text for the classroom. It should find hearty acceptance as a handbook or reference volume in a field already too long neglected.

Texas Dept. of  
Public Safety.

GLEN H. McLAUGHLIN

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INTERROGATION. By *Harold Mulbar*. Charles C Thomas, Springfield, Illinois, 1951. Pp. 150. \$4.75.

This book may have been too hastily written or it may be that the author had help from a source not sufficiently well acquainted with the subject. The table of contents indicates that the subject of interrogation is well covered, but the scope of the coverage is quite limited. In fact, a substantial part of the book, in words and illustrations, deals with the history of lie detection. Another part is devoted to "Public Relations." Actually very little attention is paid to the ways and means of interrogation itself, and even that is not well presented.

Some of the advice given by the author is downright illegal! In the discussion of the "friend and enemy" act (on page 23), the author suggests that it is well if one of the actors "pushes the subject around a little." He also recommends that one of the interrogators in the act should warn the suspect that "he had better tell the truth or his partner is liable to cuff him around some more." In making these suggestions the author clearly demonstrates his own need for instruction. Any good interrogator, and certainly any writer of a book on the subject of interrogation, should know that a confession obtained by such methods is worthless as evidence. It is extremely unfortunate that Mulbar's advice of "pushing around" and "cuffing" ever found its way within the covers of a book that students of interrogation may read and accept as authoritative.

The author's lack of knowledge of legal fundamentals is further illustrated (on page 27) when he advocates that the interrogator tell the subject "in the final analysis he will fare much better because of it." This has been construed by higher courts as a promise of immunity which would render the confession inadmissible. The same is true of his suggestion that the interrogator tell the suspect "it is only natural for the court to deal more leniently with a man who tells the truth than one who lies." This is certainly a promise which will invalidate the confession.

Mulbar tells us that no notes should be taken during an interrogation. In so far as this is concerned each case must be judged separately. Very often it is both wise and necessary to make short notes during a questioning. This is too dogmatical a statement for a proper treatment of the subject.

The suggestion in the first paragraph of Page 29 to tell a subject that you

as an interrogator are a "little disappointed" puts the subject on the defensive. It makes an already recalcitrant suspect extremely more difficult to handle.

Mulbar throughout the chapter on "Interrogation of Suspects" continually suggests that you should tell the subject that he is "lying." Why? Your aim is to get a confession. Why not phrase it: "tell the truth," or "get this thing straightened out." Mulbar suggests no positive techniques and methods by which a confession may be obtained but contents himself with vagueness, platitudes and suggestions that promises, coercion and duress are to be preferred.

Mulbar states that in one chapter of eighteen pages he is going to give the reader a "comprehensive" idea of what can and what cannot be introduced in evidence, staying within the law. Is not this claim rather presumptuous considering that Wigmore and many others have written many volumes trying to cover this subject? This chapter implies that if you adhere to the few superficial suggestions presented that is all that is required for competent, admissible testimony and evidence. The truth of the matter is that there are many unmentioned factors that would tend to prevent such admissibility.

Mulbar states that confessions should be rejected only when the circumstances surrounding the confession would make it *unreliable*. I've read numerous Supreme Court decisions on confessions and can't agree to this at all. The common law test of admissibility of confessions is whether the confessions are *Voluntary and Trustworthy*. Recently the United States Supreme Court laid down some new rules. They held in the *Ashcraft* case that the fourteenth amendment required that there be no *Inherent Coercion*. And in the *McNabb* case they set down rules of *Civilized Standards* for federal officers to follow. Nowhere in Mulbar's book does he mention these important cases. Throughout this chapter on "Evidence, Confession and Duress," the treatment is extremely sketchy and misleading from a practical and legal standpoint.

Mulbar makes the statement, on page 66, that a confession obtained by questioning the defendant while he is in custody makes no difference. In the *McNabb* case one of the main reasons for rendering the confession inadmissible was that the defendant had not been taken before a committing magistrate before his confession was obtained. The important issue of the admissibility of a confession while the subject is in custody and before he is taken before a committing magistrate is mentioned nowhere in the book. It certainly should be made clear to student interrogators, as it is one of the most important legal points currently in issue.

Why the chapter on Public Relations? Is this a book on Interrogation? Or Lie Detection? Or is this particular chapter set in for self glorification of the author? One wonders. This chapter hurts lie detection because on Page 138 Mulbar states that he has sent the charts to Keeler for approval. Does he infer that a man many miles away can look at the charts and render an opinion? To indicate that only one man is capable of interpreting charts without actually observing the subject harms lie detection generally.

If possible, this book should be recalled from circulation! It is not only too sketchy and superficial but also too full of misinformation and dangerous advice to be of any value at all.

Captain, Chicago Police Department

JOHN I. HOWE

THEORY OF THE INTERIOR BALLISTICS OF GUNS. By *J. Corner*. John Wiley & Sons, Inc., New York, 1950. Pp. 443. \$8.00.

*The Theory of the Interior Ballistics of Guns* by Jack Corner stands in a class by itself as the only scientifically accurate treatise on the subject which as yet has appeared. This book embodies the best features of the interior ballistics developed by both England and the United States during the last war. Because of the delay in declassifying the American documents Corner confines most of his references to declassified British documents.

Corner is a brilliant English mathematician with a wide research background in physics and chemistry. He worked on the interior ballistics of guns throughout the whole of World War II and continued his research in this field for many years after the war. Undoubtedly he is well qualified to discuss this subject.

The basic principles of interior ballistics are concerned with considerations of the conservation of energy, the equation of motion of the powder gases and of the projectile, and the equation of state of the powder gases. The resulting differential equation for the velocity of the projectile as a function of position is sufficiently complicated that it requires numerical solution.

The important new feature which both the Americans and the English added to interior ballistics during the last war was taking into account the heat transfer from the powder gas to the lining of the bore. In large cannons this heat transfer is relatively unimportant but in small high-powered sporting rifles the amount of energy transferred in the form of heat from the powder gas to the bore may amount to as much as five times the energy used to push the projectile.

Since the application of the general principles of thermochemistry and aerodynamics is not limited to a consideration of conventional weapons, Corner considers mortars, recoilless guns, and tapered bore guns. He devotes considerable time to the thermochemistry and rates of burning of solid propellants.

This book is an absolute must for any scientist interested in the performance of guns. The book is very well written, and the material is presented in as simple form as possible, consistent with scientific accuracy. To the average enforcement officer or identification expert this book will be of little if any value. It is written for the specialist in interior ballistics.

Univ. of Wisconsin

J. O. HIRSCHFELDER

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#### PUBLICATIONS RECEIVED

PROCEEDINGS OF THE AMERICAN ACADEMY OF FORENSIC SCIENCES Vol. 1, March 1-3, 1951. Edited by *Frank R. Dutra, M.D.* and *Prof. Ralph F. Turner*. Edwards Bros., Lansing, Mich. Pages 416. \$8.00.