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## Book Reviews

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validity, the use of depositions taken out of the presence of the defendant has not been authorized, even though defendant's counsel may have been present when the deposition was taken.

**Speedy Trial**—*People v. Benson*, 166 N.E.2d 80 (Ill. 1960). Defendant was convicted of murder. On appeal, he contended that his right to a speedy trial was denied when, without trial or bail, more than 4 months elapsed from the date of his commitment due to the granting of a continuance requested by the prosecution for the purpose of inquiring into his sanity. The Supreme Court reversed on other grounds, but stated that the delay was permissible and did not infringe upon defendant's constitutional right to a speedy trial or violate the Illinois statute implementing this right and that the trial court did not abuse its discretion in granting the state's motion for a continuance in view of the unchallenged allegation that defendant had been confined in a mental

institution within the recent past and that it was therefore necessary to determine whether he had the mental capacity to stand a trial.

**Speedy Trial**—*United States v. Dillon*, 183 F. Supp. 541 (S.D.N.Y. 1960). Indictments against the defendants were returned June 12, 1952, but the trial did not begin until April 13, 1960, the eight year delay being due generally to postponements requested by the government. Defendants moved to dismiss the indictments claiming violation of their rights to a speedy trial under the sixth amendment to the federal constitution. The District Court, granting defendants' motion, held that defendants did not have a duty to press for their own prosecution under penalty of waiving right to a speedy trial and that the absence of an adequate excuse for the unreasonable delay on the part of the prosecution caused a deprivation of defendants' rights to a speedy trial, tended to deprive them of a fair trial, and prejudiced them in meeting charges against them.

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## BOOK REVIEWS

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### SACCO-VANZETTI: THE MURDER AND THE MYTH.

By *Robert H. Montgomery*. Devin-Adair, 1960, 370 pp., \$5.00.

Twenty-nine years ago, Nicola Sacco and Bartolomeo Vanzetti were charged and convicted by a Massachusetts court of the uninspiring crime of killing a guard during a payroll robbery. Both defendants were draft dodgers, anarchists and foreigners, a combination not looked upon with favor in Massachusetts in 1921.

The case became an object of tremendous international interest and concern because of the contention, particularly by left-wing groups, that the defendants did not receive a fair trial. Both before and after the trial, Sacco and Vanzetti's many champions waged a most determined and unparalleled campaign of exoneration. Although both defendants were finally executed in 1927, the debate as to their guilt or innocence and the fairness of their treatment still rages. Indeed, most recently the whole matter was reviewed in a much criticized two-part television show. This book, which seeks to justify the conviction, is but another addition to the ever-mounting lore about the controversy.

Montgomery's most telling points are his

discussions of the defendants' lying and the significance of certain rare bullets found upon Sacco at the time of his arrest. Thus, the defendants told numerous canards at the time they were arrested; these untruths have always been cited by their antagonists as clear and convincing evidence of consciousness of guilt. The Sacco-Vanzetti protagonists, on the other hand, have always claimed the defendants' fabrications were clearly not evidence of guilt because they were made solely to avoid exposure of their surreptitious anarchy activities.

Montgomery makes the point that the defendants' untruths to the police were neither necessary nor appropriate to conceal their political machinations and the lies in question could only be designed to conceal guilt of the robbery-murder. Montgomery also persuasively argues that the defendants' radical leanings, the alleged cause for their receiving an unfair trial, were in fact interjected into the case by the defendants themselves to show they lied for some reason other than consciousness of guilt; according to Montgomery, the prosecution never initiated the subject and therefore cannot be charged with thereby seeking to prejudice the defendants.

Montgomery's analysis of the significance of the bullets found on Sacco also supports his thesis of the defendants' guilt. The murdered man was slain by a rare and obsolete bullet—a .32 caliber steel jacketed Winchester—and such bullets were found in Sacco's possession at the time he was arrested. (One of Sacco's many lies to the police concerned the facts surrounding his acquiring these bullets.) The likelihood of this circumstance being coincidental exists but certainly is not the greater probability. And, as Montgomery points out, the surviving jurors, when interviewed years later, stated that the bullets were the most damning evidence in the case.

Other facts cited by Montgomery as sustaining the conviction are (1) Vanzetti's possession of a gun similar in make to that customarily carried by the murdered man; (2) the testimony of the state's eye witnesses; and (3) the fact that Vanzetti had previously been convicted of a similar crime, thereby destroying the image that Vanzetti was simply a political malcontent. Montgomery also makes elaborate analysis of the defendants' evidence, arguing that their alibis were imperfect in point of time and place.

A great portion of the book is devoted to a most critical discussion of the post-trial efforts of the defense to obtain a new trial. Montgomery charges that after the trial the defense engaged in acts of sharp practice, blackmail, illegal arrests, manufactured evidence, etc., to try and make witnesses recant, to establish that some third party committed the crime, and to impugn the court and prosecution. He reviews all these efforts and claims, arguing that nothing subsequent to the trial even slightly detracts from the defendants' guilt. Montgomery also specifically defends the many charges of misconduct that have been made through the years against the court and prosecution; indeed, a whole chapter is devoted to the much discussed alleged prejudice of the trial judge (who under any view talked too much).

It is most difficult to accurately appraise Montgomery's analysis of the case and his conclusions therein without consulting the entire record as would an appellate court. This difficulty is heightened here because Montgomery is so steeped in his material that he at times is unclear and his writing obscure.

Throughout the book Montgomery also continuously chastises Justice Frankfurter, the leading advocate for the defense. Frankfurter first publicly became involved in the matter when

he became embroiled in debate about the conviction with the late John Henry Wigmore, then Dean of Northwestern University's Law School. Montgomery accuses Frankfurter of being "always suspicious of what goes on in a police station" and even devotes a full chapter to personal correspondence between himself and the Justice, pursued by Montgomery in connection with the conduct of Vanzetti's first trial and conviction. It would be most interesting to read a rebuttal to Montgomery by Frankfurter.

But whether Justice Frankfurter answers Montgomery or not, we can be sure somebody will and the Sacco-Vanzetti controversy will go on and on and on.

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WAR AND DELINQUENCY. By *Walter A. Lunden*. United Nations: Dept. of Economic and Social Affairs, 1960, 70 pp.

Professor Lunden in his monograph surveys the available statistics relating to delinquency and war for thirteen nations: eleven European nations, the United States, and Japan. The survey covers the period from 1910 to 1958. The major point of emphasis is the influence of the two world wars upon delinquency.

The general conclusion one draws from the available data is that delinquency increases during and immediately following a war, followed by a rapid decrease after a post-war adjustment has been effected. Demoralization of youth, broken homes, absence of parental figures, low moral tone, and increased mobility are mentioned as aspects of a war-torn society which are related to the increase in delinquency during a war.

The rate of increase of delinquency in many of the countries covered by this study was higher for females than for males, and higher for youths in the 14-17 age category than for those in the 18-21 age category. Sweden experienced an increase in delinquency from 1941-45 even though Sweden was a neutral nation during World War II. Whatever social forces produced the increase in delinquency in Europe were present in Sweden as well as in those nations actively engaged in a war effort. Did Sweden experience demoralization, broken homes, and absent parents, or is the increase in delinquency due to factors other than war?

The pattern of delinquency in Japan varied from that found in European nations in that the

rate of delinquency increased only slightly during the war and then increased sharply during the period of occupation from 1945-50. Lunden does not attempt to explain this variation in trends, nor does he explain the relationship between war and delinquency in general. He is content to allow the charts to speak for themselves. This may be an advantage when one considers the many contradictory theories of delinquency which could be put forth to explain such empirical data. He does state in his introduction that he rejects a psychological explanation of delinquency. Lunden regards the value system of a society as a crucial element in the explanation of delinquent behavior. He suggests that concepts such as anomie and Sensate Culture are helpful in understanding the delinquent.

Although this reviewer shares Professor Lunden's concern for social structure as an important point of focus when discussing criminals and delinquents, it must be noted that the process by which war creates delinquency remains to be spelled out. According to Durkheim's original presentation of the theory of anomic suicide, suicide decreases during war and increases during a period of depression. This is due to the fact that there is more social cohesiveness during a war and less during a period of economic depression. If warfare creates social solidarity, and certainly a war effort unites people around a common national purpose and against a common enemy, then we should expect on the basis of the theory of anomie a decrease in the rate of delinquency rather than an increase during a war.

In this regard it can also be noted that changes in social solidarity and value systems are not isolated from changes in the psychological attributes of a population. Durkheim's work on anomie supports the notion that groups and individuals are interdependent, and therefore there is no need to place the psychological explanation of delinquency in conflict with the sociological, since each must complement the other. It is possible to interpret such data as are here presented within a psychological framework. However, Lunden would regard it as a serious defect if such a psychological interpretation were made without proper attention being paid to those changes occurring in the social structure, and on this point the reviewer is in complete agreement.

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THE COOL WORLD. By Warren Miller. Boston: Little, Brown & Co., 1959, 241 pp.

Language is a key to understanding in that it is both indicative and productive of patterns of action. A novelist's capturing of an idiom is therefore an invaluable adjunct to the more systematic inquires of social scientists. It is in this light that Warren Miller's *COOL WORLD* can be considered an important contribution to the study of juvenile delinquency. This despite the fact that Miller introduces little that is novel in regard to the causes of delinquency or the solution of the problem. What theory there is ranges from conventional speculation to rather superficial melodrama. The delinquent hero of *COOL WORLD* is but another product of slum life with its typical American concomitants: disorganized family, ethnic tension and impoverished cultural horizon. The slum delinquent is thoroughly familiar to the student of social life. However, while Miller does not add to our knowledge of the slum's well-known capacity to produce delinquents, he at least does little violence to the current state of knowledge.

Miller's *forté* lies in another direction. He has managed to intrude himself into what has come to be known as the "delinquent subculture" in a measure sufficient so as to enable him to "dig" its nuances, its rhythms, and, most important, its quality of desperate alienation. Miller writes of the inhabitants of a cool world for whom action as embodied in the "rumble" or the guerilla foray is the ultimate consequence of an inability to engage in sensible and sustained discourse. It is a world in which a cool idiom has developed—a manner of speech calculated to present a front of assuredness and manly self-confidence, a vocabulary loaded with the jazz motifs of trouble and despair. It is a self-contained world in which the horizon of attainment rarely transcends the boundaries of a city block. It is in this cool world and in its marvelously appropriate language that we find the pathetically unsuccessful attempts to disguise the understandable and human attributes of provinciality, fear, and confusion with a veneer of slick sophistication and callous cosmopolitanism. Throughout, Miller makes use of an implicit dialectic, counterposing excitement with ennui, callous sophistication with youthful naivete, savage disregard for the rights of others with compassion and concern for the fate of companions.

If there is a shortcoming in this penetrating novel, it may perhaps be found in the melodramatic

manner in which Miller chooses to conclude it. It is not that the conclusion with its flowery intimations of reform and rehabilitation is unbelievable or unrealistic. Melodrama is frequently true to life. Rather, it is that within the structure of the *Cool World*, as created by Miller, there is neither a logical nor an artistic basis for the delinquent's reformation. The power of the novel is that it distills qualities, in this case meanness, hopelessness, and savagery, from a real world in which they are inevitably tempered and obscured by counterforces. It is in its ability to depart from reality in order to enlighten it that the artistic creation goes beyond the careful and hopefully faithful replicas of reality described by empirical surveys.

In this useful distortion of Negro slum life presented by Miller there can be no reform or rehabilitation. There can be only the junk-heap of addiction, the endless drudgery of casual physical labor, a life of petty crime interspersed with periodic prison sentences, or a culmination in violent death. To introduce, in the manner of optimistic afterthought, the forces of hope, improvement and betterment is to soften the caricature and to balk at its implications.

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**MOSTLY MURDER—AUTOBIOGRAPHY OF SIR SIDNEY SMITH.** New York: David McKay Co., 1959; 318 pp.

This autobiography is the intensely personal narrative of "fifty years in the study of Medicine and thirty years associated with crime and criminals" of an individual who is beyond any question the foremost living medicolegal authority in the world.

In the foreword written by Erle Stanley Gardner, emphasis is laid on what this reviewer considers to be the first precept of the physician medicolegal investigator—"The good medical expert should serve but one client and that client should be the truth." Dr. Smith repeats the same on page fifty-six. "The function of the Law, however, is to establish truth. Any expert witness, whether called by the defence or by the prosecution is acting as an agent of the Law."

The account begins with Dr. Smith's birth in New Zealand and tells of his desire to study medicine, which led him to Edinburgh at the age of twenty-five. He then details his experi-

ences in Egypt, where he was in charge of the medicolegal section attached to the Ministry of Justice in Cairo from 1917 to 1928, and moves on to his return to Edinburgh where he assumed the Chair of Forensic Medicine and ultimately became Dean of Medicine of the school where he is still emeritus professor of Forensic Medicine. Throughout its course, the book is liberally laced with fascinating medicolegal case histories, many of which, like the Ruxton Case, the Strangling of Chrissie Gall, and the Sydney Shark case (Australia), are well known to most devotees of English medicolegal lore.

Dr. Smith's comments on his several appearances as a witness opposing Sir Bernard Spilsburg are enlightening in the extreme. His studies on ballistics during the recent World War and his remarks on the participation of some of the German medical authorities in German war crimes bring to a close the brilliant narrative.

Dr. Smith's account of his training at Edinburgh, where among others he studied under Dr. Joseph Bell, are priceless. Dr. Bell was the prototype of and the inspiration for Sherlock Holmes, since Arthur C. Doyle worked as an out-patient clerk in the Royal Infirmary of Edinburgh where for some years Bell astounded patients and visitors alike by his extraordinary deductions concerning their activities and habits based upon his keen observation of their clothing and body characteristics.

Perhaps the greatest single scientific contribution of Dr. Smith's life is recounted in connection with his early work in Egypt in the case known as the Murder of the Sirdar, where he demonstrated the usefulness of the study of the land and groove markings on bullets and firing pin and block markings on cartridge cases in establishing that a given bullet was fired from a certain rifle. The case was published in the *British Medical Journal* in January, 1926, a scant month before Calvin Goddard published his own independent but almost identical conclusions in the United States in the *Military Surgeon*.

The book is excellently illustrated and the text is thoroughly readable so that it becomes not only a must for every medical examiner and crime investigator but also a fascinating series of detective stories equalled by none of the fictitious accounts available to the reader today.

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THE PSYCHOLOGY OF CRIME. By *David Abrahamson, M.D.* New York: Columbia University Press, 1960, xii, 358 pp., \$6.00.

The author states in his Preface that one reason for writing a new text on criminology (his first book, *CRIME AND THE HUMAN MIND*, was published in 1944) is the fact that "we have experienced deep-seated changes in our society." Therefore, the author believes that consideration should be given "to the many sociological aspects" concerning crime, and his book "undertakes the task of studying the basic factors that are instrumental in bringing about criminal behavior and criminal careers."

Of the fourteen chapters, the first twelve are studies of basic factors, theories and types of crimes and offenders. Uneven in length, they seem to be uneven also in depth of discussion and sources of information. For instance, the chapter on "Psychiatric-Psychological Examination of the Offender" is adequately, if not excellently, covered. Likewise the following chapter on "Criminal Law and Psychiatry" constitutes an ardent plea for progressive legislation, primarily discussing the famous *M'Naghten* and *Durham* cases and their implications for modern penology.

In some of the other chapters, however, the author apparently mixes his roles as writer, theorist, and practitioner. While he is a psychiatrist, he seems to crusade for the sociologist (the jacket states that he is Visiting Professor of Sociology in the New School for Social Research in New York). Thus he gives honorable mention to some sociologists, such as Sutherland, Sellin, Tappan, and McCormick. However, Sutherland, Tappan, and McCormick are not listed in the all-too-select bibliography, nor is their thinking reflected anywhere in the book. The same thing has happened to the author's own profession. Although Benjamin Karpman is mentioned in the introductory chapter and once quoted briefly in the text, Dr. Abrahamson seems to ignore completely Karpman's invaluable contributions, particularly in the field of the paraphilias. Nowhere is Karpman and his book, *THE SEXUAL OFFENDER AND HIS OFFENSES*, mentioned in the author's chapter on "The Sex Offender." Dr. Abrahamson also acknowledges Freud's contributions to general psychopathology and the better understanding (through Freud) of the mind of the criminal and his act. However, Freud's *LEHRE* is mentioned rarely throughout the text, and in one case the author even implies that some of Freud's concepts

were "misinterpreted" (but does not state by whom). One has the feeling that the author invokes Freud in much the same manner as some devout church members cite the Bible, since little of Freud's spirit seems to have entered the book as a whole.

It seems to this reviewer that one of the author's difficulties is his addressing himself to too wide an audience—to "students in the field of social pathology and criminal behavior, as well as lawyers, psychiatrists, educators, judges, psychiatric social workers, and personnel of law enforcement agencies." And he adds, "In the last analysis, however, the purpose of any book is that it be meaningful and useful to people in all walks of life." In this reviewer's opinion, such a book is an impossibility. A text designed to give specific information to psychiatrists and lawyers cannot be "meaningful to people of all walks of life" in view of the different levels of education, understanding, and aspiration. Thus many readers on professional levels may not agree with the author's oversimplification of the causes of juvenile delinquency: "... a combination of factors is responsible for the creation and sprouting of juvenile delinquency. There are those within the individual himself and those within his environment but perhaps most important of all is the way a person reacts to the elements in his environment." (p. 89) Many psychiatrists and psychologists will take issue with the author's oversimplification in making a distinction between the offender and the emotionally disturbed nonoffender: "We can see the difference in the family backgrounds when we recall that the neurotic or psychotic person most often has been raised in an environment where although there was a family tension, there were also ethical standards which brought about some development of the superego. In fact, such a person tends to have so strongly a developed superego structure that it leads him into a suppressive, rather than an uninhibited, way of life. This is one reason he may become neurotic, psychotic or manifest psychosomatic disorders rather than exhibit antisocial or criminal behavior." (p. 105)

The aforementioned confusion of the writer's roles is, perhaps, best indicated by the fact that the author, a psychiatrist, devotes only two chapters to the treatment of the offender and then in such a sketchy manner that a question can be raised as to whom the chapters should be "meaningful." To the psychiatrist or to "people in all