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## Book Reviews

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### Recommended Citation

Book Reviews, 60 J. Crim. L. Criminology & Police Sci. 380 (1969)

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refused to hold the breach-of-the-peace ordinance unconstitutional for vagueness. The conviction was reversed, however, on the grounds that there was insufficient evidence to prove the misconduct of the individual defendants. Mere evidence of wrongful conduct by the defendants as a group cannot support the convictions of the individual members of that group.

New Jersey Upholds State Gun Control Law—*Burton v. Sills*, 248 A.2d 521 (N.J. 1968). In *Burton* the plaintiffs, gun dealers and individuals associated with sportsmen's clubs, sought to have New Jersey's recently enacted gun control law declared unconstitutional and to enjoin its enforcement. The statute prohibits the sale of firearms to those without an identification card issued by the local police. This card shall not be issued to those in certain groups, including minors under eighteen, convicted criminals, mental defectives, addicts, etc. It also provides that such a permit not be issued to any person where the issuance would not be in the interest of the public health, safety or welfare. The lower courts upheld the statute against the plaintiffs' charges that it delegated broad powers without sufficient legislative direction or specification and that it was basically unconstitutional.

The Supreme Court of New Jersey affirmed. The court passed quickly over the unlawful delegation of powers argument, noting the statutory provisions providing for an early determination by an easy appeal to the courts and commenting that the statutory terms are under-

standable and comparable to those used in many other New Jersey statutes.

The plaintiffs' first assertion of unconstitutionality was that the statute failed in its alleged purpose and therefore must "fall under the weight of the private rights it infringes upon". The court, however, refused to consider the wisdom of the legislative judgment and passed on to plaintiffs' contention that the statute infringes the Second Amendment right of the people to bear arms. The plaintiffs' further argued that the Second Amendment will be applied to the states under the Fourteenth Amendment. The New Jersey court found it unnecessary to consider this last assertion as it concluded that the statute did not impair the maintenance of the State's active, organized militia and found that it was this impairment, not the right of the private individual, to which the Second Amendment was addressed to.

In addition the plaintiffs' claimed that the statutory requirements were excessively onerous and that the disclosure requirements violated the privilege against self-incrimination. The court found that this last argument, based on *Haynes v. United States*, 390 U.S. 85 (1968), was inapplicable because in *Haynes* the disclosure provisions were directed at a "highly selective group inherently suspect of criminal activities" while that was not the case in the New Jersey gun control statute. Finally, the court found the inconvenience to the plaintiffs in complying with the requirements of the statute clearly outweighed by the state's paramount interest in gun control.

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THE CLINICAL EVALUATION OF THE DANGEROUSNESS OF THE MENTALLY ILL. Compiled and Edited by *Jonas R. Rappoport, M.D.* Charles C Thomas, Springfield, Illinois, 1967. Pp. xviii, 118. \$6.50.

This book is essentially a transcription of a panel discussion on this subject at the annual meeting of the American Psychiatric Association in May, 1965. There are also included some additional and valuable contributions, not the least of which is a review of the psychiatric literature on this subject. It is of definite medical interest, although quite loaded with the usual pat Freudian interpretations regarding cause and motivation. This reviewer believes the most important information in this book for the police officer is that, as of this moment, psychiatrists cannot predict the potential danger-

ousness of most individuals. Furthermore, he cannot do this any better than, and often not as well as, an experienced police officer or judge. The physicians try, and they are genuinely concerned, but there are too many gaps in their knowledge for their own complacency. Some things they do know, and in these areas their experience is helpful, but, after all, as with a race horse, it is past performance that determines the odds. If you get it for your police library, do not expect as much as might be suggested by the title.

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