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Book Reviews

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B O O K R E V I E W S

ACQUITTED OF MURDER. By William Seagle. Chicago: Henry Regnery Company, 1958, 257 pages. Price: \$5.00.

Mr. Seagle's latest book deals with a crucial problem of criminal law—protection of the rights of accused individuals as counter-balanced with protection of the public by removing the freedom of the guilty. In seven illustrative murder cases, the author attempts to substantiate Jeremy Bentham's famous statement, "To acquit a criminal is to commit by his hands all the offenses of which he is afterwards guilty."

The author contends that the cases of unjust acquittal far outweigh the cases of unjust conviction. Generally, it is maintained, the causes of inefficient criminal law administration are: abuse of the right of appeal, technicalities that defeat convictions, and the low estate of the American criminal bar. Mr. Seagle is critical of many facets of criminal proceedings, among them: exclusion of illegally obtained evidence (*e. g.*, *wire tapping*), short delays in arraignment which call for reversals of convictions, expansion of the jurisdictional concept of the writ of habeas corpus, and the Durham test of insanity. The author's conclusions are in direct refutation of Judge Frank's *Not Guilty*, which adhered to the principle, "better to free ten guilty men than convict one innocent person."

Acquitted of Murder is not written for the legal scholar. It suffers from the inevitable defect of all books of its kind in that bold and comprehensive conclusions are drawn from a few isolated cases. On the other hand, the reviewed cases are both interesting and shocking and the concluding chapter, entitled Post-Mortem, strikes a poignant blow at recent United States Supreme Court decisions and should receive a chorus of "amens" from prosecutors, investigators, and the general reader, should he be of that philosophy. De Quincey characterized murder as a fine art. Mr. Seagle would characterize getting away with murder as a legal rather than a fine art.

WILLIAM A. STRUTZ.

THE DEFENDANT'S RIGHTS. By David Fellman. New York: Rinehart & Company, Inc., 1958, 356 pages. Price: \$5.00.

This book is not a legal treatise. To quote the author, a professor of political science at the University of Wisconsin, "it was not written for professional people, but rather for lay readers." But neither is it the compendium of over generalizations which is sometimes the product of a layman's efforts to state the law to non-lawyers. The book is obviously based on intensive research; it is extensively footnoted to cases, statutes, treatises, law reviews, etc.

The greater part of the book is devoted to an investigation of the position of the criminal defendant in the United States federal courts. In somewhat less detail, the author points out the variances between federal and state law. Here are considered the defendant's rights *re* arrest, preliminary examination, bail, notice, fair hearing (including speedy, public trial before an unbiased judge, mob domination, confrontation, the presumption of innocence, etc.), the writ of habeas corpus, jury trial, counsel, searches and seizures, self-incrimination, double jeopardy, and modes of punishment.

The author then turns to what he calls "quasi-defendants": persons before loyalty boards and congressional investigating committees, aliens seeking entrance, deportees, and persons seeking passports. His analysis in these controversial areas are much more critical, but they are presented in a sober manner and are again based on obviously sound research. They demonstrate a clear insight.

This book should be read by the layman. It is a scholarly but readable work. It should impart an informed appreciation of our criminal procedure, in which is found so much of our basic philosophy of government. For the attorney, the book is a good review of criminal procedure. It could well be used as a basic reference volume and source of leading citations.

PEDAR C. WOLD.

LAWYER'S MEDICAL CYCLOPEDIA OF PERSONAL INJURIES AND ALLIED SPECIALTIES. Co-editors: Charles J. Frankel, J. W. Holloway, Jr., Paul E. McMaster, Kenneth R. Redden. Indianapolis: Allen Smith Co., 1959, 662 pages. Price: \$24.50. Volume I.

Volume I of this six volume work presents a comprehensive and exhaustive coverage of the field of forensic medicine. Within its

pages is the combined knowledge and experience of an outstanding array of thirty-five of the United State's most renowned doctors and lawyers, who collaborated with the co-editors in presenting this detailed and timely study.

The eight chapters cover the medical expert, rehabilitation, fractures and dislocations, the intervertebral disc, whiplash injuries of the neck, general anatomy and the medical-patient relationship. Several of the chapters deal with trial techniques which have been supplemented by sample direct and cross-examination questions prepared by leading attorneys.

The book abounds with medical-legal data, diagrams and forms—yet it contains a great deal of elementary and basic information. It is profusely illustrated with photographs, drawings and charts, each of which are clear and well keyed to the text. Practical annotated forms are set forth which provide the attorney with a comprehensive workable set of legal forms in the doctor-patient area. The volume has a complete index which expedites the location of desired material. A thirty-five page glossary at the end of the book supplements explanations of medical terminology made in the text.

In this book the attorney is told what medical evidence to get and how to get it; thus the lawyer gains an insight on the evaluation of that evidence and the use of it in both prosecution and defense.

The exhaustive treatment of the material reaches far beyond the scope of most publications in the medico-legal field; yet it is not too abstruse for the attorney with a general practice.

ROBERT K. SEVERSON.