



1957

## Book Review

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## BOOK REVIEW

NOT GUILTY. By Judge Jerome Frank and Barbara Frank, New Haven, Connecticut: Doubleday & Co., Inc., 1957. 249 Pages. Price \$3.75.

"Not Guilty" dramatically presents the story of thirty-six cases in which innocent men were convicted of crimes and sent to prison. These absorbing accounts of misapplied justice range from the case, made famous by the movie "Northside 777", where a young Chicagoan spent twelve years in Joliet for another's murder, to a reformed dope peddler who served time because he looked amazingly like the real culprit.

The authors, a late United States Circuit Court Judge and his daughter, state their purpose, which is to present ". . . not merely an academic problem or one for lawyers only. It is an intensely human problem that should be everyone's concern." To achieve this purpose the conclusion of each chapter attempts to draw a moral from the account of the conviction of the wrong man. The main causes are discovered to be: mistaken identification by witnesses, overzealous law enforcement, and defects in criminal trial and appellate procedures. The authors severely criticize the prevailing concept of a criminal trial as "a fight between lawyers according to certain ground rules that the trial judge, as a referee, will enforce, with the jury giving the decision to the winner." They urge that criminal procedures could be vastly improved by adoption of the "discovery" process which is now available in civil suits under the Federal Rules of Procedure.

JOHN MICHAEL NILLES.