

Gertz: A Handful of Clients

Richard J. Friedman

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principles"¹¹ thesis (not one of the forewords, Professor Bickel's writings on the "passive virtues,"¹² or Professor Hart's "Time Chart of the Justices."¹³

GEORGE PITT*

¹¹ Wechsler, *Toward Neutral Principles of Constitutional Law*, 73 HARV. L. REV. 1 (1959); cf. Miller and Howell, *The Myth of Neutrality in Constitutional Adjudication*, 27 U. CHI. L. REV. 661 (1960).

¹² Bickel, *The Supreme Court, 1960 Term—Foreward: The Passive Virtues*, 75 HARV. L. REV. 40 (1961), adapted and reprinted in BICKEL, *THE LEAST DANGEROUS BRANCH: THE SUPREME COURT AT THE BAR OF POLITICS* (1962).

¹³ See Hart, *The Supreme Court, 1958 Term—Foreward: The Time Chart of the Justices*, 73 HARV. L. REV. 84 (1959). Compare with Arnold, *Professor Hart's Theology*, 73 HARV. L. REV. 1298 (1960).

* Member of the Illinois Bar. J.D., Northwestern University, 1963.

A Handful of Clients. By ELMER GERTZ. Chicago: Follett Publishing Company. 1965. Pp. 366. \$5.95.

Elmer Gertz, a Chicago lawyer, is the author of the latest in a trend of lawyers with literary aspirations to divulge, in book form, their public trials and the not-so-public extrajudicial lives of their clients. He presents his account of four cases and the clients he represented. Newspaper readers will be familiar with three of the cases, and the fourth involves a case of plagiarism which was not publicized. The reader will understand why.

The first case, in order of appearance in the book, is that of Nathan Leopold, whom Mr. Gertz represented successfully in exhaustive fashion before the Illinois Pardon and Parole Board. If there is one thing Mr. Gertz appears to have exerted a considerable talent in doing, it was to keep the public and ever-present members of the press from being exposed, to any considerable degree, to the rather disagreeable Mr. Leopold. In spite of the careful attention to the details of Mr. Leopold's rehabilitation, it is clear from the book that Mr. Gertz had taken a tide at its flood. By his own account, public support was overwhelmingly in favor of granting parole to Leopold. The case, however, is important as representing a positive change in the public climate on the matter of rehabilitation and will be of interest to penologists, prison warden, psychiatrists, and others working in the field. Lawyers will find familiar the author's primary fear, throughout the handling of this case, that Leopold would blurt out something harmful to his own cause. Leopold, a petulant cry-baby type, was his own most effective witness principally because he was able to conceal this least-endearing of his qualities from the press and from the Parole Board.

It is disturbing that the book raises important questions, but leaves them unanswered. The author refers to other crimes of Nathan Leopold (which Leopold insisted on discussing with him and Gertz pointedly avoided, but nowhere in the account of the parole hearings are the other crimes mentioned. Gertz leaves undenied a statement that a cab driver had been castrated by Leopold prior to the killing for which he was imprisoned. No further explanation or comment is given. The reader will be treated additionally to

the revelation that, to a very late date, Leopold maintained, in a prominent place in his home, a picture of his now-deceased partner-in-crime, Richard Loeb. Further, Leopold made no attempts to conceal from Gertz his lingering admiration for his co-felon, the person upon whom primary responsibility was posthumously placed for Leopold's downfall. One is left to wonder how rehabilitated such a person actually could be. The author has provided readers with food for thought regarding the criteria of rehabilitation and eligibility for parole. His treatment of the *Leopold* case raises the question of what, if any, objectivity is obtainable under the present parole system.

The second case to be treated by Mr. Gertz is that of Otto Eisenschiml, and concerns the matter of plagiarism. It is of little more than general interest and was a lost cause to the author and his client. Lawyers will find the comments on the handling of the hearing by the Master, and behavior of opposing counsel, in poor taste. Every lawyer has had similar setbacks and will soon perceive that the author is afflicted with a bad case of sour grapes.

The third case, and by far, from a literary standpoint, the high point of this otherwise ordinary book, concerns the Chicago obscenity trial to enjoin prosecution and interference by police in the sale of the controversial novel, *Tropic of Cancer*.

Mr. Gertz introduces the reader to the problem of obscenity in writing and approaches the matter in commonsense lawyerlike fashion. The details of the bench trial, however, are overemphasized. Gertz relates that Henry Miller, the author of *Tropic of Cancer*, was a guest in his home during the course of the trial, giving Gertz the opportunity of becoming well-acquainted with him. It is this portion of the narrative which is of greatest interest. The reader may be surprised to learn that Miller is certainly no ogre, no sensationalist, but is rather a free spirit and a sensualist. In a very few pages, Gertz gives hints of a biographical talent which is worthy of further exercise. Henry Miller appears to be an ideal subject for another book by Gertz. What little of him there is in this book, however, is both readable and engrossing.

The final case to be considered by the author is the criminal trial of three Chicago Police detectives who were assigned to the Narcotics Detail. Though Mr. Gertz successfully defended these men, the narrative need not have been included in this book. The officers were charged in a conspiracy to violate federal narcotics laws, and for a variety of credible reasons they charged a "frame" by the Federal Bureau of Investigation. The case against the officers was decidedly weak, and the description of it results in little dramatic impact, a quality which the public has come to expect in books by lawyers written for commercial sale.

While every trial has a good share of drama to the participants, it does not follow that its description in intimate detail will interest the layman. This fact has obviously been overlooked by Mr. Gertz in *A Handful of Clients*. There is too much quotation from the record, yet the book fails to provide sufficient detached and constructive analysis of the parties-litigant. Mr. Gertz shows real talent in character analysis, as well any trial-lawyer worth his salt should. He is at his best when writing of others, but when writing of himself, frankly, Gertz is obsequious.

RICHARD J. FRIEDMAN*

* Member of the Illinois Bar. LL.B., De Paul University, 1960.