

Busch: Prisoners at the Bar ; Guilty or Not Guilty

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acts of lesser injustice, principally in the economic sphere, now recognized as offenses against social justice. But the sociological implications of law foreshadowed by his treatise, while identifying in a certain way each member of the society in question with the victim of certain types of injustice, made the rights of society derivatives of the rights of individuals in their social relationships, rather than inherent powers exercised by an amoral entity.

DR. BRENDAN F. BROWN*

Prisoners at the Bar. By FRANCIS X. BUSCH. Indianapolis: The Bobbs-Merrill Co., Inc., 1952. Pp. v, 288.

Guilty or Not Guilty. By FRANCIS X. BUSCH. Indianapolis: The Bobbs-Merrill Co., Inc., 1952. Pp. v, 287.

This reviewer would confess that he approached *Prisoners at the Bar* and *Guilty or Not Guilty* with a measure of suspicion that here were but two more volumes concerning admittedly important criminal trials which might prove to be but literary husks. Perhaps the known ability and experience of the author should have compelled a more hopeful attitude but, alas, the legal reader in this field is too familiar with publishers' offerings, too optimistically heralded, which are but drab recitals of crimes, awkwardly supplemented by the inevitable and too often random excerpting from trial transcripts.

Happily, Mr. Busch does not conform to this tired pattern and for each trial furnishes the reader with a preliminary statement describing the crime involved, followed by a genuinely fascinating narrative of the trial proceedings and a concise statement of the trial's aftermath.

The crimes described in these two volumes represent a nearly exhaustive catalogue of the American criminal causes célèbres of the past forty years.

In *Prisoners at the Bar* will be found accounts of the trials of William Haywood and George Pettibone for the murder of Gov. Steunberg of Idaho; of Sacco and Vanzetti for murders which were obscured by the international reaction to their trials and executions; of Loeb and Leopold for the senseless and brutal slaying of a Chicago boy and of the drama that was Darrow's effort in their behalf; and of the phlegmatic Bruno Hauptmann for the kidnapping murder of the son of Colonel Lindbergh.

Guilty or Not Guilty describes the crimes concerned and trials of D. C. Stephenson, the one-time Grand Dragon of the then evilly powerful Ku Klux Klan, which trial involved a highly interesting problem of homicidal causation; of Samuel Insull on a charge of colossal mail fraud and of the controversial Alger Hiss for perjury. This volume, in what is perhaps its most interesting trial account, tells also of the nearly forgotten Leo Frank, who was convicted in Georgia of the murder of a 13 year old girl under a cloud of alleged anti-Semitism and who, when his death sentence was commuted to life imprisonment in an atmosphere of national tension, was wrested from the penitentiary by a mob and murdered.

In the author's accounts of these trial proceedings can be clearly discerned the sure hand of the perceptive trial advocate of experience. His characterization of cross examination as having been telling or inept, his observation that a prosecutor concluded his case, as he should, with a strong witness, his conclusion that certain testimony though vigorously attacked was apparently con-

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vincing—these portray appreciation of the criminal trial as a psychological as well as legal drama.

Mr. Busch's authority and competence as a trial commentator rests in a legal experience that has included service as a law school dean, as Corporation Counsel of the City of Chicago, as a legal author in the field of trial practice and as a trial lawyer of national reputation. In vast compliment it can be said that his skill at narration is commensurate with his legal ability.

This reviewer is of the opinion that it will be an insensitive legal reader indeed who is not captivated by *Prisoners at the Bar*, and *Guilty or Not Guilty*.

DANIEL P. WARD*

Cases on Constitutional Law. By JOHN B. SHOLLEY. Indianapolis: The Bobbs-Merrill Co., Inc., 1951. Pp. vi, 1144. Supplement 1951 Pp. 27. \$9.00 with Supplement.

One of the most important objectives of a course in Constitutional Law is to establish firmly in the minds of the students the manner in which the Supreme Court of the United States has interpreted the Constitution of the United States as to certain important matters. Here are some of the vital questions to be answered: How far have the interpretations gone in establishing the relationships of the federal government to the states, of the states to one another, and of the federal government and the states to the individuals under their jurisdiction? Has the Supreme Court, in upholding the exercise of powers by the federal government—express, implied and inherent—indicated a definite trend toward a unitary government in place of the federal system? How far can the federal government go in controlling local transactions under its great commerce and taxing powers? To what extent can a state exercise its three great powers—the police power, the power of eminent domain, and the taxing power? What has the Supreme Court indicated as to state power under the four great limitations, found in the Federal Constitution—due process of law, equal protection of the laws, privileges and immunities, and impairment of the obligations of a contract? What are the limitations as to state and national interference with the freedoms of the individual, protected by the Constitution?

The editor of this casebook has presented a selection of cases which will enable students to draw conclusions as to these vital constitutional problems.

Following the historical approach, the editor has divided his casebook into seven chapters. Each chapter covers an era. The division into chapters has been made on the basis of the leadership of certain justices of the Supreme Court, such as the Marshall Court and the Taney Court. The editor indicates in the preface to his casebook that he favors the historical approach over the more or less conventional doctrinal approach. However, in each chapter, he presents, together, the cases dealing with the same doctrinal subject matter. One great advantage of this historical approach is that the student may study the decisions in each chapter in the light of the political, social and economic conditions of the period covered by the chapter.

The editor's selection of cases is excellent, especially in the last chapter. Yet, with few exceptions, the selection is practically the same as found in any good casebook on Constitutional Law. The arrangement of the cases, only, is different. The editing of the cases is fine. Two outstanding features are: (1) the

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