

1967

## Book Review

Lawrence J. Rich

Follow this and additional works at: <https://engagedscholarship.csuohio.edu/clevstlrev>



Part of the [Criminal Procedure Commons](#)

**How does access to this work benefit you? Let us know!**

---

### Recommended Citation

Lawrence J. Rich, Book Review, 16 Clev.-Marshall L. Rev. 191 (1967)

This Book Review is brought to you for free and open access by the Journals at EngagedScholarship@CSU. It has been accepted for inclusion in Cleveland State Law Review by an authorized editor of EngagedScholarship@CSU. For more information, please contact [library.es@csuohio.edu](mailto:library.es@csuohio.edu).

Mrs. Fremont-Smith appears to favor separate State Boards of Charity, to supervise foundations, trusts, and other charities, and does cite examples of what could be done.<sup>10</sup>

Mrs. Fremont-Smith's study for the book was underwritten by the Russell Sage Foundation of New York City. The foundation also underwrote the publication of the book, as part of that foundation's interest in studies of philanthropy. May one ask the question whether this is analogous to asking Bertrand Russell to deliver a paper on the benefits of the atomic bomb?

Mrs. Fremont-Smith concludes by stating that foundations and charitable trusts must be viewed in a modern light by the authorities and must not "become vehicles of special privilege or position."<sup>11</sup>

<sup>10</sup> Id., p. 50. See also, Ch. XI.

<sup>11</sup> Id., p. 460.

\* \* \*

*Reviewed by Lawrence J. Rich\**

FROM ESCOBEDO TO MIRANDA: THE ANATOMY OF A SUPREME COURT DECISION, by Richard J. Medalie. Lerner Law Book Co., Inc., Washington, D. C. 339 pp. 1966.

This timely account of the most important recent work of the United States Supreme Court in criminal law is of interest to all the citizens of the United States and should be of special interest to the legal community. Segments of our society, especially the police departments, have severely criticized these decisions. This work by the Institute of Criminal Law and Procedure of Georgetown University Law Center reproduces in full the opinions of the Supreme Court in the celebrated cases of *Escobedo v. Illinois*, *Miranda v. Arizona*, and *Johnson and Cassidy v. New Jersey*. The book does not attempt to editorialize, but presents important portions of the briefs filed in the above cases and the most important and convincing oral arguments before the Supreme Court. This work is valuable to the lawyer because of the important impact that these decisions have had in the area of criminal law.

The *Johnson* case was decided by the Supreme Court on June 20, 1966. *From Escobedo to Miranda* was published in August of 1966. Thus, due to the great speed with which this book was published, it brings to us the very latest information on the right to counsel, and on constitutional safeguards in interrogation.

\* B.A., Ohio State University, Fourth-year student at Cleveland-Marshall Law School of Baldwin-Wallace College; Deputy Auditor of Cuyahoga County, Ohio.

The law student should be interested in reading the original arguments before the Supreme Court from which the Court extracted portions and used them in constructing their own opinions. This work is also of value to the layman because the cases are set out in ordinary and concise language. In the thoughts of the Court these cases reflect principles basic to our Constitution as stated in the Fifth Amendment.

Briefly, the *Escobedo* case spells out the right of an accused to counsel. The court held "that when the process shifts from investigatory to accusatory—when its focus is on the accused and its purpose is to elicit a confession—our adversary system begins to operate, and, under the circumstances here, the accused must be permitted to consult with his lawyer."

*Miranda*, then, in great detail, spells out other rights of the accused. The police must *advise* the accused of his right to counsel and of his right not to be compelled to incriminate himself. The Court was very careful in *Miranda* to state specifically what an accused must be warned of before he voluntarily submits to interrogation. The Court even takes notice of data presented to it showing that between fifty and ninety per cent of the people accused of criminal offenses are indigent and need assigned counsel. The Court then states that they should be told of their right to be represented by assigned counsel.

*Johnson v. New Jersey* states that *Escobedo* and *Miranda* "should apply only to cases commenced after those decisions were announced." Thus, *Escobedo* applies to persons whose trials began after June 22, 1964, and *Miranda* to persons whose trials had not begun as of June 13, 1966.

I believe that it is important for all well informed people, and certainly all lawyers, to be aware of and to understand the United States Supreme Court's decisions as reported here. This fact, added to the excellent organization and editing of the briefs and oral arguments, makes this book very worthwhile.