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Book Review

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means of police lineup, in which the suspect is made to stand out from the other suspects, is condemned. Most of these improper actions by the police are attributed to the bad influence of a negligent prosecutor, in that he is not interested in obtaining only the true facts, nor in the methods by which they are obtained. Or an ambitious prosecutor may be willing to sacrifice high ideals of justice for personal advancement, and wants a record of successful convictions above all else.

Too many of the innocent victims have been convicted because of their own choice of a poor lawyer, or through the inadequacy of the lawyer secured for them by the court. It is notable that it is highly unlikely that a rich man is ever likely to be convicted of a crime he did not commit.

This book was written primarily in order to influence the public to demand legislative reforms of legal procedure. But any lawyer or judge who deals with criminal law would do well to read it, too. Then he may well ask his conscience if he is really living up to the ethics of the legal profession.

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*Reviewed by William Samore**

THE FEDERAL TORT CLAIMS ACT. William B. Wright. Published by Central Book Company, Inc., New York, N. Y., 246 pages, 1957.

The most surprising fact about the Federal Tort Claims Act is that it took Congress so long to enact it. This was not until 1946. Before the passage of the Act, relief for injuries caused by United States Government agencies was by private bills in Congress. The first bill granting this relief became effective in 1792. In the years just before 1946, Congress was deluged by thousands of private claim bills. This mounting volume, the cumbersomeness of Congressional machinery, the uncertain results, the delays, the absurdity of Congress deciding legal claims—all these combined finally to bring about the passage of the Act.

This book, like many others on specialized fields, is a treatise; that is, it is definitive in scope. But it is done in minia-

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ture. In its 246 pages, it explains the history and the purpose of the Act, claims excluded, who can recover, who can be sued, damages, pleadings, trial, and the substantive law. Yet this is not all. There are forms, an index, a table of cases, and appendices. And the frosting is a slot for pocket supplements. Truly, a miniature treatise. Amazingly, there are no cross-references to other sections. Each chapter is written as an independent unit, complete in itself. This is highly convenient, but results in some unnecessary duplication.

The author has avoided injecting his own opinions, except in perhaps two instances. There is no jury trial for a claim under the FTCA. The probable reason for this provision is to escape the huge jury awards that are the fashion of the day and that would probably be even larger because the Government is the defendant. The author mildly castigates some judges for not awarding larger sums to a victorious plaintiff.

Although the Act states that the plaintiff's attorney's fees "shall not exceed 20 per centum of the amount recovered," the author hopes for the day when some courageous judge will ignore the clear limitation and award a reasonable sum exceeding 20%. In fairness to the author, he presents convincing arguments for a change in the statute. One of these is that experienced plaintiff's attorneys will not accept difficult claims for a 20% fee. Hence, the claimant may be saddled with a mediocre attorney. This understandable concern for monetary remuneration is not, however, in line with the portrait that many plaintiff's attorneys paint of themselves, as the crusader whose main concern is to do justice to a person wronged.

There are too many typographical errors to avoid the conclusion that the book was hastily published. For example, quotes mysteriously disappear, dates of cases are omitted in some, included in others, "maximum" is erroneously used for "maxim," capitals are used inconsistently, and the article "the" is often dropped unceremoniously.

Admittedly, these omissions and commissions of error are picayune. They are not sufficient to alter the conclusion that this is a commendable book.