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Book Review

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cussed in relation to the time that bred them. It is this integration into a whole that has not been done heretofore, and it is this completed picture that makes the book as valuable as it is.

No student of the law should shrug the book aside as being something out of his field. In this New Deal period we find the beginnings of much of the social legislation that forms the foundation of so much of today's practice of law. In this book, the background of this legislation is clearly set forth, and its development traced, step by step, from its early beginnings to its culmination during this New Deal period. Such legislation as Social Security, Unemployment Compensation, the Fair Labor Standards Act and others are treated in great detail. Beyond this, the background furnished by these essays is of great help, both to the practicing attorney and to the law student, in understanding the decisions of the courts and of the National Labor Relations Board during and after this controversial period.

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*Reviewed by Jack F. Smith**

THE DEFENDANT'S RIGHTS, by David Fellman. Published by Rinehart & Co., Inc., New York 16, N. Y., 258 pages (1958).

Professor Fellman begins this book with the sentence, "American public law is deliberately weighted in favor of defendants accused of crime." This correct statement of fact is followed by an explanation of the reason underlying the statement—that truth will be discovered and justice done, with the assurance to the community that prosecutors and judges and juries will behave properly, only by strict adherence to the procedural safeguards set up by the law in order to protect the innocent accused of crime.

Our system of criminal law is built upon the belief, engendered by centuries of experience, that procedural safeguards are necessary and must be complied with in order to insure the discovery of truth and to avoid injustice.

Professor Fellman discusses the procedural rights which are accorded to all persons accused of crime. This discussion is

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in brief, yet comprehensive form, and includes: arrests, preliminary examination, bail, defendant's right to notice, right to a fair hearing, trial by jury, right to counsel, searches and seizures, self-incrimination, double jeopardy, and cruel and unusual punishments. The historical background of each of these procedural rights is set forth in individual masterpieces of condensation.

After this discussion of the rights accorded to even the most depraved criminals, Professor Fellman proceeds to analyze the position of those who are in difficulty with society, or more particularly with the government, for reasons other than criminal. Today, the most important bases for such difficulties are our fear of Communism and our efforts to eliminate from public office or employment those with Communist leanings.

The reader will be amazed by the variety of different federal security programs and the number of people covered by them. These millions of people are subject to being branded for life as unworthy of trust or confidence, without the above-mentioned procedural rights accorded criminals. Yet, the procedural rights are the result of experience and are designed to insure truth and to forestall injustice. Even so, they are not available in hearings under the loyalty programs or by legislative investigative committees, which theoretically should be seeking the truth.

The book discusses the differences between the procedures available to government employees and to the criminal, and then takes up the case of those being investigated by legislative committees and the rights accorded to them—or, more correctly, the lack of such rights.

If we insist upon the criminal being accorded all the rights of due process, then why do we not insist that the government employee charged with disloyalty, the witness being investigated by a legislative committee, or the alien involved in a deportation hearing be accorded those same rights? Is it because we feel that our security transcends the rights of the individual? As Professor Fellman points out, infringement upon the rights of any one individual is an infringement upon the rights of all individuals.

It is this problem—the lack of adherence to time-tested judicial procedures in government hearings—which is disturbing a great many people today. If this armor of rights, designed

to insure truth and promote justice continues to be chipped away, we are all in a danger as great as that of Communism.

Defendant's Rights should be read by all who are seriously concerned with the preservation of our way of life. It should be read by all who are concerned with the basic rights accorded the individual accused of crime, and the historical reasons for those rights. It should be read by all who are disturbed by the lack of guarantees of time-tested procedures to insure truth at hearings held by federal agencies and investigative committees.

Professor Fellman has compiled a wealth of material and has performed a superb job of condensing it into a book which is both enlightening and readable—and well worth reading.

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*Reviewed by Jack F. Smith**

THE OFFENDERS, by Giles Playfair and Derrick Sington. Published by Simon and Schuster, New York, 299 pages (1958).

The Offenders, or "The Case Against Legal Vengeance," first presents the case histories of seven criminals who were sentenced to death or life imprisonment for their crimes. The seven include the Rosenbergs, who were executed in the United States for treason.

Every book has a reason for being written. The purpose of *The Offenders* is to convince society that it is wrong to exact the death penalty for murder, treason or other crimes.

The seven case histories which the authors have presented were selected in order to bolster their argument that proper psychiatric help for persons showing criminal propensities is woefully lacking. They have attempted to show that the heinous crimes committed by the seven might have been averted if society had recognized danger signals where they first appeared in the seven, or that the crimes were not crimes at all in the minds of the perpetrators. Irma Grese, the attendant at Auschwitz and Belsen, who murdered wholesale because she was indoctrinated to believe that whatever she did was right, is the case that most strongly support the authors' argument—which is that society is not served by a death penalty, but would be better served by rehabilitation of criminals.