

## BOOKS RECEIVED

**The Court-Martial of Lt. Calley.** RICHARD HAMMER. New York: Coward, McCann & Geoghegan, Inc., 1971. Pp. 398. \$7.95. This book was written by an author who is perhaps the most qualified of the many journalists who have undertaken to report upon the longest court-martial in United States military history. Richard Hammer visited Son My and My Lai in 1969 in order to investigate personally the alleged massacre. The literary outcome of this trip has won him wide acclaim. In fact, for his coverage of the trial he was awarded the New York Times Publisher's Award for Excellence.

With this unequaled background, Hammer delivers the case to the reader as it was delivered to the jury. Excerpts are plentiful and present the evidential basis for Calley's conviction. Hammer's book, however, is multi-leveled. Skillfully, he highlights the secondary, yet crucial, struggle between the gifted young prosecutor, Captain Aubry Daniel III, and Calley's chief civilian defense counsel, George W. Latimer, an old military law master who tried the case because "he felt he had one good case left in him."

Through Hammer the reader watches these adversaries wage war. Here too, a massacre occurs. Latimer, ill-prepared, directionless, confused and confusing, ultimately had no recourse other than to appeal to blind patriotism in his summation. Resultantly, Calley was found guilty and a major event of this decade transpired. The book, too, is a major event in literary terms. It not only presents the facts which the jury considered, but it also unflinchingly confronts the moral issues raised by the war in Vietnam itself. Because justice is the prime concern of an attorney, the Calley trial is a must for consideration by the bar. Richard Hammer greatly facilitates this process.

**The Criminal Law Revolution and its Aftermath, 1960-71.** EDITORS, THE CRIMINAL LAW REPORTER. Washington, D.C.: The Bureau of National Affairs, Inc., 1972. Pp. xxi, 335. \$10.00. It is obvious that there have been dramatic and rapid changes in criminal law and criminal procedure during the past decade. These changes are in part the result of attempts by the states' legislative and judicial branches to protect and expand human rights in a period of increasing concern over growing crime rates. But they are mainly

the result of direct actions of the Supreme Court of the United States.

THE CRIMINAL LAW REVOLUTION AND ITS AFTERMATH, 1960-1971 describes these changes in a style that is clear and concise, giving a year-by-year synopsis of the major criminal law decisions of the Court. Both in selection of cases and in accuracy of the synopses, the book is admirable. Unfortunately, the necessary brevity of the synopses allows only minimum presentation of the underlying reasoning of the court, and this can be frustrating to the careful reader. However, the purpose of the book is not to present an in depth study of particular cases or even of special aspects of the criminal law, but to scan the whole field. In this purpose it is successful.

**Enforcing the Law.** R. M. JACKSON. Baltimore: Penguin Books, Inc., 1972 (rev. ed.). Pp. xix, 428. \$2.95. The author, a former Cambridge professor and a prolific writer, has put together a very lucid and informative work dealing with our modern concepts of law enforcement. He proceeds to define, examine and criticize these concepts as applied in every aspect of the criminal process from detection to sentencing, adequately documenting his points. Fundamental to his position is the distinction between "real crime" and the plethora of regulatory offenses which have developed in modern society, and the practicality and effectiveness of applying our traditional concepts of law enforcement in relatively rigorous fashion across the whole spectrum of criminal offenses. Though primarily concerned with the English law and recent developments, attention is given to the important American developments, legislative and judicial. The product is a work which, in this period of serious questioning of our criminal institutions, is both timely and enlightening to lawyer and layman alike.

**Fifteen Men on a Powder Keg: A History of the U.N. Security Council.**

ANDREW BOYD. New York: Stein and Day, 1971. Pp. xiv, 383. \$8.95. This is a very readable and enjoyable behind-the-scenes look at the Security Council of the United Nations by Andrew Boyd, a writer for *The Economist*. The author reviews the major crises that have faced the Security Council and provides the reader with the interesting and intricate details of the Council's responses, or non-responses, to these situations. Among the recent matters covered are the United Nation's reaction to the Arab-Israeli seven day war

of 1967 and why the Pueblo crisis was not resolved in the United Nations. Additionally, the volume contains an interesting analysis of the veto power that is accorded to the major powers, and how and when it has been used effectively. The book is supplemented by numerous photographs and maps, and is well indexed.

**Justice Denied.** LEONARD DOWNIE, JR. Baltimore: Penguin Books, Inc., 1971. Pp. 224. \$1.45. *JUSTICE DENIED* is a "reform before it is too late" book. The author so admits. His target is the legal mystique that he claims is fostered and nurtured by the bench and bar: that the United States' legal system produces justice. Rather, he states that the reality is that most Americans find only "chaos, injustice and cynical indifference in the local courthouse." Naturally, Downie anticipates that most lawyers will not like what he has to say.

The author studied journalism and political science before he began work for the Washington Post as an investigative reporter. In that capacity he leveled a series of articles at the defects in Washington's Court of General Sessions. As a result, several far-reaching changes came about and he was honored by both the American Bar Association and the Federal Bar Association.

This work, however, is centered upon the court system in New York. Perhaps it will effectuate reforms there or, perhaps more importantly, it will stimulate the bar to reconsider and re-evaluate the profession's purpose and aim: justice for all. At any rate, the views of this layman are worth consideration by both the judiciary and the practitioner toward the end of providing society with a legal system that works.

**Punishment, The Supposed Justifications.** TED HONDERICH. Baltimore: Penguin Books, Inc., 1971. Pp. 217. \$1.65. At this point in society's socio-legal development, when the issues of capital punishment, crimes-without-victims and prison conditions are under increasing attack, Professor Honderich's tightly reasoned, intellectual analysis of punishment is a welcome addition to the scholarly literature on the subject. He does not shrink from probing the very foundation of traditional notions of "justice" when he questions whether society should punish at all.

The traditional justifications of retribution, deterrence, and reform are analyzed and criticized in painstaking detail. From the bloody mess created by a ruthless wielding of Occam's Razor, the

author raises a new edifice founded on logic rather than on the unsupportable rationalizations of the prior justifications. He states that punishment may logically be justified if:

(1) it prevents offences economically, (2) those who are punished have performed actions for which they were responsible and which contravened a known system of offences and penalties, (3) similar offenders are treated in similar ways, and (4) it imposes penalties on offenders in a way which equalizes welfare and distress.

It cannot be pretended that this is a book for the layman or casual reader. It is probably not even suitable for the lawyer with an interest in corrections. However, the social or moral philosopher or theoretical penologist will welcome the chance to measure his own theories against the careful analysis of the author.

**Radical Lawyers.** JONATHAN BLACK, editor. New York: Avon Books, 1971. Pp. 320. \$1.25. The recent increase in the number of applications and admissions to law schools has raised the spectre in some minds of a mass of young law graduates who, being unable to find jobs within the traditional structure of legal practice, will become "radicalized" and begin to take an active role in attempting to achieve the breakdown of our legal system. **RADICAL LAWYERS**, a collection of essays edited by Jonathan Black, suggests that the idea is by no means as farfetched as it may seem.

The collected essays show that attorneys have already begun to play a leading role in the development of "the movement," and have, through their special skills, enabled the movement to become far more effective than formerly, both by keeping its members out of prison and by directing their efforts in the manner most likely to accomplish effective change. In addition to the substantive role of these "radical lawyers," the book points up the fact that the members of the "lawyers' movement" have adopted the traditional forms of legal activity to their own ends in such a way as to accomplish most effectively the goals which they are striving towards.

**The Rule of Law.** ROBERT PAUL WOLFF, editor. New York: Simon and Schuster, 1971. Pp. 254. \$6.95. Realist jurisprudence has moved in recent years from the examination of the decision-making process in the courtroom to the study of the operation of the total judicial system. In **THE RULE OF LAW** the reader is provided with a series of essays by the new realists who, instead of asking ques-

tions such as how the judge arrives at his decision, are asking more basic questions concerning whether the judicial process as a whole is the best means of arriving at the solution of disputes.

In general, the answer that the authors of these essays have arrived at is that, at least in the American context, it is not. They examine the breakdown of the respect for law and the failures in the operation of the legal process, and, without providing definite solutions, generally come to the conclusion that the American legal system is in need of drastic overhaul. The ideas that are presented are highly provocative and the research and thought that have gone into their formulation make them worthwhile reading by everyone who is concerned over the crisis facing the American legal system today.