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Not Guilty by Jerome and Barbara Frank

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Book Reviews

NOT GUILTY by JEROME and BARBARA FRANK in association with HOWARD M. HOFFMAN. Doubleday & Co., Inc., 1957, 261 pages, \$3.75.

The late Judge Jerome Frank, widely known jurist and author, collaborated with his daughter Barbara to present thirty-six documented cases wherein innocent men were unjustly convicted. In this collection, which has all the court room drama of a murder trial, the authors not only point up the problem of an erroneous conviction, but attempt to show what could have been done to prevent these miscarriages of justice and what reforms can be made in the law to lessen the number of these tragic accidents. There is the story of a hard-working accountant who was convicted of perjury because of an inadequate defense counsel and four people erroneously identifying him as the criminal; or the young Chicagoan who was framed for murder by racketeers and only vindicated when a newspaper reporter was attracted by an ad in a newspaper offering Five Thousand Dollars for information concerning his trial which had been placed there by the accused's mother who had earned the money scrubbing floors; or James Preston wrongfully identified as a rapist by an hysterical victim.

There is the story of many others, and the authors list several causes as those most influential in bringing about erroneous conviction. They are: over-zealous prosecution, irresponsible defense counsel, honest mistakes in identification, perjured testimony and poor juries.

One of the main reforms urged by the authors is the abolishing of capital punishment, since a mistake can not be rectified after death. The authors also advocate the uniform system of remuneration for one unjustly convicted, and more and better scientific investigation of crime.

By reason of its brevity, this book only pointed out problems well known to lawyers and set forth some ideas for solving them. Unfortunately, many cases are covered in a relatively few pages and some of the cases reported have been commented on before in other works and will be familiar to many lawyers. However, this problem is not due to the authors but to the fact that very few of the cases of unjust convictions are discovered. Undoubtedly, the majority of them remain with the defendants behind the prison door.

For this reason, the repetition of these cases in this book serves only to exemplify the purpose of the book and will not enlighten the lawyer-reader. This reviewer recommends this book to the lay public as most

important and interesting reading, and to the lawyer as a very well written book, giving some new ideas on an old problem in a most exciting manner.

GERALD S. GOLD

THE PRESIDENT, OFFICE AND POWERS 1787-1957, HISTORY AND ANALYSIS OF PRACTICE AND OPINION, by EDWARD S. CORWIN. New York University Press, 1957, 519 pages, \$6.50.

Perhaps no political institution has been subjected to as much discussion and analysis as the presidency of the United States. As the role of this country on the international stage has become increasingly important, and its president increasingly influential in international affairs, there has been a corresponding proliferation of the literature on the subject. Most of the writing, however, has tended to be topical and timely, being directed primarily at the then current scene, and has considered the institution of the presidency only in its relationship to the particular issues of the administration in office. Moreover, much of the writing on the subject has been partisan and polemical.

The great virtue of Professor Corwin's book is that it rises above mere timeliness and yet succeeds in being timely and current. The presidency is examined in historical perspective. Each of the several aspects in which the subject is considered is examined in depth and analyzed in terms of the entire history of this country. The result is not only a profound (and highly interesting) analysis of the development of the presidency in the various periods of American history, but a presentation — almost *à propos* — of the sweep of American history itself, from the point of view of the presidency. Some features of that history, such as the evolution of United States foreign policy, are perhaps best understood when seen from that very viewpoint.

The author is quite cognizant of the value of this approach and quotes with evident approval the statement of Henry Jones Ford that:

The agency of the presidential office has been such a master force in shaping public policy that to give a detailed account of it would be equivalent to writing the political history of the United States.

Professor Corwin has in no small measure himself achieved such a political history.

In the preface to this, the fourth revised edition of the work, he states that "it is primarily a study in American public law" and that "the central theme is the development and contemporary status of presidential power and of the presidential office under the Constitution." He adds that "at the same time, the personal and political aspects of the subject