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## Book Review

Gregory G. Thatch

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It is finally the proposal of the author that some instrumentality — he suggests a Commission of Sentencing — be established by Congress which should constitute a permanent agency responsible for the studying of sentencing, corrections and parole, the formulation of laws and rules, and the actual enactment of rules. The makeup of the agency should require prestige and credibility, consisting of people of stature, competence, devotion, and eloquence, and including people from all branches of the arts and sciences together with former or present prison inmates. Judge Frankel bases his contention that justice would be best served by a commission so made up because the great reforms of the law have always required the active exertions of an informed constituency broader than the legal profession. The author states: "I am not the first to paraphrase Clemenceau and say the law is too important to entrust to lawyers and judges."

Ohio has taken many long steps forward in its treatment of crime and criminals. The Ohio General Assembly, after many years of study, has enacted, effective January 1, 1974, a new Criminal Code. The Supreme Court for the first time in history has promulgated rules of criminal procedure which became effective July 1, 1973. The indeterminate sentence which had been the Ohio rule for many years has been retained but with the granting to the trial court of some limited discretion in the pronouncement of minimal sentences and the imposition of fines.

Ohio's recent enactment in the field of crime and criminal procedures is, of course, not the all-time answer to present and future problems in those fields. Suggestions contained in *Criminal Sentences* may ultimately become part of the answer to the inevitable future demands for corrections and improvement in the administration of criminal justice. This book is a recommended reading for those persons who should maintain or inculcate a never-ending zeal for improvement in our criminal justice procedures. By "those persons" is meant all the people.

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*Reviewed by Gregory D. Thatch\**

THE STUDENT, THE COLLEGE, THE LAW, by  
John G. Hill, Jr. and William T. O'Hara. N. Y., London,  
Teachers College Press, 1972. 220 pp. \$8.50.

William T. O'Hara and John G. Hill, Jr. have in *The Student, The College, The Law*, summarized the law in several areas and collected the leading cases to set forth an anthology of opinion and law

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in relation to problem areas within our institutions of higher education. They have categorized ten separate problem areas, and by means of simple presentations have attempted to compile and explain current judicial thought in those areas.

This book is, in its practical form, long overdue. It serves as a comprehensive analysis and portrayal of the law as it relates to the university and the university community. As the years have passed, and especially during the turbulent 1960's, colleges and universities have grown beyond their boundaries of social and legal self-administration and have turned to the outside community, and especially to the courts, for solutions to their problems. Although many of the university's quasi-legal situations are handled internally, there is still an ever-increasing move outward for arbitration and solution. *The Student, The College, The Law* provides for the university community a reference to current legal thought, and the procedure of the courts. O'Hara and Hill communicate to the lay university community the pertinent legal thought in such complex substantive subjects as due process and first amendment rights; they also successfully convey the unique functions and problem-solving techniques of the law. In effect, the book functions as a blend of legal education and an informational handbook to guide the university community through its move to the law.

Substantively, O'Hara and Hill have covered a wide spectrum of subject matter. Areas such as grades, free speech and press, admissions, confidentiality of student records, tuition, and injunctions have all been set forth and analysed from a current and practical vantage point. The authors also have included well-founded predictions for the future. Perhaps the high point of the book is found in the chapter dealing with the fourteenth amendment and academic due process. Here the authors have confronted an historical and exceedingly difficult theory and have placed it in a setting which depicts our universities today.

Yet, the book is not without drawbacks. Obviously, the law in this area is in a state of constant and rapid change. Although the authors are well aware of this element and advise the reader of the peril of over-reliance, the value of the book as a lasting, meaningful guide is lessened by this fact.

For the attorney or legal scholar, however, the main defect lies in the purpose of the book itself. The authors make it quite clear in their preface that their endeavors have been channeled so as ". . . to simplify the presentation of the legal principles to facilitate the layman's understanding." Although this clearly makes the book of practical and educational value to most students and laymen, it also greatly lessens the value of the book as a source of legal study. The

oversimplifications, combined with the lack of in-depth analysis and inquiry, render the book a victim of its own purpose.

Nonetheless, *The Student, The College, The Law* can serve as a valuable reference tool for the lawyer. Its primary value, though, can best be felt by the university community. With the university's new and involved venture into law and the legal process, there finally comes a work that is able to adequately and rather fully explain and guide the way.