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Defending Business and White Collar Crimes by F. Lee Bailey & Henry B. Rothblatt

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rooted in principles subscribed to by the Warren Court. The Court, on the contrary, had insisted that "there are considerations which transcend the question of guilt or innocence,"¹² and the Chief Justice had put the requirements of this code brutally in *Miranda*: "the existence of independent corroborating evidence, produced at trial is, of course, irrelevant. . . ."¹³ Pursuit of truth and the exclusionary rule, like oil and vinegar, do not mix, a lesson as old as *Lisenba* and made abundantly clear in *Miranda*.¹⁴ The Court has made its contribution to making the criminal process a game, and now it expresses horror when participants play that game spiritedly. Prosecutors are chastised to seek "justice," while defense attorneys are given free reign to protect their clients' "interests."

Changes in the Court's personnel make attempted pruning of the poisonous tree and denial of its exclusionary nourishment a realistic possibility.¹⁵ As noted by Chief Justice Burger, we pay a "monstrous price . . . for the exclusionary rule in which we seem to have imprisoned ourselves."¹⁶ The issue the Court may confront in coming years is how we can modify—abolition seems impractical—the exclusionary rule while reasonably protecting violations of individual liberty and establishing laws conducive to actual punishment of illegal enforcement of the law.¹⁷

*William Gangi**

DEFENDING BUSINESS AND WHITE COLLAR CRIMES. By F. Lee Bailey & Henry B. Rothblatt, New York, New York: Lawyers Co-Operative Publishing Co., 1969. Pp. 740.

What two famous criminal trial lawyers have a habit of striking fear in the hearts of prosecutors? Why, F. Lee Bailey and Henry B. Rothblatt, of course. They do it in the courtroom and they do it when they team up to write a book for the benefit of their fellow trial lawyers. Their book, *Defending Business and White Collar Crimes*, has brought insight and confidence to the defense bar.

¹² *Blackburn v. Alabama*, 361 U.S. 199, 206-07 (1960).

¹³ *Miranda v. Arizona*, 384 U.S. 436, 481 n.52 (1966).

¹⁴ *Miranda v. Arizona*, 384 U.S. 436 (1966); *Malloy v. Hogan*, 378 U.S. 1 (1964); *Rogers v. Richmond*, 365 U.S. 534 (1961); *Lisenba v. California*, 314 U.S. 219 (1941).

¹⁵ CLR, *supra* note 1, at 277; *Harris v. New York*, 401 U.S. 222 (1971).

¹⁶ *Id.* at 267; *Coolidge v. New Hampshire*, 403 U.S. 443, 493 (1971).

¹⁷ *Id.* at 275; *Biven v. Six Unknown Named Agents*, 403 U.S. 388 (1971) (Chief Justice Burger dissenting).

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The field of white collar crimes, an area so unique in so many significant respects has, up until now, been avoided by the average practitioner. Since these prosecutions normally involve businessmen and professionals, a lawyer who does not usually handle criminal matters is likely to become involved. It is at this point when the attorney chosen should not only know his criminal law but should also be thoroughly familiar with the special problems attached to the white collar crimes. This is where *Defending Business and White Collar Crimes* achieves its greatness. Not only does it deal with the particular areas of white collar crimes, but it also gives a thorough and highly sophisticated course in criminal defense tactics that will be useful to the novice and expert alike.

Its forthright, to the point manner reveals proven and tested methods of handling all phases of a white collar case. It guides the reader from the time the client walks into the office with respect to interview and retainer. It continues through bail motions, pre-trial discovery, suppression, severance and change of venue. Actual trial tactics are thoroughly discussed, along with hints and tips that could only be gleaned from these expert authors. General defenses are carefully explained. Actual white collar crimes are divided into chapters and expertly analyzed element by element. Matters peculiar to these crimes are highlights and specific tactics and defenses are discussed. Summation material and requests to charge are supplied.

No more need an attorney shy away from a tax fraud prosecution or a complicated bankruptcy, fraud or conspiracy case. It is all there in *Defending Business and White Collar Crimes* and it is a must for every attorney.

Stanley E. Preiser*

THE WARREN COURT'S CONCEPTS OF DEMOCRACY. By Howard Ball. Cranbury, New Jersey: Associated University Presses, Inc., 1971. Pp. 256. \$10.00.

Howard Ball's critical study of Supreme Court cases dealing with legislative reapportionment focuses on two questions: (1) What were the conceptions of democracy expressed by the Justices? and (2) Which of the opinions, if any, could be called reasonable? The crux of the matter is stated by Justice Douglas in *Baker v. Carr*, in his concurring opinion, in which he said that "It is that the conception of

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