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Book Reviews

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BOOK REVIEWS

DISCRETIONARY JUSTICE: A PRELIMINARY INQUIRY. By Kenneth Culp Davis. Baton Rouge: Louisiana State University Press. 1969. Pp. xii, 233. $8.50.

Kenneth Culp Davis ranks among the most eminent and most seminal legal thinkers of our times. Moreover, he writes clearly, forthrightly, and succinctly. One of his books, whatever the subject, is entitled to careful, thoughtful reading and to serious consideration. The volume under review certainly merits such treatment.

Basically, the reader should keep in mind the limits within which Professor Davis undertook to write. His subtitle is "A Preliminary Inquiry." Clearly, this book is not intended to be a definitive work, although one result of the author's positive style is to produce the impression that he is dogmatic and that his dogmas are not wholly consistent. I do not believe that he means to be dogmatic. I think he intends to lay before us certain problems for our consideration. Professor Davis does not propose to give us the answers, although occasionally he creates the impression that such is his purpose. If, then, we keep in mind the warning that this book *is* preliminary and that it *is* an inquiry, we shall avoid being either disappointed or shocked at some of the statements we encounter.

Also, we need to be mindful of what Professor Davis means by justice and what he means by discretion. He tells us that one "dominant function" of the administrative agencies is "the administration of justice for individual parties; that is, working out fair disposition of problems that affect particular parties" (p. 7). On the preceding page, he has distinguished "social justice," which relates to policy, and has laid stress on justice as dealing with "determinations of rights of individual parties." I think, therefore, that we must take Professor Davis as saying that, for the purposes of his inquiry, he conceives justice as simply meaning the "fair disposition" of the interests or claims of individuals as they come before officers of the government. I say "officers of the government" because, while in the immediate context of the quotations just made, he has stressed the "administrative process" and "administrators," it becomes apparent very shortly that he is concerned with courts as well and sometimes with legislators.

As to discretion, he starts out by saying that an "officer has discretion whenever the effective limits upon his power leave him free

to make a choice among possible courses of action or inaction" (p. 4). He points out that under this definition some discretion—a "good deal," he says—may be illegal. However, this raises an interesting question when we come to speak of "discretionary justice." If justice is a "fair disposition" of problems affecting parties, *can* there be an illegal discretion in the administration of justice? Can an illegal exercise of choice bring about justice? Must we not confine our definition of discretion in conjunction with justice to those situations where the law *allows* an officer to make a choice without providing a standard against which his choice is to be measured and a process by which that measure may be put into operation? I ask this because, in many places throughout the book, Professor Davis's plaint seems to be not that functionaries are permitted by the law to make choices, but that they "get by" with choices that the law really does not give them. This may result from apathy, official or social, or from a lack of appropriate tools for enforcing the commands of the law against the officiary. I do not think that these are proper instances of discretionary justice. They may result, however, in the accomplishment of justice, if that is defined as a "fair disposition" of the problems between the parties, as in Professor Davis's example of the policeman who decides to warn or to advise rather than to arrest because this seems the best way to deal with a boy just on the verge of criminality. Professor Davis seems to suggest that this is unjust, because another boy, for one reason or another, may not get the same chance. However, I would be more inclined to use the jurisprudential term "justice without law," to describe the situation rather than to refer to it as an example of discretionary justice or injustice. We shall then be faced with deciding the problem of whether or not, in certain situations, it may be better policy to permit justice without law, taking all the chances of abuse that may be involved, than to insist upon a rigid scale of justice according to law with the element of effective legal choice made practically nonexistent.

Professor Davis's view seems to be that we should reduce to a minimum the opportunity for official freedom in dealing with individual interests. With the reservation implicit in the immediately preceding discussion, I agree with him. The elements of doubt relate chiefly to specifics.

While Professor Davis urges that the area of discretion should be cut down—by legislative standards and by administrative rules alike—he places primary faith in the administrative rule-making process for accomplishing the desired reduction of discretion. As all who have followed his writing through the years know, he has little

regard for the effectiveness of the constitutional reading that legislative power may not be delegated, save by the provision of somc meaningful (the adjective is his) standard by which administrators may be guided to cffcctuate the legislative purpose and may be checked by the judiciary if they go too far afield. Of course, no one today would couch a lance in defense of the outmoded doctrine that legislative discretion may not be delegated at all. Yet Professor Davis writcs as though the insistence upon standards as a basis for valid delegation were this old doctrine in a new guise. I shall not repeat here what I have said elsewhere[1] concerning the effectiveness of the requirement of standards, properly understood. What troubles me here is the faith which Professor Davis places in the substitute he proposes. He would impose a judge-made requirement that agencies, even if the legislators have provided them with no scmblance of a standard, shall proceed to eliminate discretion by setting up elaborate rules for dealing with whatever problems the lawmakers have dumped in their laps. He seems to say that, necessarily, the legislators cannot formulate standards to guide the agencies in setting up these rules. Obviously, in his opinion, the judges cannot effectively police such standards if the legislators set them up. Yet he feels that the judges, with no standards by which to measure the sufficiency of the rules, can require the agencies to provide the necessary safeguards against overly broad discretion. But how, without some legislative guideposts, can the judges determine what is overly broad? Certainly, it is not enough to say "Let there be rules." How detailed must these rules be? To what cnds must they be dircctcd? Either the judges will be free-wheeling in determining within what bounds the agencies must stay and what shall be the essential form of the statutory scheme or they must be satisfied with whatever body of rules the agencies bring up. I certainly would consider the first alternative judicial usurpation of legislative prerogatives in policy determination. The second simply gives us, with a vengeance, the permissibility of complete lcgislative abdication to the agencies, a prospect that many of us find appalling.[2]

The truth is that legislators can do a reasonably effective job of spelling out reasonably adequate pictures of what they want. If they

1. *See* Merrill, *Standards—A Safeguard For The Exercise Of Delegated Power*, 47 NEB. L. REV. 469 (1968); Merrill, *The Local Administrative Agencies*, 22 VAND. L. REV. 775, 780-89 (1969).

2. Fuchs, *The New Administrative State: Judicial Sanction for Agency Self-Determination in the Regulation of Industry*, 69 COLUM. L. REV. 216 (1969), points out the dangers inherent in such permissiveness.

know that their enactments will be held invalid if they do not provide decent standards, this is a valuable incentive to induce them really to get down and think about the problem. I can testify from personal experience in working with legislators that this is true. Insistence upon the provision of standards is one way to improve the legislative product, and the facilities available for legislative aid today make it quite reasonable that we should increase this incentive. We can get some pretty wild-ranging expansion of regulation to matters undreamt of by lawmakers or their constituents[3] if we do not maintain the necessity for an adequate expression of legislative aims and some appropriate device for putting these aims into effect.

It does not seem an adequate answer to say (p. 49) that sharp divisions about policy in respect to new problems or actual ignorance as to what the best policy may be at times make legislative clarification of objectives undesirable. If the situation is all that fluid, it calls for study, not enactment. A full scale, legislatively authorized, completely empowered investigatory process should be set in motion, out of which could come lawmaking that could embody properly drawn standards. The requirement of standards does not demand a full code, of course. Everyone recognizes this. But we surely do not want to turn over to non-elective hierarchies (or elective, for that matter, if the base is not adequate) the establishment of basic policy. Our experience with some zoning authorities is enough to establish the undesirability of presenting such a carte blanche.

There is another objection to requiring so heavy an emphasis on rule making as Professor Davis suggests. The more we reduce matters to rule, the more we facilitate the work of those who chart courses designed to evade policy as much as possible. In this respect, I may be less strict than Professor Davis thinks I should be. I do not believe it is possible successfully to police a society of modern complexity on the Benthamite principle that there should be, for every fact situation, a rule so clear and specific that the most unsophisticated layman knows exactly what to do. We *must* rely on some rather elastic general standards that can be fitted to many and varied situations. The necessary tailoring must be adjusted to the occasion. This is what judges and administrators are for. My concern simply is that neither be turned too far loose. Professor Davis agrees (pp. 49-51) that *some* delegations are too sketchily drawn. He would prefer to see the courts

3. Packer Collegiate Institute v. University of State of New York, 298 N.Y. 184, 81 N.E.2d 80 (1948), is an example of an administrative agency acting under such a roving commission, checked by resort to the doctrine of standards.

deal with these by determining whether a particular delegation of discretion is necessary or unnecessary. My own view is that the doctrine of the constitutional necessity of standards for the exercise of discretionary authority is preferable. Perhaps the differences between our positions are more verbal than substantial. However, it does seem to me that his are the more likely to condone sloppy legislative draftsmanship and judicial and administrative free-wheeling.

Professor Davis presents an interesting and stimulating discussion on selective law enforcement. He thinks that there is too much of this, and urges that this is a place where, as to the policeman, the prosecuting attorney, and the regulatory agency, there should be much more standardization. To the extent that this is a call for the elimination of favoritism or of discrimination based on the segment of society the suspect comes from, it is legitimate. Much can be accomplished to eliminate this by what Professor Davis terms "structuring" and through training programs oriented toward the standardization of procedures. I believe that we need to think rather carefully about the adaptability of the ombudsman procedure (p. 150) to American conditions. We might let ourselves in for a substantial addition to our public expenditures, coupled with a lot of acrimonious public name calling, without really accomplishing anything. Certainly, I would not advocate that legislators take over this task (p. 148).

Judicial review over the problem of selective enforcement is a matter which I think the courts have been wise in shunning.[4] It is doubtful whether statutory provision could be adequately drawn or effectively implemented. The Michigan statute prescribing judicial supervision of a decision not to prosecute, cited by Professor Davis (p. 212), seems more an instance of law in books than of law in action.[5] Moreover, we have seen in our own time a demand for the individualization of justice, and I do not believe we can have a very efficient individualization if we rule out effective discretion by prosecutors. To state just one example, there often are cases in which there is adequate evidence to sustain a guilty verdict if the matter were submitted to a jury, yet, viewing all the evidence, the prosecutor

4. It is submitted that Moog Indus., Inc. v. FTC, 355 U.S. 411 (1958), and FTC v. Universal—Rundle Corp., 387 U.S. 244 (1967), do not bear the implications that Professor Davis reads into their dicta. The general policy against judicial interference with decisions to prosecute or not is too well established to require citation.

5. Two cases have been found which mention the statute. In neither was judicial reversal of the prosecutor's decision involved. *See In re* Elliott, 315 Mich. 662, 675, 24 N.W.2d 528, 533 (1946); Spalding v. Low, 56 Mich. 366, 23 N.W. 46 (1885). Quite evidently, in practice, the judges are not revising the prosecuting attorneys' determinations to let sleeping dogs lie.

properly may conclude that it would be unjust to subject the defendant to the harassment of a public trial and to the uncertainties of a jury's ability properly to evaluate the evidence. Can a decision not to prosecute in such an instance be made effectively if there must be a statement of reasons as a matter of public record? Do we really want to eliminate discretion of this kind?

A great many other comments could be made upon the many pertinent and searching questions raised in this book. It *is* a preliminary investigation into a subject of the greatest importance. We must all accept responsibility for seeing that the inquiry is continued to the end that undesirable discretion is eliminated without undue hampering of that discretion which is desirable.

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GAMBLING AND ORGANIZED CRIME. By Rufus King. Washington: Public Affairs Press, 1969. Pp. viii, 239. $6.00.

The continuing scandals of syndicated crime and the gambling arts is the subject of this penetrating book by Rufus King, *Gambling and Organized Crime*. Its nine chapters and eight appendices paint a sordid picture of America's $20 billion favorite sport—gambling. Based on "round figure estimates and inference drawing," it expounds the doctrine that while "gambling activity itself cannot be altogether condemned as a social evil," when organized on a large scale "it becomes viciously corrupting." Rather than proposing "total prohibition," it concludes that law enforcement must concentrate its efforts on professional gambling promoters but that in this endeavor little reliance can be placed on local ordinances, officials, or governments, which "are too easily corruptible." The "firing-line burden," King says, must be largely borne by the state but its anti-gambling laws must be overhauled, penalty structure made more effective, and lines of authority clarified and strengthened. To the federal government he allocates "the suppression of big-time gambling operations." He would not legalize professional gambling in any form or at any level. However, he gives charity-sponsored gambling the nod so long as "it fits reasonably into all the categories—private, casual, social, and occasional." In addition, he concludes that pari-mutuel track operations are "so powerful it is simply not realistic to talk about eliminating" them—a frustrating conclusion which I do not share. But, King opines, they should be discouraged from expanding; and their by-product, off-track betting, should not be legalized or state-conducted. Finally, Nevada's example for state-controlled gambling is bad, and state lottery proposals—based upon the experience of New Hampshire and New York—are dangerous and not an effective revenue raiser.

The top tool, the author says, in the war on the gambling promoter would be legalized wiretapping, even if the fourth amendment must be trimmed to attain it. And its No. 2 helper would be the revitalization of federal taxes on gambling, while a general immunity-for-witness statute would round out the trimvirate of "musts." I have doubts on all of these which will be discussed later.

As an embellishment to this package, Mr. King has a theme song which is the handicapper of his program. It is that criminal hook-ups headed by underworld characters, ranging from Tony Accardo to Joe Zicarelli, "run illegal gambling with the full knowledge and sometime active participation of local authorities, and that they have strong

connections among powerful people at every level in American public life." There is evidence that in some areas crime syndicates operate with knowledge of the authorities but that is not universally true. And the "active participation of local authorities" is certainly few and far between as far as I have read in the press. Nor is there any evidence that organized crime has infiltrated into "every level in American public life." Such a blunderbuss indictment requires a bill of particulars. The author names four Congressmen none of whom as of this date have been charged with a criminal offense, much less convicted. And the fifth, Bobby Baker, one-time Secretary to the Democratic Majority in the Senate, was convicted of income tax evasion. This documentation leaves much to be desired. Not satisfied with this, the author asserts that since Senators and even Presidents often start working for their political party in some "seamy" local political borough, they are suspect. It takes "vastly more money and more supporting cronies" to reach their high offices, he says, and, therefore, "the lines of influence [of organized crime] reach upward . . . . to much higher levels . . . a reserved seat in the Senate wing or the Oval Room [of the White House]." This, I submit, is below the belt. However, it follows the pattern of another bootstrap operation which Mr. King supports as a series of "ifs." The author says that "*if*" $20 billion is gambled every year; and "*if*" the take of the gambler is one-third i.e. $6-7 billion; and "if" the gamblers who "level" with their interrogators are truthful in saying that one-third of the take goes to public officials for protection; *ergo* it "can be responsibly asserted that no less than $2 billion per year is sponged up by officials and law enforcers as the price exacted for letting the gambling promoter and the gambling syndicates carry on their enterprises in our society." The author's concept of "responsibly" differs from mine. I would say that this conclusion is the rankest conjecture. It poses too many "ifs." While I have been out of politics for over a score of years, I expect the present pattern runs about the same. There are local officials who permit gambling within their jurisdiction; and there are some who require tribute, either in money or votes. But this is by no means generally true. Indeed, the political honesty of our officeholders is much higher than ever in our history. I submit that it is high time that we cease this wholesale reckless condemnation of public officials as a bunch of crooks. I say that as a class they are generally honest, dedicated, high-minded and loyal people; indeed, as good in these respects as most any group in our

society. And furthermore, to make them the whipping boy does not help the cause of good law enforcement.

Having spoken my piece in this regard, I hasten to say that *Gambling and Organized Crime* is a fascinating and instructive book. I could not put it down. The chapter on the "Gambler's Arts" gives even the sophisticated a vivid and detailed description of the gamblers' tools all the way from a deck of cards to a numbers game. However, his dollar allocations are mere speculation, except perhaps in pari-mutuel and state-controlled gambling enterprises. Even here, human nature being what it is, many people still prefer the anonymity of the bookies to the obviousness of the race tracks and the illegal numbers racket to the state-run lottery. For some reason people have an obnoxiousness to gambling with their state. They always lose.

Also, Mr. King faces up to the realities of local law enforcement. However, as I have said, I have some qualms over his broad "pay off" conclusions. The reason gambling laws are not enforced is because the people do not demand it! After all, public officials are elected every two years in most communities. If the people want gambling stopped, all they have to do is to elect officials who will stop it. But this they do not do although many opportunities arise. Perhaps what we need is an aroused public—a determination to get "involved" on the side of the angels in this gambling menace.

This leads me to Mr. King's proposition that gambling activity itself is not a social evil. I disagree. It is most insidious, threatening the very foundations of a free society. I doubt if there is a greater threat to family stability. It often steals the very necessities of life, as is reflected in case after case in our courts. This is particularly true among wage earners. It also lowers our moral standards and is an invitation to take chances with the law. The English licensing system shows a 400 percent increase in gambling since its 1960 Act became effective. This is a take estimated at $50 per year from every man, woman and child in that country. And now it has become so attractive financially that the British say America's gamblers are gradually taking it over. In addition, adverse economic, legal, and social effects are making some sociologists wonder where it will all end. Some say that the mores of the people have been directly affected for the worse. And the British system is not taxed at all so the government does not benefit financially.

The ultimate remedy, I believe, lies in the mores of the people. If every community would elect a government dedicated to stamping out gambling, it would be quickly cut to a minimum. But I doubt if that

is going to be done. Nor can we stamp gambling out by criminal prosecutions. More and more we are finding that the criminal law does not have effective enforcement capacity where the crime involves private morality. These offenses usually lack complainants; this poses difficult prosecution problems. The public just will not become involved. Examples are narcotics, prohibition, abortion, sexual behavior, and gambling. As an old prosecutor I know this to be true. Way back in the twenties I filed a statutory injunction suit to close up a hotel because it allowed a gambling room to be operated on its premises. We had several "players" who were arrested in the police raid on the hotel, but we soon found out that we had no witnesses. Every "player" folded up by disappearing, denying the facts, or becoming ill at trial time. And in the late forties while Attorney General I dispatched an assistant, Max Goldschein, to carry on a federal crusade against crime. Our plan was to coordinate all federal investigative agencies, base our grand jury authority on tax and narcotic reports, and get the F.B.I. to give us a list of the members of the organized syndicates. We got the wholehearted support of the Narcotics Bureau, but the I.R.S. and the F.B.I. were "too busy." Max's activity alarmed the hoodlums in New Jersey, Chicago, and Kansas City, but nothing much was accomplished. It may have sparked the Conference on Organized Crime which my successor, Howard McGrath, conducted soon after I went on the Court.

This leads me to conclude that Mr. King's remedies will be unavailing. Even though local laws are strengthened, there must be a will to enforce them. Certainly, permitting charities to gamble, even under circumstances that are private, casual, occasional, and social, will but increase the public permissiveness of immorality. Likewise, pari-mutuel betting is not going to improve the mores of the people. Off-track betting—despite the purity claimed for the racetracks—is inevitable and can only further corrupt. Corruption begets corruption. And state participation creates a double standard which plagues us in so many arcas now. If I can gamble by paying an extrance fee at the racetrack gate and wasting my afternoon, why should I not be able to stay at work, bet on the same horses and not go to the track? And when the state itself permits public gambling, like Nevada, New Hampshire, and New York, on what moral ground is the halo removed from private betting. I am opposed to the government being a party to such corruptibles. If the state is not about the gambling spirit, how can you expect me to be.

What remedies do I propose? None! But I doubt if Mr. King's

program will work. Especially am I opposed to any change in the fourth amendment's probable cause requirements. I agree with Mr. Justice Holmes that the government should not play "an ignoble part" in any endeavor. It should be the exemplar of its citizens. Likewise my experience with immunity statutes leads to the conclusion that their extension will be of little help. Certainly tax statutes will only lead to more law-breaking and more corruption.

Of course, I have no quarrel with the strengthening and clarification of gambling laws, both federal and state. I agree that little hope can be placed in local law enforcement unless the local people demand it. Perhaps churches, schools, and the news media could help in this regard. As to bribery, political contributions, etc., perhaps a federal law making such activity federal offenses could be legally created. If so, these prosecutions could be initiated by federal officers. This would be a big help. Mr. King proposes that the use of United States currency in a gambling transaction be invoked as a basis for federal jurisdiction. This raises serious problems which might be avoided by placing jurisdiction on the federal guarantee of a republican form of government. However, I do not pass on the validity of either since I still sit in federal courts, other than the Supreme Court. Knowing the Congress, as I do, and the proclivity of the F.B.I. to shy away from local problems, I doubt that a national anti-gambling act will ever be in the United States Code. It would open up a Pandora's box of law enforcement problems with which even the F.B.I. could hardly cope. Indeed, the Bureau would have to be transformed into a national police force in order to meet its obligation under such a statute. The unpunished delinquencies that we presently suffer have spawned a family of delinquencies that we cannot seem to solve. Why create more?

This leads me to the proposals of Morris and Hawkins in their *The Honest Politicians Guide to Crime Control*, The University of Chicago Press, to have been released in February, 1970. Some of their proposals make good sense. They would abolish the criminal offenses of (1) public drunkenness; (2) acquisition, purchase, possession in limited quantities, and use of any drug (sales would not be affected); (3) gambling, except fraudulent and cheating; (4) disorderly conduct and vagrancy, unless precisely proscribed; (5) abortion, where performed by a qualified doctor; (6) consenting adult sexual behavior; and (7) juvenile delinquency, except conduct by children which would be criminal were they adult. I agree with all of these proposals, save (2) and (3). With reference to (2), offenses as to hard drugs should be

continued and improved enforcement undertaken. As to (3) professional gambling activity should be proscribed. Even with these modifications the Morris and Hawkins proposals would cut the present incidence of arrests for index crimes half in two. As they point out, this would reduce the pressure on police, courts, and correctional services in such massive proportions that they could concentrate on the solution of the more serious offenses, carry on research, and improve and extend correctional activities. This would improve the integrity of law enforcement agencies and make the administration of justice much more effective. Nor would it have an adverse effect on the mores of the people. Indeed, public drunkenness might be entirely eliminated through half-way houses, narcotic traffic reduced through treatment, abortionists put out of business, prostitution alleviated, and the control of juvenile delinquency improved.

I hope that *Gambling and Organized Crime* is a best seller because of its educational value. It teaches us two things. First, that we really know very little about crime, its causes or its cures. And, second, unless we control organized gambling, it is going to destroy our society. In focusing upon the problem in such a comprehensive way, Mr. King has made an unanswerable case against professional gambling. As he says, it is not the mission of his book to alarm or embarrass, but more to exhort and persuade. People from all walks of life must "take a sustained and watchful interest in the gambling situation, and . . . . insist that reasonable efforts be made to remedy it." For presenting this laudable purpose with such force, Mr. King deserves the top award of the year. I, too, am hopeful that the public will become involved in the solution of the problem. With more "Kings" around they will!

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THE THROWAWAY CHILDREN. By Lisa Aversa Richette. New York: J.B. Lippincott, 1969. Pp. x, 342. $6.95.

It is difficult to decide whether this is a serious or humorous book. Ultimately, it does not really matter because it fails on both counts.

The inability of the juvenile justice system and related agencies of social control to deal with the problems of urban and suburban youth is the central focus of *The Throwaway Children.* It is written by Lisa Aversa Richette, a practicing lawyer and philanthropist, and based on her personal experiences as an Assistant District Attorney in Philadelphia's juvenile court.

Most of the book's eighteen chapters are devoted to case histories which provide vignettes of horror and depravity, reminiscent of nineteenth century literature on the "dangerous classes." Rather than select routine cases of theft, fighting, truancy, and curfew, which make up the majority of juvenile court referrals, the author decided to shock the reader into indignation by providing detailed descriptions of murder, rape, incest, and variations on themes of violence and perversion. Occasionally, we are treated to accounts of suburban perversion, but for the most part Mrs. Richette "exposes" the pathology and depravity of lower-class life.

Interspersed between lurid case histories can be found a good deal of common sense information about the structure and operation of the juvenile court, the roles performed by various actors in the juvenile court system, the significance of the *Gault* decision,[1] authorizing due process for juveniles, and recent proposals for controlling delinquency.

As an account of how a middle-class child-saver—trained at Yale Law School—came to discover the poor and their problems, this is a fascinating document. This perspective has a long and honorable tradition in American philanthropy, dating back to the crusading reformers of the last century. As a serious book about juvenile delinquency, it is a remarkable failure in a number of ways.

First, the book contains no new information and a minimal amount of critical analysis. Second, its selection of case-histories is so biased and cutely succinct that the reader is left with the impression that the life of the urban poor consists of nothing more than violence and exotic depravity. Third, the author treats the problem of juvenile delinquency in the context of psychopathology and does not even consider the possibility that crime is a result of economic and political inequality. Finally, the author uncritically accepts the assumption that delinquency can be eliminated without radical changes in the structure

1. *In re* Gault, 387 U.S. 1 (1967).

and distribution of power. It is remarkable how a book dealing in large part with crime in the ghetto does not address itself to discussing poverty, racism, and class relationships. By its deficiences, this is an elitist and racist book because it contributes to the *myths* of equality and freedom.

It is difficult to know for whom the book is written. Law students interested in juvenile justice would do better to read the recent studies by Aaron Circourel, Edwin Lemert, and Robert Emerson. Students interested in crime and deviance might find this a useful example of the perspective of moral crusaders. I suspect, however, that the book is designed for the "informed layman," the "concerned citizen," and the "forgotten American." Written in a straightforward style, with occasional references to scholarly literature, the book might easily be serialized for *Reader's Digest*. In fairness to the author, it should be observed that there would be no market for condescending books like *The Throwaway Children* if academics wrote more intelligibly and with greater responsibility to the non-academic public.

It is also possible that this book is a hoax, satirizing a literary genre which treats "serious" subjects in a "popular" fashion. As a piece of social satire, it has some deft touches. Slums are described as "teeming" and "cluttered;" a black gang called the "Algerians" evoked "visions of gleaming knives and pistols, night raids, tortures, and mysterious rituals;" as evidence of Margo's sexual delinquency, we are told that her "vaginal opening admits four fingers;" then there is Ava—"tall, voluptuous, her scrubbed unmade-up face as exquisite as a cameo"—who tried to make the judge in his chambers; finally, in a gem of casework satire, we are informed that "many ghetto parents, overwhelmed by their own inadequacies and frustrations and hampered by lack of funds, do not know how to share meaningful experiences with their children."

The book also includes some broad humor. For example, in a crude pun, the author suggests that "many juvenile court judges have been lovers of children." And for ribald humor, it is difficult to beat her story about how eleven-year-old Leslie and twelve-year-old June were mounted by three boxer dogs named Ralph, Billy, and John. During the girls' trial, the judge was informed by the S.P.C.A. that the dogs were "in a state of sexual frenzy and have tried to mount every human who came into contact with them. . . . Apparently they are very intelligent pedigreed dogs."

The book is set in very large type for morons. There is a cute photograph of Mrs. Richette on the dust-cover. She's smiling.

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