

Eisenhower's famous statement last year that the United States stood ready to join with other nations in devoting "a substantial percentage of the savings achieved by disarmament to a fund for world aid and reconstruction."¹⁹ According to the President's recent budget message, American defense spending in the next fiscal year should be reduced by some \$4 billion.²⁰ The devotion of about one-tenth of that sum to investment in underdeveloped areas would not appear to be excessive if world economic development is as important an objective as both the President and the Randall Commission themselves declare.

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ADMINISTRATION OF CRIMINAL JUSTICE. By Ernest W. Puttkammer. Chicago: The University of Chicago Press, 1953. Pp. vi, 249. \$5.00.

THIS is a volume I wish had been available to me forty-four years ago when I entered law school. Instead I had thrust at me a massive casebook on criminal law of over 1100 pages to be covered in forty-five classroom hours. Our instructor, though an able teacher and later Chief Justice of the United States, never did cover the volume or even a third of it in our only course in criminal law and criminal procedure. In view of the circumstances, it is not surprising that he was unable to quicken our interest in a subject that is vital to the welfare of both the individual and the state. Our sole concern was to learn enough about the field to satisfy the bar examiners, who, we quickly learned from our precursors, were as little devoted to it as we and our instructor were.

A reading of Professor Puttkammer's first chapter, "The Purposes of the Criminal Law," not only would have oriented criminal law in the field of the law, but it would have aroused our interest in the enforcement and improvement of criminal law as an essential element in our modern life. For this chapter deals not only with the law, but with rough human nature in a workaday world. Chapter I makes me wish that the author had gone on to deal with the substantive law of crimes, for I am convinced that criminal law is one of a number of subjects that cannot be taught effectively by the case method, even if more hours were devoted to it, though in the fierce competition for time in the law school curriculum the tendency seems to be to reduce what little time is still devoted to it. I am not here advocating a return to the lecture or textbook system of instruction, but of this more later.

Aside from Chapter I, Professor Puttkammer's subject matter is criminal procedure, but it is criminal procedure in the broad sense. He is not primarily interested in a mere set of legal rules or principles, but rather in how the criminal procedure of today operates from both the standpoint of the state and of the individual. The book traces in chronological order the life history

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20. N.Y. Times, Jan. 22, 1954, p. 1, col. 5.

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of a criminal suit from arrest through appeal. The book is entirely free from antiquarianism or other pedantry, though the past is succinctly drawn on whenever it is necessary to explain the present. The writing is clear, a god-send to the reader of any book on the law.

As we move forward through the successive steps in a criminal proceeding, we cannot fail to be impressed by the fact that the subject is studded with vexing problems, all of them interesting and the solution of many of them vital to the due enforcement of criminal justice in a rapidly changing society. The problems, especially with respect to constitutional law, are far more involved than those encountered in the realm of civil procedure. On all of these matters the author states the arguments pro and con concisely, and by and large his conclusions ring true. The discussion inspires one to further reading, especially on such topics as the desirability in many cases of using a summons instead of a warrant, the third degree, and the evolution of bail. It would do judges, prosecutors, and legislators good to read of the advantages of a medical examiner over the obsolete coroner. Judges and lawyers in many places would do well to become familiar with the common law powers of a grand jury to make presentments of public institutions and public affairs even in the absence of the criminal law—one of the few remaining instances where the conscience of the community may speak officially under judicial guidance. Space precludes reference to a score of such essential items that I have had to learn the hard way.

The book is designed for the use of law students, lawyers, and laymen and it will serve all of them well. A second edition is sure to be called for, and with that in mind I would suggest, not by way of criticism but solely to augment the usefulness of the volume, a summary at the end of each chapter of the sources drawn on by the author and a more complete index to unlock all of the treasures of the book. With such apparatus the book might well be made the basis of a course in criminal procedure with the instructor guiding the class by the problem method through the successive steps covered in the book, with appropriate references to local decisions, rules, and statutes.

Most of all, however, should I like to see the author undertake in the same spirit a similar book on the principles of substantive criminal law, which should include such topics as juvenile delinquency, now being surveyed by the Senate Judiciary Committee, the effect of organized crime on local government and private enterprise as revealed by the Kefauver Committee, and the remedies proposed by the American Bar Association's Commission on Organized Crime. Such a book, along with the present volume, made the basis of instruction by the problem method might take the curse off the least rewarding of the present first-year substantive law courses. Who can say that it might not even result in the ablest students, who are not unconscious of their civic duties, demanding advanced courses in criminal law and procedure in all of their ramifications?

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