

I would be less than honest if I failed to offer some criticism, for there are recommendations made by the authors with which I cannot agree. For example, in section 1539 it is urged that the Texas law excluding the fact and amount of liability insurance in a damage suit should be revamped and that not only should these facts be admissible but also the insurance company should be made a party to the suit. I am not persuaded by the reasons advanced for this change, and current studies of the jury system now being conducted at the University of Chicago indicate that the presence of insurance is a very powerful factor which increases jury awards without any relation to proper considerations of liability or just compensation. There are other suggestions which I consider unsound, *e.g.*, that admissions in the form of opinions should be admissible (section 1126), that criminal judgments should be admissible in civil cases (section 1279), and that opinions based on statements of others (section 1494) should be received as competent evidence. The modern trend toward relaxing rules of exclusion is no doubt sound in many areas, but in my opinion the ends of justice are best served by the longstanding Texas rule of exclusion on each of the points mentioned above.

I trust that my limited disagreement with the authors will not detract in any way from the greatness of this book. Others will no doubt find minor points to challenge, but in my opinion *Texas Law of Evidence* is without a peer in its field. It is a truly great work which is an absolute "must" for every Texas law library.

S. Tom Morris*

Compulsion. By Meyer Levin. New York: Simon and Schuster, 1956. Pp. 495. \$5.00.

"Paulie Kessler's" mutilated body was found in a cistern over thirty years ago. Since that time many have attempted to explain how it got there. Of course, the facts have been reconstructed and the guilty parties found and convicted, but a profoundly unsettling "Why?" continues to haunt all who consider the case.

The Leopold-Loeb murder, dubbed "The Crime of Our Century" in the title to Book One of *Compulsion*, has now come under the discriminating examination of a novelist. The author is qualified not only as a gifted master of his art, but as a principal character as well. He went to the University of Chicago with Leopold and Loeb (his "Artie Straus" and "Judd Steiner"), was active in the investigation of the case as a re-

* Member of the Amarillo Bar.

porter for the "Chicago Globe," and appears in the novel as "Sid Silver." But if all the names are changed, the facts are not. Although the author fills in his carefully reasoned hypothesis when facts are not available, he has kept changes to a minimum.

He leads the reader on a ghoulish Freudian walk into the boys' background, through girls schools and teddy bears and twisted, depraved perversion. The boys were endowed with brilliant minds, and raised in cultured, wealthy, and loving surroundings. In return they transformed the product of their cunning, cold-blooded mathematical precision and Nietzschean superman philosophy, the dream of a perfect crime, into stark brutal death and the headlines that "Sid Silver" helps to write. The compulsion becomes the reader's as the anguish of bewilderment drives him to reach his own conclusion as well as Levin's.

The literary reviews have acclaimed the technical success of the book, and its long-continued prominence on the New York Times Book Review best-seller list attests to its popularity. But there is much more here for the lawyer; even more than the vivid detail of courtroom suspense, and a gripping closing speech of Clarence Darrow ("Jonathan Wilk").

No attorney can read this book without being as disturbed as he is enthralled. What should be done with our "Steiners" and our "Strauses" is primarily the lawyers' concern. A murderer cannot run loose. It makes no difference whether his motive is rooted in hate, sport, religion or insanity. The problem is merely where to put him. Does he rightfully belong in a hospital or a jail? Listen to "Jonathan Wilk" turn on his profession:

"If a doctor were called upon to treat typhoid fever he would probably try to find out what kind of water the patient drank, and clean out the well so that no one else could get typhoid from the same source. But if a lawyer were called on to treat a typhoid patient he would give him thirty days in jail, and then he would think that nobody else would ever dare to drink the impure water. If the patient got well in fifteen days, he would be kept until his time was up; if the disease was worse at the end of thirty days, the patient would be released because his time was out." (448-49)

We respond that we must imprison criminals and execute murderers because the public's concept of "justice" demands retribution, and there is some possibility of its taking the law into its own hands if not given an emotionally satisfactory alternative. Punishment is supposed to have a preventive, deterrent effect upon the potential criminals of the future. Furthermore, society must be protected from future acts of violence by proven criminals. Even those who argue that every dog may have his first bite agree that there is no excuse for allowing him two.

But how apt are our arguments when confronted with an "Artie Straus"? Red hot emotion is quick to cool as a national political convention or the world series takes over the headlines. These boys were well aware of society's rules and penalties for violation—they were simply "above them." Why should we suppose that the next generation will be any more restrained by the imprisonment or death of "Artie" than he was by the long history of Anglo-American hangings preceding his act? The public welfare would seem to be equally well protected by a guarded hospital as by a jail. And if our typhoid patient is cured before his thirty days are up, why should we continue to hold him?

It was recently reported that the judge who found New York's "Mad Bomber" "too unsound of mind to stand trial" and dying of tuberculosis had him committed to a mental hospital. "One would be less than human not to be sympathetically moved," he is quoted as saying. Was this a travesty of justice? Does the hospitalized "Mad Bomber" of the headlines belong in jail? Does Leopold? Levin answers, "I do not wholly follow the aphorism that to understand all is to forgive all. But surely we all believe in healing, more than in punishment." (x)

Any really thorough and lasting movement in the direction of updating criminal law will fail without the support of an enlightened bar. Levin has given us a living insight into juvenile delinquency and the psychology of crime that cannot be conveyed by statistical reports or the pleas of criminologists, psychologists and judges. Humanity will step forward as the book is read and pondered.

Nick Johnson

How Texas Cares For Her Injured Workers. By Sam B. Barton.
Denton: North Texas State College, 1956. Pp. viii, 81.

Professor Barton's short answer to the question posed by the title of his study is that the Texas worker's remedy under the Workmen's Compensation Act is not adequate. This conclusion, while not an original one, has seldom been documented and presented in concise form—a void that the present pamphlet is intended to fill. Drawn from a combination of official records and interviews with all classes of persons interested in the subject, the study constitutes a pocket handbook of the administration of the Texas Workmen's Compensation Act and the numerous reforms needed to improve it. Liberal use is made of charts and graphs to support the factual portion of the study.

The legal profession receives remarkably kind treatment in the study, inasmuch as excessive contingent fees were the most common complaint encountered in the interviews. The only serious indictment of the bar is