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BOOKS NOTED

THE SUPREME COURT AND THE PRESIDENCY. By Robert Scigliano. New York: The Free Press. 1971. Pp. viii, 233. Hardbound, \$6.50; Paperback, \$3.95. In this book, the fourth and latest in a series entitled *The Supreme Court in American Life*, the author examines the historical relationship of the executive and judicial branches of the federal government to assess the role that the Court plays in American life. Earlier books in the series examined the Court and its relationships to such things as political freedom, domestic capitalism, and the administrative agencies. And although the latest book has particular appeal for students of government, its relevance for students, professors, and practitioners of law should be obvious.

The author introduces his subject by examining the nature and origins of the separation of powers doctrine and the means by which this doctrine was implemented by the framers of the Constitution. His thesis is that the judiciary and the executive, although not intended to perform in tandem, were intended "to act . . . as an informal and limited alliance against Congress . . ." His conclusion, perhaps not unsurprisingly, is that this is in fact what has occurred.

The author examines several specific areas in which the executive and the judiciary have had noteworthy and, in some cases, highly publicized relationships. For example, two of the more interesting discussions concern the conflicts that have occurred between the two branches, and their more subtle but equally important out-of-court relationships. In the former, the author focuses on the particularly stormy relationships that existed under four Presidents: Jefferson, Jackson, Lincoln, and Franklin Roosevelt. The latter discussion centers on the selective out-of-court use by the executive of the talent or reputation of a sitting justice. Although such use has not been an uncommon practice, the author points out that it can place an unusual stress on the integrity of the judiciary, and can lend itself to chances of conflicts of interest.

Other aspects of the relationship analyzed by the author include "The Executive in Court," "Expectations and Performance," and "Appointments." With regard to the last aspect, it is perhaps unfortunate that the Senate's recent rejections of the nominees of President Nixon were given only cursory mention.

Considered as a whole, however, the book is both interesting and enlightening. In addition, it contains both a select bibliography and a subject index. In short, it is a worthy addition to the other three books in the series, which collectively seek to illuminate the nature and scope of the Court as it relates to American life.

READY FOR THE DEFENSE. By Martin Garbus. New York: Farrar, Straus, and Giroux. 1971. Pp. xi, 306. \$7.95.

No single member of any profession has captured the public eye or imagination more than the trial lawyer fighting to obtain justice for victims of irresponsible authority. Such is Martin Garbus who, in a career spanning little more than a decade, has argued many significant legal issues of our time in both the courtrooms of Mississippi and the United States Supreme Court. In this provocative work the author provides an illuminating account of the highlights of his legal career. Among the cases discussed are those involving freedom of expression, the right to vote, the

abolition of capital punishment, and the inviolability of the individual's privacy. Mr. Garbus left a successful private practice in 1966 to become co-director of Columbia University's center on Social Welfare Policy and Law. He has also been director-counsel of the Roger Baldwin Foundation of the American Civil Liberties Union, counsel for Cesar Chavez's United Farm Workers Union, and counsel for the Committee to Abolish Capital Punishment.

Mr. Garbus provides a very personal view of the triumphs and frustrations in his role as counsel defending Lenny Bruce in the prosecution for an allegedly obscene nightclub act — a trial containing all the trappings of the Spanish Inquisition. The author discusses his acquaintance with Dr. Timothy Leary and recounts Leary's harassment by illegal searches in an upstate New York community arising from his reputation for experimenting with hallucinogenic drugs. The district attorney finally dropped a prosecution for possession of one quarter ounce of marijuana on the stipulation that Dr. Leary leave town. The author gives a detailed description of the suit by Mrs. Sylvester Smith to restore her welfare aid which had been cancelled by the State of Alabama because she reputedly "took her pleasure" with a "substitute father" of her children. The case culminated in the landmark decision of *King v. Smith* [392 U.S. 309 (1966)] which invalidated the substitute father rule contained in the welfare regulations of more than 20 states. Also discussed is the suit by Mrs. Henrietta Wright against the local sheriff and his deputies for violation of her civil rights. Mrs. Wright, a Negro, was beaten, declared insane without a hearing, and institutionalized within hours of registering to vote in Mississippi. And Mr. Garbus makes a strong argument against capital punishment in his account of the unsuccessful attempt to save the life of Frederick Charles Wood. Wood was obsessed with the idea of committing suicide in the Sing Sing electric chair and fought his attorneys' attempts to save his life.

Of particular value in the book is the author's analysis of each case and his candid discussion of his strategy. He demonstrates the approach necessary to advance a cause while retaining a sense of perspective necessary to obtain justice for the individual who is the subject of a test case.

The author is a conscientious advocate in a field demanding utmost dedication. His book should provide valuable insights into the techniques which have won Mr. Garbus a national reputation. It is recommended specifically to those who would seek to profit by the author's litigation experience and generally to anyone interested in reading engrossing accounts of the struggle for individual rights.