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Books Noted

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BOOKS NOTED

CONVICTION: THE DETERMINATION OF GUILT OR INNOCENCE WITHOUT TRIAL. By Donald J. Newman. Boston: Little, Brown & Co. 1966. Pp. xxvii, 259. \$8.50. In the last two years, most public opinion has been directed towards the trial as the means of determining guilt in criminal matters. This focus has resulted in a lack of formal attention being given to the guilty plea process. Plea bargaining has therefore gone unrecognized at the legislative and appellate court levels, thus resulting in a lack of guidance. In the second volume of a series sponsored by the American Bar Association, Donald J. Newman examines the workings and effects of the guilty plea process. The author's emphasis is on the mechanics of the process, the discretion which trial judges exercise in acquitting defendants or reducing charges, the use by the trial judge of his power of acquittal to control the overall system of criminal justice administration, and the role of the defense counsel in the plea bargaining process. The work is not intended to be definitive; therefore, the concluding pages are devoted to unresolved issues. Five questions are raised, the answers to which the author undoubtedly hopes will be found by using as a starting point the material which composes the bulk of the book.

EXPANDING LIBERTIES — FREEDOM'S GAINS IN POSTWAR AMERICA. By Milton R. Konvitz. New York: The Viking Press. 1966. Pp. xvii, 429. \$8.95. Beginning with the principle that the test of civilization is the degree to which any group, no matter how small or weak, is excluded from full participation in the life, society, work, and ideals of a common humanity, Milton R. Konvitz traces the preservation and expansion of liberties in the years since World War II. Because of his regard for the Constitution as a living moral, social, and intellectual force rather than a dead instrument, the author in analyzing the Supreme Court's decisions has stressed that the Court must deal with issues as they appear in litigation and that in order to grasp the holding of a case, one must understand the way the case evolved. After reviewing gains made in the areas of religious liberty, freedom of association, academic freedom, censorship, and civil rights, Professor Konvitz is qualifiedly optimistic about the continuing growth of freedom and the strength of our constitutional system.

JUSTICE AND THE PRESS. By John Lofton. Boston: Beacon Press. 1966. Pp. xiv, 462. \$5.95. Ideally, there should be no conflict between the press and the courts; however, as John Lofton points out the press and the Bar exhibit combative propensities toward each other unparalleled by any other two groups. The author's purpose is not to exonerate either the press, even though he began his career as a police reporter, or the Bar, notwithstanding the fact that he is a member of the South Carolina Bar, but to suggest when the individual's right to due process should outweigh the public's right to know and conversely when the right to know should take precedence over the individual's rights. The author makes his point by examining various trials, beginning with Aaron Burr and culminating with those of Lee Oswald and Sam Shepard. Regardless of the book's value in settling the difficult area of free trial versus free press, the book will well serve the author's purpose since it does, in his own words, show that neither side is more pure than the other.

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