statute for the convenience of the draftsman. This sort of thing will not give the students much conception of the place of financial machinery in our economy. The book ends with chapters on liability of parties, discharge, bona fide purchasers and so on, topics usual to the bills and notes course.

But Beutel's arrangement is at least logical, if you grant his major premise. It is his view, if I do not misread him, that the courts should approach any uniform commercial statute with only the legislative text (and perhaps the draftsman's notes) before them. Prior cases are irrelevant. It is an exercise in pure mathematics, guided by a proper use of "conflicting statutory techniques of interpretation," to come up with the right answer. Hence, an abstract study in "formal requisites" makes an ideal testing ground for him. Needless to say I cannot conceive of construing a commercial statute intelligently without first looking at the legal and business history which went before it, and without which it may often have little meaning. When Beutel leaves out all of this as he purports to do, he deals with dry bones. Only in the latter part of the book, where the transfer of shipping documents is compared with that of drafts, notes and so on, does the study take on interest.

The writers of the Introduction cautioned their readers: "through all this you should retain a sneaking suspicion that negotiability is not terribly important, except to law teachers." Perhaps they are right. In any case I have long had a "nonsneaking suspicion" that the basic trouble with the commercial law materials lies not so much with Negotiable Instruments as with Sales. While the search for the person having "the property in the goods" can be made quite mystifying, not to say exciting, it is scarcely worth the great amount of time and ingenuity which have been expended on it. Better to abandon the present arrangement of sales materials according to concept, and go directly to a study of sales transactions. It is a fair guess that there will emerge in such case, not a marriage of sales and negotiable instruments, but a sequence.

Roscoe Steffen*


In four hundred and nineteen closely packed, clear and extremely well written pages, Quentin Reynolds has attained a high pinnacle as a biographer. This life of Samuel S. Leibowitz has so much to commend it, that I hardly know where to begin. Mr. Reynolds has given us a dazzling narrative of a thrilling professional career. It tells in detail some twelve or more of the great cases which Judge Leibowitz handled when he was appearing for the defense. It depicts a lawyer deeply concerned with the cause of justice, yet well aware how difficult it is to obtain a verdict of acquittal in the face of public clamor.

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Mr. Reynolds is evidently a student of the great career of the greatest of all advocates, Thomas Erskine, and without laboring the point, he establishes the analogy between the Brooklyn lawyer and the man who saved justice for England in the latter part of the eighteenth century. We have no peers in this country, nor lord chancellors, but Samuel Leibowitz, at the age of forty-seven, after a lifetime in the safeguarding of the basic rights of man, was elevated to the Kings County Court bench, where he now presides. Mr. Reynolds says, today he is moored in the comfortable harbor of the judicial robe, but only a few years ago he was acknowledged to be the nation's leading criminal lawyer, an advocate in the tradition of Thomas Erskine.

In "Courtroom" we have not only the record of interesting and important trials, but the basic philosophy of a man who believed in justice and was willing and knew how to fight for it—a real presentation of the philosophy that underlies our way of life, a philosophy which declares that every indicted man is presumed to be innocent and that he shall not suffer the penalty of a conviction unless a jury is satisfied beyond a reasonable doubt as to his guilt. The basic theory of our jurisprudence is the concept of a divine law under another name. Every good man believes in justice in the abstract, but when a given individual is indicted for a heinous crime, abstract theories are often overborne by a pre-judgment of the case and a desire, because of a hatred of the crime, to fasten guilt upon the man accused; nor is this feeling lessened by the tendency of some newspapers to inflame the public in advance of trial.

"I hear many people calling out 'Punish the guilty,'" lawyer Leibowitz once said, "but very few are concerned to clear the innocent."

A terrible crime is committed. The circumstances point to one man as the perpetrator. "Punish him!" cries the unthinking crowd. "Hang him!" yell the lynchers, but the law says that he shall not be condemned until after he has had a fair trial and his guilt has been established to the satisfaction of twelve jurors who retain no reasonable doubt as to his guilt.

The man indicted stands alone—alone save for the courage and the skill of a determined advocate, and no one who has ever defended a criminal case has failed to realize that every man's hand is turned against him and that he too stands alone. The position, then, of the defender is a lonely one. Only a good conscience, an honest belief in the rectitude of his course and a valiant courage may see him through.

How much courage the lawyer for the defense of an unpopular case must have is dramatically revealed in Mr. Reynolds' throbbing narrative of the Scottsboro boys. For a New York lawyer to go down into the deep South and defend these Negroes in an atmosphere of lynching law required intestinal fortitude of a high order, and Mr. Leibowitz displayed it. In this case, a great lawyer not only won justice for men indubitably innocent, but struck a blow at ignorant intolerance. No one can read this chapter and come away without a vast admiration for the hero of Mr. Reynolds' book.
Next to this case, the one that interested me most was the murder at Beekman Tower. Before the trial of Laura Parr began, the newspapers had tried her and found her guilty of killing her lover. Her defense was novel, ingenious, totally convincing and completely ethical. I defy any fair minded reader to think otherwise, or to study the way in which Leibowitz succeeded finally in clearing her, without a profound admiration for this great lawyer.

"Dooley Was a Cop" is the title of another chapter which runs the whole gamut of human emotion. Dooley had shot and killed a man, and who can read his story without saying to himself, "There but for the grace of God go I"?

Judge Leibowitz did not believe that there is such a thing as a criminal type. "As far as I know," Leibowitz once said to the students of New York University Law School, "I never met or defended a man who was born a criminal. I don't believe there is such a thing as a 'born' criminal."

Upon this theory he patterned his professional career. He understood human beings, their weaknesses, their temptations and their fallibility. This understanding gave him that broad and profound sympathy without which no lawyer would be worth anything in court.

All men believe in justice for themselves but not all are equally willing that it should be accorded others. There is a place and a need in our society for great advocates such as Samuel Leibowitz, but they are, I fear, a disappearing race. "Tell me," he was asked by the author of this book, "how does the present-day criminal lawyer compare with the lawyer of yesterday?" Leibowitz answered:

Without even considering the great masters of the criminal bar of the nineteenth century, I am sorry to see the modern defense lawyers of eminence like the Darrows, Steu- ers and Littleton's rapidly disappearing from the criminal courtrooms of America, with few to take their places.

The reason that he assigned for this, he thus expressed:

[F]irst, there is much more money to be made in almost any other branch of the law. Second, the criminal law is undoubtedly the most back-breaking branch of the profession and demands trial court talent of the first order. Third, the young lawyer is discouraged from entering this field of the law.

When he was further asked as to whether he thought the law student should be encouraged to enter criminal practice, he said:

I do indeed! And the law schools could certainly do a better job in training students for life in the courtroom. Remember that a trial, especially in a criminal court, is more of a fact suit than a law suit. The troublesome problem confronting the court and jury is not so much what the law is, as what happened. "Did he steal?" "Did he assault?" "Did he commit arson?" "Did he kill, and under what circumstances?"

The law schools make no attempt whatever to teach the student how to garner the necessary facts in the preparation of a case for trial. All that they crowd into the students' heads are abstract legal principles.

How true and how unfortunate this is we all know.
Read this book. If you are in search of thrills, you will find them; if you are a student of courtroom technique, it is here revealed. If you believe in justice but would like to learn how difficult it is to obtain it, study here the record of one who knew how. If you are interested in human nature, read here of a man to whom it was an open book. I congratulate Mr. Reynolds upon a splendid performance and especially upon his choice of a subject.

LLOYD PAUL STRYKER*


In this volume the author has attempted to present a scholarly, generalized comparison of the American and the European concepts of the evolution of the right of the working man to organize and the limits to such right.

The author has drawn upon all fields of available knowledge. References to law, both legislative and judicial, economics, politics, and a bit of sociology and psychology, appear in the various pages. In the present state of overwhelming but uncollated social data, social knowledge concerning labor problems is at the same time one of the most unscientific bodies of knowledge and one of the most fruitful. This work reflects both of these characteristics. The author is preparing a comprehensive study of what he calls the “rights and duties of organized labor groups in the United States and selected European countries.” This volume represents his work on what he calls the “right to organize” which is only one phase of the broad field. The author, while apparently aware of the dangers of overgeneralized presentation (p. 32), nevertheless states his goal to be that of presenting a descriptive, that is, objective, approach toward “the right to organize and its limits.” He states his generalized description without basic criticism or valuation (p. 12).

In order to properly evaluate this work, it is essential to grasp and understand the author’s analysis. His subject is divided as follows:

(1) The evolution of the right to organize; (2) an analysis of the nature and protection of what the author describes as the “freedom to organize” but which he treats the same as “the right to organize”; (3) a consideration of the nature of what the author treats as the necessary concomitant to the right to organize, which he divides into two subheadings, (i) the “Compulsion to Organize”; and (ii) the “Right of the Individual to Work,” that is, without association. Under each of the foregoing headings there is presented in review the author’s generalized observations concerning the United States and selected European countries, mainly consisting of the United Kingdom, France and Germany.

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