

6-1953

Book Reviews

Follow this and additional works at: <https://scholarcommons.sc.edu/sclr>

Recommended Citation

(1953) "Book Reviews," *South Carolina Law Review*. Vol. 5 : Iss. 4 , Article 12.
Available at: <https://scholarcommons.sc.edu/sclr/vol5/iss4/12>

This Book Review is brought to you by the Law Reviews and Journals at Scholar Commons. It has been accepted for inclusion in South Carolina Law Review by an authorized editor of Scholar Commons. For more information, please contact dillarda@mailbox.sc.edu.

BOOK REVIEWS

TO WIN THESE RIGHTS. By Lucy Randolph Mason. (New York: Harper and Brothers, 1952. Pp. 206. \$3.00.)

This volume presents the author's personal story of the CIO in the South, and it is dedicated "to the men and women who through the union movement are creating a better South." Miss Mason describes her family history, her activities as a social worker which provided the background for her union work, and then provides a detailed description of her fifteen years of work as a "roving ambassador for the CIO in the South." The book is pleasantly written in an anecdote fashion with a dominant theme that unions are leading the way to a social revolution in the southern part of the nation.

From a description of a number of organizational campaigns in which the author played the role of defender of civil rights a picture of a systematic pattern of management resistance to unionism is obtained. Such techniques as the denial of meeting places, discharging of union sympathizers, the threatening of workers just before elections, and the intimidation of union organizers by company paid Deputy Sheriffs recur again and again. Management also is accused of fostering community opposition to the CIO by accusing it of being a communistic organization and of arranging for ministerial attacks against unions.

Brief biographical sketches of leaders of the CIO drive in the South are of the same basic nature—these are intelligent, hard-working, socially-conscious, forceful people who have devoted their lives to the goal of freeing the working man from the yokes of paternalism and exploitation. Sketches of negro labor leaders highlight the theme that the CIO is performing a service in breaking down the evil force of segregation.

The author may tend to exaggerate the success achieved by unions in their crusading and organizational campaigns in the South, but this is to be expected of a partisan story. Regardless of personal attitude toward the role of unionism in the growth of the new South one must acknowledge the sincere convictions, the warm social-consciousness and the zeal of the author.

JAMES A. MORRIS.*

*Associate Professor of Economics, University of South Carolina. A.B., Northwestern 1942; A.M., Harvard 1947; Ph.D., Harvard 1951.

TRIAL JUDGE. By Justice Bernard Botein. (New York, 1952. Pp. 337. \$5.00.)

This autobiographical account of ten years in the life of a judge is wittily recounted. His story moves with vigor and action, vignettes of interesting experiences being liberally included. How does a judge feel when he presides over his first case? When he gives his first charge to the jury? Too often it is assumed that the important and the famous are without the fears, the little uncertainties, the worries of the "average" person. Judge Botein shows that a judge is human, too. In a chapter called "Things Not Taught in Law School" the author, as a member of the Supreme Court of New York, a court of "unlimited jurisdiction," was confronted with a situation not described in the law books. He was called upon to approve a sale of some real property in process of reorganization. All parties had agreed upon the price of \$400,000. Using clever psychology, but taking some risk upon himself of being labeled stupid in the event of the failure of his plan, the Judge finally received a bid of \$990,000. The author clearly shows that truth is not always in a trial; he views "most trials" as "private fights." He says, "It would appear, therefore, that the description of a trial as a *search* for the truth is a somewhat loose definition Often a jury or judge cannot determine where the truth lies; yet they can nevertheless return a verdict. There has at least been a resolution of a conflict without resort to force."

In one of his cases the Judge tells of a plaintiff who sued his brother for twenty thousand dollars. The plaintiff introduced into evidence his cancelled check for that amount, payable to his brother and bearing the written notation "loan to be repaid within three months." The defendant maintained that the check represented his brother's investment in a business partnership which had not turned out well, that the arrangement of the details of the business had never been reduced to writing. The defendant insisted that the notation was not on the check when his brother gave it to him. He asked for and received permission to subpoena the records of the plaintiff's bank. The bank, unknown to any of the litigants, made microfilm copies of all its checks. The microfilm copy bore no notation; the important words had been written on the cancelled check after it had been honored by the bank. Deliberate perjury was uncovered because of the uncommon practice of a particular bank. The Judge indicates that all cases involving perjury are not so easy to establish.

He shows at length the judge's role in a trial; his conception is that the judge occupies a unique position in that he is a fellow craftsman

of the other lawyers present, but is "walled off, something like a priest." The lawyer's role in the trial is related in one of the most illuminating chapters in the book, one of especial interest, I should say, to other lawyers. To complete his logical examination of the trial, the author presents by illustration, the workings of the minds of juries under the captions "Lawless Jurors" and "Jurors Are Nobody's Fools."

Judge Botein is outspoken in his advocacy of pretrial conferences and settlements. He feels that legal purists are often inclined to look down their noses upon settlement efforts, but for himself he says, "It seems to me, on the other hand, that the settlement of cases is the most civilized activity in the courts."

This book, although written primarily for laymen, will make interesting and profitable reading for any lawyer, especially one who views his profession not solely as a method of earning a living, but as one whereby he helps to safeguard the basic rights of citizens living in a working democracy.

MILLEGE B. SEIGLER.*

*Professor of English, University of South Carolina; A.B., Furman 1930; A.M., Duke 1936; Ph.D., Duke 1940.