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BOOK REVIEW

BEHIND THE JUDICIAL CURTAIN. By Clarence G. Galston. Barrington House, Chicago, 1959. 158 pp.

Drawing upon many years of experience as a teacher of philosophy and patent law, as a practicing attorney, and as a federal judge, the author has fashioned a work which will appeal to anyone who, as a juror, as a witness, as a litigant, or as a lawyer, has taken part in one of the dramas which are being enacted each day in the trial rooms of courts throughout this country. Judge Galston recalls many interesting events in which he was a prominent participant during his thirty years as district judge in the Eastern District of New York.

Upon graduation from the college of the City of New York, Clarence Galston taught mathematics, English, philosophy, psychology and economics at this institution while attending New York University Law School at night. His teaching career ended when he received his Bachelor of Laws degree and turned to the practice of law.

As a young lawyer the author became interested in patent law as the result of having a case involving title to a patent assigned to him since no one else in the firm was a patent lawyer. Thereafter, his knowledge in this field of the law led to retainers by many corporations. At the time of his appointment to the bench in 1929, Judge Galston had risen to the position of a partner in the firm of Warner, Johnson & Galston with a branch in Mexico.

Judge Galston covers, in his work, many interesting cases which were tried before him and he gives the reader the benefit of his thoughts on these cases as they proceed. He includes some of his charges to the jury from the more important cases. The backlog of cases on court calendars, the jurisdiction of federal courts which is based solely on the ground that the litigants are citizens of different states, and our jury system all come in for their share of the critical analysis by the author.

Our present jury system, according to Judge Galston, could stand much revision with reference to the civil side of the law. His reasoning is that verdicts should not be shrouded in secrecy any more than are the findings of the court sitting without a jury; therefore, he suggests that juryroom deliberations be recorded, transcribed and filed with the record. He doubts the contention that the juror is educated in government by serving on a jury and questions the "assumption that the juror's knowledge, shrewdness, mental power and

agility, experience in affairs, knowledge of human nature and his sense of right and honor, will lead him to decide correctly which contestant is right and which lawyer is right, in all kinds of complicated controversies." In making the point that juries sometimes try to decide the law in the case rather than base their opinion on the evidence, he gives an example of a woman juror in the first *Hiss* trial, when the jury could reach no agreement, who said she disagreed with the judge's rulings on the evidence. The Judge suggests also that a test for prospective jurors could be very helpful in weeding out unfit jurors.

The author considers juries a necessity in criminal trials and believes that, on the whole, the juries reach the right verdict.

Judge Galston discusses such criminal cases as the "Black Hitler" case, the *Lepke Habeas Corpus* case, other assorted cases dealing with narcotics and the waterfront areas. The "Black Hitler" case seemed particularly interesting to him due to the fact that Pearl Harbor had been bombed and mobilization was in jeopardy due to the acts of some citizens such as the Negro defendants who were charged with sedition as a result of attempts to influence members of their race not to serve in the armed forces against Japan who they contended was a friend of the Negro race. The foreman of the jury which convicted the defendants was a Negro woman. There were two other members of her race on the jury.

Civil actions, in general, are dealt with at some length by Judge Galston. He sums up the interesting aspects of many cases involving famous persons and firms and gives the small town lawyer a hint as to the length of time required to try some of the more involved ones. Anti-trust suits seem to have been numerous in his court, the actual trial of some lasting for two months. Accounts of cases concerning unfair competition also make interesting reading. *The Man Who Came to Dinner* is the subject of a copyright case which is familiar to the reader.

Admiralty actions, to the reader who is a stranger to this field of the law, are particularly interesting in that the judge passes on the law and also determines the facts, all without a jury.

Judge Galston devotes considerable space to his experience in the field of naturalization of citizens. Serving in a section where this subject is very meaningful to many people who wish to become citizens, the Judge dwells on this serious part of his court and also relates some surprising beliefs of the participants in the naturalization ceremonies.

The author concludes his book with an insight into his service on the committee which revised the Federal Judicial Code. He introduces the reader to many of the most famous legal minds this country has ever produced.

The value of this book lies in the insight the reader gets into the various fields of the law; an insight which can be gotten only through experience tempered by time.

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