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**Book Reviews**

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For anyone to read The Silverlake Experiment in the hope of finding the causes of juvenile delinquency and the cures, the disappointment will be immeasurable. The volume is not a report; it is a textbook combining many disciplines—sociology, geometry, psychology, psychiatry and logic—involving computations and permutations, syllogisms and disputations, and emerging with no solutions. For a graduate student in sociology or psychology, it is well documented by authoritative citations and useful, though complicated, illustrative graphs. However, long summaries at the end of each chapter, combined with cross-references between chapters, make it somewhat redundant and repetitious. The use of a complicated rhetorical sentence structure makes the style somewhat pompous, ponderous and prolix, and hence difficult for the average reader to understand. A typical sentence from the book reads as follows: “Anomie, as conceptualized by Durkheim (1951), connotes a dynamic and drastic shift in the institutionalized norms of a social system.”1 Or consider this explanation of one of the many diagrams used to illustrate the authors’ theories: “The small letters a and c refer to what Costner (1969) calls ‘epistemic coefficients,’ or the correlations of the indicators with the theoretical concepts they are intended to measure.”2

The Silverlake Experiment was an attempt to compare what could be accomplished for the juvenile delinquent in the open community as contrasted to the more conventional institutional approach. It was conducted in collaboration with Boys Republic, a private institution for delinquents, and the Youth Studies Center of the University of Southern California. The locale selected for the experiment was Los Angeles County, although the reader must wade through 100 pages before discovering this vital fact.

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2. Id. at 291.
When the offenders were sent from Los Angeles County, the Counselor of Intake at Boys Republic assigned the boys either to the experimental or control group, and then appropriate comparisons were made of each group as the experiment progressed. The experiment was conducted for a period of three years followed by an additional year in which follow-up data were gathered on experimental and control subjects. In all, 261 boys participated in the experiment—140 in the field and 121 in the Boys Republic institution. The characteristics of the boys in the two groups, such as family background, record, scholastic performance, etc., were similar, although, necessarily, there were differences which were not considered drastic enough to destroy the validity of the conclusions.

Three chapters of seventy-three pages are devoted to establishing the principles intended to motivate the experiment. There the authors devote pages and pages to developing theories accounting for juvenile delinquency which were based upon pages and pages written by other professional theorists treating the same subject. Scores of programs were chartered before the experiment ever was launched, and when it was finished, the participants admittedly knew little more about delinquency than they had known when they began.

This reviewer was impressed by the fact that the rate of runaways increased to 50% during the term of the experiment with an overall rate of 37%. So the authors pose the question—"What problems were they encountering? What was the source of these problems—school, group, family or friends?"—thus proving that all the study accomplished at least in this area was the need for more study.

Furthermore, the conclusion of the authors was that the experimental program did not have a more significant overall impact than longer-term treatment in the open, educationally oriented control institution. In fact, from the standpoint of recidivism, 82% of the successful graduates from the control institution remained totally arrest free for the twelve month period following their discharge, compared to only 73% of the experimental group. The authors' conclusion is that these findings have provided strong confirmation of weaknesses in the theoretical and operational character of the experimental program—weaknesses that constituted a dominant theme during the whole study.

In summary, the authors seem to say that poor relations with family

3. Id. at 237.

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and friends, and strain, are the dominant causes of delinquency. *Ergo,* institutional relations should be improved and strain reduced. How to accomplish this the authors do not say, nor in their opinion did the experiment demonstrate.

This is a book written by professors for would-be professors—certainly not for the novice.

David F. Maxwell*


This book contains a provocative study of past and present alarmism. In it, the editor presents a collection of more than 80 brief selections for review and comparison on the subject of conspiracy and subversion. In many ways, it is both unusual and interesting.

The content and style of the book can be explained best by example. Consider the subject of McCarthy-style anti-Communism. One of the selections relative to this subject is an excerpt from a speech of Senator Joseph McCarthy made in 1951 which is quoted from the Congressional Record. Another selection is an excerpt from a 1953 Senate Report by the Subcommittee on Internal Security. In addition, the editor includes excerpts from opinions in 1949 and 1950 by Supreme Court Justice Robert H. Jackson, excerpts from two speeches by Congressman George A. Dondero in 1946 and 1949, an excerpt from a publication by Billy James Hargis in 1960, and an excerpt from a speech by Robert Welch, the founder of the John Birch Society, in 1964. Furthermore, on this one subject, there are also excerpts from original works by eight other authors or sources.

Similarly, the editor has excerpted speeches and documents that dealt extensively with numerous other movements over the past 200 years which various spokesmen have considered to be conspiratorial subversions. Probably the most familiar targets, other than Communism, would be Fascism, Capitalism, Anarchism, Socialism, the British,

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the Masons, the Catholics, the Jews, the Mormons, the Ku Klux Klan, and proslavery interests. There are many others treated in this book, however, some would be considered relatively obscure to all except intense students of history. Emphasis is on particular decades when, in the opinion of the editor, alarms of conspiratorial subversion were most pronounced: the 1860's, the 1790's, the 1830's, the 1850's, the 1890's, the 1930's, and recently in the 1950's and 1960's. The selections are all original material and, are arranged in chronological periods. With but one exception, each selection is by an American.

It is significant that the editor, Davis, introduces his book with an essay from a book by a famous historian, Richard Hofstadter, entitled "The Paranoid Style in American Politics." This essay provides the editor with a theoretical base. The "paranoid style" is an expression which Hofstadter originated, and which Davis uses, to describe the mentality which searches for and sees vast and sinister conspiracies not only as existing, but as the moving force in all historical events. This kind of "paranoid" sees the danger in total or ultimate terms, such as the end of a government system or a given social order, and the solution is unappeasing, total annihilation of the threat. Both Hofstadter and Davis, however, expressly note that they are excluding and discounting the "lunatic fringe." According to Hofstadter, the paranoid literature usually contains at least a few defensible moral assumptions, as well as some undeniable facts. Both Hofstadter and Davis stress that the paranoid's problem is the great leap from these assumptions and the known facts to the end conclusion. Davis presents Hofstadter's theory of the paranoid style, because this is the characteristic which provides continuity in the selections he has collected.

Because of the obvious question of significance of this work, and the process of editing, the credentials of the editor necessarily become important. Here the editor has included over 80 selections, and one can imagine the enormity of the task of reading, studying, and excluding involved in the collection process. Furthermore, each selection is only a part of a larger speech or writing. The integrity and intellect of the editor certainly become critical in both of these selection processes. Davis indeed has impressive credentials for the work involved, including his being a professional historian and having won a Pulitzer Prize for a previous work of nonfiction.

The stated purpose of the editor is to identify what he deems to be an important phenomenon in American thought which often has been
obscured in conventional presentations of history. His method of identifying the phenomenon is by presenting "images" of conspiracy and subversion as a means of studying American tensions, values, and expectations. As he states:

[T]he point to be emphasized is that Americans have long been disposed to search for subversive enemies and to construct terrifying dangers from fragmentary and highly circumstantial evidence . . . . The significant question is why Americans have been so inclined to conceptualize their relationship with the rest of the world in conspiratorial terms. If images of subversion reveal changing needs and tensions, we need to look closely at what Americans have thought they need most to fear as well as at the values and institutions that they have seen as primarily endangered.¹

Davis presents these "images" through selections which collectively represent what he deems to be relatively pure examples of the conspiratorial mentality. It becomes clear from a reading of the book that Davis is not only concerned with identifying this phenomenon, but in speaking out in the most forceful terms against the paranoid style of alarmism he is presenting. His is a call for moderation in the future. In his opinion, the alleged subversive movements have been neither as powerful nor as dangerous as the countersubversive movements which have risen in reaction.

The extent to which any threatened conspiratorial subversion seized the American people, or the extent to which any particular alarm succeeded in arousing opposition, is not generally developed. That is not to suggest that numbers are per se the only criteria of evaluating the importance of any given alarm or call to action. The success of the thesis of the book would seem, however, to be dependent upon an identification of the group or groups in the United States sounding the alarm and responding to the alarm, and the prevalence and intensity of the fear of conspiracy. In his commentary, the editor does give some insight into the particular groups which rallied around the cry of alarm, but only in the most general terms. The question of "countersubversion," and a description of the movements of countersubversion will, in his opinion, require a separate analysis at a different time. Although he never expressly says so, it is apparent and implicit that Davis believes the selections do present a balanced picture of representative

¹ Introduction to D. B. Davis, The Fear of Conspiracy [hereinafter cited as Davis], xix-xx.
and meaningful responses to alleged threats of conspiratorial subversion. At one point, he does note that a particular group of selections is not intended to present a balanced picture (Populism and the Free Silver Movement), which does give rise to an implication concerning the rest. But more importantly, it is implicit because without this implied assurance, the book would have neither significance, nor historical or scholarly merit, and would be reduced to being what Davis states it is not, a collection of messages from the lunatic fringe. Of course, for the period of time in which any reader has lived, the reader would have a fairly good idea of the extent to which an alarm or cry of conspiratorial subversion was heeded, and the prevalence and depth of the fear engendered. For the earlier periods, however, one must rely on the integrity and intellectual skill of the editor. Any judgment, therefore, on the long term significance of this collection, will have to be reserved pending comprehensive scholarship in the field of counter-subversion.

Since all of the selections are original material and contain the exact words of the particular spokesman for alarm, the tone of the selections is one of the most interesting features of the book. Each message quoted has the quality of sincerity and dedication, regardless of whether the spokesman is particularly well-informed or ignorant, intelligent or stupid. In most cases, the spokesmen are inordinately skilled in the use of language, especially language of persuasion and demagoguery. As is expectable, the tone of these selections is generally very heated, passionate, colorful, and often vituperative. This can be conveyed best by sample language. Going back to the example of McCarthy-style anti-Communism, here is a sample quotation from the speech of Senator McCarthy mentioned above:

How can we account for our present situation unless we believe that men high in this Government are concerting to deliver us to disaster? This must be the product of a great conspiracy, a conspiracy on a scale so immense as to dwarf any previous such venture in the history of man. . . . Who constitutes the highest circles of this conspiracy? About that we cannot be sure. We are convinced that Dean Acheson . . . must be high on the roster. The President? He is their captive. . . .

Congressman Dondero’s speeches contained the following:

This country is being systematically communized, perhaps uncon-

sciously, through its educational institutions. These institutions are instruments through which left-wing theories and philosophies may be and are taught to large groups of young Americans by persons whom they respect and trust—their instructors. If this program is not exposed and changed, it will soon be too late to save free enterprise and free government in the United States.³

[A]rt is considered a weapon of communism, and the Communist doctrinaire names the artist as a soldier of the revolution . . . . I call the roll of infamy without claim that my list is all-inclusive: dadaism, futurism, constructionism, suprematism, cubism, expressionism, surrealism, and abstractionism. All these isms are of foreign origin, and truly should have no place in American art . . . . All are instruments and weapons of destruction.⁴

For comparison, consider samples from the selections by two Communist party nominees for President, Earl Browder and William Z. Foster, on the subject of anti-Fascism. Earl Browder stated in 1938 that:

The reactionaries, the fascists, the warmakers . . . work internationally, in concert, . . . on a worldwide plan, to gobble up and assimilate the world, piecemeal, bite by bite, leading toward world anarchy.⁵

William Z. Foster stated in 1949:

This country is dominated by the richest, most strongly organized, and most ruthless capitalists in world history. . . . These capitalist oligarchs are aggressive, fascist, imperialist, and warlike. Their ultimate objective is to establish a Wall Street mastery over the world, including the Soviet Union.⁶

As with any collection of original material, a large part of the reader's enjoyment lies in having the freedom and ability to interpret the material for himself. But, in this regard, the selections do not in themselves usually explain the particular facts, events, or background of the particular cause for alarm or threat of subversion. The reader is presumed to know the basic background for the movement involved and the ultimate fate of the particular threat of subversion. The editor has included some commentary in the book, but largely this deals with introductions of the spokesmen whose selections have been included and some summary material providing continuity.

³. Id. at 297.
⁴. Id. at 303.
⁵. Id. at 277.
⁶. Id. at 290.
At the very least, Davis' work is a resounding success insofar as it is indirectly an appeal for moderation. Regardless of the following credited any given alarmist, the fact of continuing recurrence of alarmists is itself a warning against the excessive cry of alarm. The necessity for calm, considered judgment in heated times and in the face of heated claims of conspiratorial subversion, cannot be denied. Furthermore, the editor has taken a significant step toward proving his thesis.

David R. Gold*


The function of a legal system is to rationalize the present in the vocabulary of the past; law moves across history like a glacier, shaping the topography of tomorrow with the snows of yesterday. The Anglo-Saxon tradition considers the optimum speed of the glacier to be that sedate pace between avalanche and impasse which affords society an assurance of continuum tempered with the invigoration of change.

At some certain moment of the Twentieth Century—perhaps when Kerensky fell, certainly not later than the surrender of Singapore—our world entered an age of avalanche. In municipal law this era is characterized by the radical restructuring of societies. In international law its pattern is equally abrupt but more devious; instead of openly repudiating obsolete norms, we merely embalm them alive with lip-service.

This book is a collection of six case studies in the relationship of international law to civil war. Though commissioned in a common project of the American Society of International Law, each study is the work of separate scholarship. The result is an engaging medley of individual styles and persuasions, which Professor Falk has wisely chosen to edit only lightly, limiting his personal expression to an introductory overview.

The six studies chronicle a century of decaying influence of inter-

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national law in civil war situations. The late Quincy-Wright found that conventional international norms were largely followed in the American Civil War, both in the conduct of the belligerents and in the practice of neutrals. Ann Van Wynen Thomas and A. J. Thomas, Jr. conclude that internally, the Spanish Civil War was fought with little regard for conventional rules of warfare, and externally was marked with blatant intervention by "neutral" states. Arnold Fraleigh reports much the same of the Algerian Revolution. Donald W. McNemar discerns in the Congo War the emergence of a new principle, "that a UN multilateral operation preempts the right of any foreign country to grant military assistance on a unilateral basis." In an exceptionally articulate and incisive study, Kathryn Boals considers that, "international law played almost no role in the Yemen conflict." Treading warily in the too-near thicket of Vietnam, P. E. Corbett declines to pass judgment on specific legal issues but ends with a summation fit for the entire series:

Thirty years ago the civil war in Spain displayed the naked weakness of international law and institutions as means of protecting the interests of either the troubled state itself or the aggregate of states in cases of major internal conflict. Vietnam has made it clear that despite all the conventions, resolutions, and international organizations that have been contrived since 1939, the interstate system is still incapable of quarantining civil strife.

If the old law does not work, what will? In a summary of the six studies, Edwin Brown Firmage asserts: "There is a compelling necessity for increased community control over the international aspects of civil strife." Hope lies, he feels, in seeking agreement on the circumstances in which the UN may intervene, with a consequential diminution of unilateral intervention. Professor Falk admits that the roles of international law in civil war are only "minimal and marginal," and that "To write optimistically about the role of law in relation to

4. Id. at 402.
civil warfare is obviously premature."7 He recommends that we wipe the slate clean of the old rules ("abandon the pretense of norms") and seek new ones ("develop a more responsive normative framework that would appeal to most governments under most circumstances and that would tend to promote basic policies relating to the minimization of violence, the enhancement of human dignity, and the promotion of national self-determination")9). For this purpose he suggests calling a "major world conference on the law of war."10

One opens this book with the prejudice that analyzing contemporary warfare in terms of international law is a rather ingenuous exercise. (The concept of international law flutters gauzily enough over most matters of national interest; draped about the naked sinews of battle it becomes as transparent as the Emperor's clothes. Does it matter much whether the Emperor is in fact naked, or only apparently so?) But as the pages turn, one is moved to admire the earnestness with which these scholars search for legal norms, and the honesty with which they report them missing. Professor Falk correctly suggests that the first task is "to abandon the pretense of norms,"11 and these studies will usefully hasten that abandonment.

But it does not seem realistic to expect a significant contribution, at this juncture of history, from a "major world conference on the law of war."12 After all, the "international law of civil war" which this book finds to have fallen into desuetude was not engraved upon Sinai. Its external norms of neutrality, for example, crystallized as a convenient arrangement of the victors' club of post-Napoleonic Europe, assuring Britain commercial freedom of the seas, while protecting the territorial status of the Continental powers. If Wellington had lost at Waterloo, the Nineteenth Century would have reached a different consensus—one favoring intervention in aid of anti-monarchic revolutions, no doubt, and perhaps limiting the trading prerogatives of neutral powers. It is the Waterloos that make international norms; the conferences merely put them on parchment. Our age of avalanche has not yet fought its Waterloo. Until it does—until we reach some supremely contested, ultimately acknowledged point of equilibrium between the forces of change, the forces of continuity and the super-

7. Id. at 27.
8. Id. at 16.
9. Id.
10. Id. at 28.
11. Id. at 16.
12. Id. at 28.
powers who manipulate them—there will be no new international norms of war for a major world conference to recognize.

Ewell E. Murphy, Jr.*


Over 800,000 people identify as American Indians today; some 470,000 of them residing more or less permanently on Federal reservations (land held in trust status for them by the Secretary of the Interior). Free to come or go, they often are held by strong ties to the land and the community. Migratory between two cultures, one dead and the other alien in spite of several hundred years of acquaintance, many are truly marginal people. Isolated in the backwaters of rural America, the reservation Indian needs the spotlight of publicity to identify his many problems. This will engage national attention to aid in solving or at least alleviating the problems.

The proof of a current resurgence of interest in the bewildering complexity of cultures, languages, physical attributes and attitudes that make up the Indian world is found in the brisk sale of Indian-oriented books and Indian-interest articles. Dee Brown's Bury My Heart at Wounded Knee1 has led the best seller list for months following the more limited success of Vine Deloria's Custer Died For Your Sins2 and We Talk, You Listen.3 Jockeying for favorable positions on the list have been several dozen works ranging from the bombastic half-truths of Our Brother's Keeper4 to the scholarly insights of Anthony F. C. Wallace's The Death and Rebirth of the Seneca.5 Each writing contributes to our knowledge of Indian America, and each suffers from the complexity of problems facing America's most underprivileged

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4. Our Brother's Keeper; The Indian in White America (E. Cahn ed. 1969).
minority. Earl Shorris has written, with understanding and empathy, an important, although depressing, work on the state of the American Indian today.

Mr. Shorris is a journalist and novelist in love with words and capable of intense characterization. His rich, anecdotal style and lively vignettes bring out the diversity, and catch much of the realism of Indian thought and feelings. The book jacket accurately states that he "has undertaken an intensely personal journey, talking and listening to Sitting Bull's spiritual descendants." Shorris' journey has taken him onto many of the modern reservations and into the urban areas with the Indian relocatees. He is widely acquainted with many of their leaders and his word sketches have the feel of reservation life with all of its anger and frustration and apathy.

This is no mere recital of historic facts or modern statistics. Indian people come alive on his pages. Yet without a knowledge of past Indian policy and present policy trends, the reader cannot sift the chaff from the wheat or ignore the distortions while gaining an understanding of the frustrations. Shorris does not write with the venom of Our Brother's Keeper, but his anecdotal word pictures preserve many half-truths and oversimplify the problem. Shorris recognizes the problem, but feels, perhaps justifiably, that a half-truth has validity if the Indian believes it to be true.

It is too easy a solution to simply castigate the anthropologists, the Bureau of Indian Affairs, or the people he refers to as "the lovers." I agree that often the Indian people have suffered as much from white humanitarians cast in the role of "lovers" as they have from their prejudiced neighbors. As a white, BIA bureaucrat, I am also only too aware of the Bureau's failures, both historic and present. Nor can we say too smugly of our role as "villain" that psychologically, if the Bureau did not exist, the Indian would have to create one. Yet, in spite of scape-goats, the basic problem remains. The Indian land base is too small to support the Indian population economically. Relocation, for the most part, has been a failure, because instead of assimilating the Indian people, it merely substituted an alien urban slum for reservation poverty. It has had the further disadvantage of stripping desperately needed leadership from the reservation.

Shorris' basic theme is expressed best in his sub-title, "An Elegy for the American Indian." If we accept Webster's definition of an elegy

6. Supra note 4.
as "a poem of lamentation for the dead," we grasp the despair beneath the writing. Shorris says:

It is impossible for men of Western culture to help Indians except by destroying them as Indians and resurrecting them in a new culture. The destruction is quick—the crystal is delicate—but the resurrection is slow, for the Indian has seen the options, and chooses, perhaps unconsciously at first, to be shattered rather than obliterated.

Stating much the same theme is Alan Fry, a Canadian Indian Superintendent, in his powerful documentary novel *How A People Die*. Fry ends his novel on a despairing note in reference to an Indian boy on a Canadian reserve: "You're nineteen and you're dead already." In the sense that the Indian way of life, his cultures and his attitudes, began to pass with the advent of the non-Indian to these shores, the author is but reporting facts. That life is gone along with America's great virgin forest and the buffalo herds. But that does not make the Indian unique. Within a lifetime, people who experienced the westward migration, claims shanties, unfenced land and clean water, have lived to see men walk on the moon. Modern life has made people other than Indians marginal to their culture.

The melting pot experience has failed for thousands of Indian people. The only solution remaining, other than despair, is a pluralistic society. Hank Adams, an Indian on the Quinault Reservation, states the problem for all Indian people: "When I say develop a new Indian life,' he confesses, 'it doesn't mean the life of a hundred years ago, or a thousand years ago. I'm not certain what it means."' Shorris replies: "A pluralistic society in the time of television?" And his book says "No." No man can read the future, but I sense something far different in the Indian country. In spite of missionaries, anthropologists, and the BIA, in spite of forced removals and deadening poverty, Indians are still Indians in this America, and in spite of centuries of steady encroachment they are still on a land base. There is change in the air, even in the BIA. Alcatraz is important to the Indian people as a symbol; not a realistic goal. There is room for diversity in America—it is our real hope for survival.

The work of the Indian Claims Commission and Court of Claims in attempting to adjudicate old treaty wrongs; the necessity for legal

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aid in the strengthening of Indian tribal government; and the role of the attorney in interpreting the Indian's growing awareness of civil rights, raises the necessity for increasing numbers of attorneys to become conversant with the often unique legal problems of Indian people. Mr. Shorris' book should be high on the list of anyone who wants to look beyond the television re-runs of old Westerns at our most tragic minority problem.

Robert Pennington*

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