Book Review: A Forerunner of Things to Come, the Big Blue Line, by Ed Cray

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Book Review

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homicide and theft in some detail, only a passing reference is made to equally significant offences such as assault, kidnapping, extortion, forgery and bigamy.

Any criticism of this work depends, as was stated at the beginning of this critique, on the critic’s views concerning teaching methods. If it is admitted that the casebook method is the most satisfactory method of teaching then this work is invaluable. Its drawbacks are few and lie not so much in what it presents as in what it fails to present. The failure to include more material which emphasizes the scope of criminal law as well as some reference to criminal punishment is somewhat of a drawback if one feels the object of teaching is to produce socially aware, thinking lawyers. The work tends to deal with the basic principles of criminal law in a mechanical fashion and consequently, unless the casebook is used in conjunction with the socratic method of teaching, may tend to produce the dreaded legal technician.

MARY VIRGINIA MACLEAN*

A FORERUNNER OF THINGS TO COME, THE BIG BLUE LINE.

Ed Cray, the Director of Publication for the American Civil Liberties Union of Southern California, has written a compelling and informative account of police practices both in and out of the station house.

His well-researched book contains outlines of leading American criminal cases involving the basic conflict between the rights of private citizens as opposed to the needs of law enforcement. As well, the author describes a number of shocking incidents involving false arrests and imprisonments, beatings and brutality, and general examples of lack of respect for basic human rights and dignity.

Since the book centres on police practices in the United States, where a high percentage of crime is ostensibly committed by Negroes and Puerto Ricans, a Canadian reader might feel that the events depicted have little relevance to law enforcement procedures in Canada.

However, this is not so. A lawyer practising in the Magistrates’ Court quickly learns that our police often resort to physical force in order to obtain statements from persons suspected of committing criminal offences. As well, in many cases where the charge is one of assaulting police, it is the initial conduct of the police officer which has brought on the alleged assault. Furthermore, one need only examine the recent recommendations contained in the Canadian Police Chiefs’ Association

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Brief to become aware of the type of thinking that permeates the higher echelons of law enforcement.

Solutions to these problems are not easy to find.

The obvious one suggested by the author is to raise the general level of the police department by a combination of higher admission standards and longer and better training. However, better educated and trained law enforcement officers deserve much higher salaries than they are at present receiving and government seems reluctant to provide this.

The other solution advocated by Cray is the formation of an independent civil review board that would investigate complaints of police injustice and would have the power to discipline the offending officer if the facts so warranted. The police, however, are violently opposed to this idea on the grounds that it would fan the existing flame of distrust between police and private citizen and it would greatly undermine police morale which is already at a very low ebb.

One thing is clear. Until these problems are resolved, the incidents, the beatings, and the riots depicted in this book are only a mere fore-runner of things to come.

NORMAN J. FREEDMAN.*


A rather compelling argument for some type of legal regulation of criminal news reporting is presented by the authors. Michael Rosen, a lawyer, has done a vast amount of research and Howard Felsher has organized the material in such a way that it is difficult for the reader to disagree with the conclusions reached in the book.

The book, throughout its entirety, continues to hammer home the thesis that the present techniques being employed in criminal reporting severely prejudice an accused's case, the result of which is to deny him "full protection of due process of law". The reader is continually reminded that a crime is not solved until after the defendant is convicted by a jury, but that newspapers, television and radio persist in referring to a crime as having been solved after a suspect has been arrested and charged. The authors cite a California case where eight of twelve jurors openly admitted that they believed that the defendant was guilty as a result of reading newspaper reports of the case prior to trial. Mr. Felsher then states that although some flagrant instances of convictions as a result of pre-trial publicity have been overturned by courts of appeal, there is no guarantee that this will occur in every case.

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