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Book Reviews

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BOOK REVIEWS

FEAR ON TRIAL

By John Henry Faulk. New York: Simon and Schuster, 1964, PP. 398.
Price \$6.50.

"The people I am most scared of are the people who are scared."

—Louis Nizer quoting Robert Frost.

It was 1955-1956, in the waning days of the McCarthy era. John Henry Faulk was a rising radio and television personality, perhaps in the fashion of Will Rogers, with his own radio show each weekday afternoon on the CBS flagship station in New York City. The future looked bright.

But John Faulk had not yet felt the sting of AWARE, Inc., a self-appointed vigilante group whose stated purpose was to "combat the Communist conspiracy" in entertainment and communications. The sting came when he helped lead a successful challenge, over the issue of blacklisting "disloyal" performers, against the stranglehold AWARE held on the New York local of the American Federation of Television and Radio Artists. John Faulk was smeared and blacklisted out of his job. He was no longer employable.

"Fear on Trial" does more than simply chronicle one man's successful efforts to vindicate himself in a libel suit. It takes the reader through the maze of problems encountered by a plaintiff and his attorney in piecing together a case out of innuendos, half-truths, intimidated witnesses and subtle conspiracies—tools which modern vigilantes, especially of the "anti-Communist" stripe, use with devastating effectiveness. Happily for Mr. Faulk, his attorney was Louis Nizer.

Much of the book is devoted to the trial itself, with abundant quotations from the transcript. Nevertheless, as the story unfolds it could hardly be more readable, or more instructive. Even the list of witnesses, which reads like a compendium of familiar radio and television names, is overshadowed by the simple lesson that in a trial there is no substitute for preparation. The author's impressions during the trial (he was once nearly persuaded by the defense that he had taken his blacklisting too seriously) are tributes to the value of our adversary system.

But the real lesson to be learned from the book is that a better informed public, not a lawsuit, is the ultimate answer to vigilante tactics. Of the Faulk case, a New York Times editorial concluded:

The libel verdict should have a healthy effect in curbing the excesses of the superpatriots who sometimes show no more con-

cern for the rights of individuals than the Communists they denounce. The case should assist in establishing a judicial delimitation on the lengths to which private groups, arrogating to themselves the mantle of public protector against subversion, can go in blacklisting and defaming their fellow citizens. We do nothing to strengthen democracy if Americanism is distorted into a device for undermining the freedom the Constitution guarantees to every American.

Well and good. But what of Faulk the performer? Much of the judgment was uncollectible and most of that collected went to pay debts incurred during his unemployment. Then a foreseeable but grim discovery after six years in limbo:

When I spoke to Lou (Nizer) about it, he counseled me to stay in New York and take advantage of the job offers that would surely pour in. He knew that I was flat broke, and he figured the best cure for that was to be on hand while things were hot. As it turned out, things weren't that hot. I fell to, however, and started trying to hustle a job. The response was high on congratulations, but low on results. Most of the people I talked to were not very clear on just what it was that I did as a performer. Did I tell jokes; sing folk songs, or what?

Of course, things have since taken a turn for the better. John Henry Faulk has written his book, and a movie is about to be made of it. He is in demand as a lecturer on American and Southwestern humor. But everyone is not a humorist, and the public's interest in causes wanes easily. How many books or movies on the subject would sell? One for every person whose career is ruined by vigilantes? "Fear on Trial" can teach us something about ourselves.

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DEFENSE OF THE POOR IN CRIMINAL CASES IN
AMERICAN STATE COURTS:
VOLUME 1, NATIONAL REPORT

By Lee Silverstein. Chicago: American Bar Foundation, 1965, PP. 276.
Price \$7.00.

In 1962 the House of Delegates of the American Bar Association adopted a resolution concerning the defense of indigent defendants in criminal cases. In September of that year the American Bar Foundation assigned Lee Silverstein of its staff to conduct a study and shortly thereafter the Ford Foundation responded favorably to a research proposal. There were matching contributions by the American Bar Foundation and the American Bar Association.

"Volume 1, the National Report, is a summary, analysis, and discussion of the material gathered from the states. Volumes 2 and 3 consist of the reports from the 50 states and the District of Columbia, written by the various states reporters according to a uniform outline."—Foreword by Whitney North Seymour.

The work done furnishes (perhaps for the first time) facts, statistics, a collection of opinions concerning, and a worthwhile discussion of the methods for, the defense of the poor.

It appears that each year in the state courts felony charges are filed against some 150,000 persons who cannot afford to pay for their defense. The author believes "The liberty of an individual, however destitute or degraded he may be, is still too precious to be entrusted to an incompetent but willing lawyer", so he excludes "the young lawyer recently admitted to the bar, the capable real estate or corporation attorney who is unfamiliar with criminal practice, the marginal lawyer of limited ability who hangs around the courtroom hoping for some small piece of business."

There is, of course, much more. The book covers almost every facet of the problem, including assigned counsel systems, defender systems, a comparison of the two systems and pervasive problems under any system.

This significant book is ably written and so is quite readable.

Its timeliness is emphasized by *Gideon v. Wainwright*, 312 U.S. 335, decided March 18, 1963, and the decisions which have followed in its train.

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