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Book Reviews

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BOOK REVIEW

THE MUGGING. By MORTON HUNT. NEW YORK: ATHENEUM PRESS. 1971. Pp. xiii, 488.

Have you ever felt a knife at your throat? Or waited for someone to rip off your life after he's ripped off your watch and wallet?

It will probably happen to you and, when it does, your last thoughts on earth may be of the criminal justice system—the system which was supposed to prevent it. You may even have time to wonder why you considered criminal justice, if you considered it at all, to be a sort of retarded stepbrother of the law to be locked forever in the cellar of the legal profession.

Why must we live with the fear of sudden personal crime? Why haven't we done something about it? Morton Hunt, the author of *The Mugging* gives us a straightforward answer.

A major reason for our apathy and for the inadequacy of our actions concerning crime and the criminal justice system is the depth of our ignorance. The average middle-class citizen has had very little personal experience of the police, criminal courts, city jails, trials, or prisons. Very few of us know . . . what impact the criminal justice system has upon both the guilty and the innocent people caught up in its ponderous machinery.

This book goes far towards dispelling that ignorance. It is a remarkably readable and well organized examination of the criminal justice system. Mr. Hunt is not a professional member of the criminal justice fraternity except to the extent that he is a citizen. However, his research is impressive and his perception and accounts of facts of criminal justice show the analytical depth of good scholarship and the force and smooth movement of good reporting.

The author uses a real crime as the focus of the book. An old man is mugged, that is assaulted and robbed, in his apartment in the Bronx. The muggers leave him dead and nothing more is heard about the matter for a week. In the Bronx, in October, it takes about a week to notice a dead man next door. Hunt reports all of the probable details of the events before, during and after the crime. Included is a short but comprehensive note on victimology against which you can measure your own chances of becoming a crime target.

True to life, the author forgets about the victim shortly after the crime and turns his attention to the system that the crime has triggered into life.

Several chapters deal with police investigation procedures. The author takes you right into the squad room and teaches the art of interrogation. He also notes the supremacy of interrogation in investigative work. While he acknowledges the importance of court-approved limitations on acquiring and using confessions he notes:

. . . but we ought not delude ourselves that skillful investigation can always independently secure extrinsic evidence good enough to convict. In any case, the empyrean view of detection requires all detectives to be bril-

liant, logical, systematic, and immensely skillful, whereas in fact, most of them are rather ordinary men, without rigorous and scientific training, who go about their business in the same fumbling and slipshod way that other men do, and with commensurate results.

Mr. Hunt himself is anything but fumbling and slipshod as he takes us on through the system. He looks at lawyers. Defense attorneys and prosecutors come forward and are examined. What sort of people are prosecutors? Mr. Hunt describes them and gives an example or two. What sort of people are defense attorneys? Again, Mr. Hunt displays and analyzes. What do these people do in and out of court? Personalities, techniques, attitudes, emotions and motivations of the participating lawyers are part of the criminal justice system and *The Mugging* shows how all of these figure in the administration of justice.

A recurring theme through much of the book points up the dynamics of the relationships between client and lawyer, lawyer and lawyer, and judge and lawyer both when the lawyer is paid by the defendant and when he is on public service.

Plea-bargaining is examined and Mr. Hunt explains in one sentence the real dilemma of that particular process.

The best one can say of plea-bargaining is that it works—which is also the worst one can say of it.

However, justice is not bargained in this case so a jury is selected.

. . . the end result is something of a Least Common Denominator: a collection of persons of no special training or knowledge, no notable intellectuality, no particular awareness of the problems at issue, no strong ideology, no previous trial experience, and no clear ideas about the causes or control of crime. The principal qualification of the ideal juror is that he be an ignoramus about all of the subjects to be discussed in the case at hand, and thoroughly underqualified to make expert judgments about the evidence he will be hearing.

Certainly this may be suggestive of some weakness in the jury system. However, Mr. Hunt also shows the strengths of the jury system and how its mere existence shapes the conduct of police, prosecutor and defense.

At the trials in the book judges come under the same careful scrutiny and analysis as do the mortals in the system. Each has personal characteristics and part of a lawyer's job is to identify these characteristics. Perhaps this knowledge can be used tactically in a trial.

The Mugging showed some of these tactics on the part of defense counsels but they were unsuccessful in this case. Defendants were convicted. Bad news for the defendants but good news for the readers for now the book takes us into the prisons. Prisons are the repositories of convicted criminals. The defendants have been in jail awaiting and during trial and *The Mugging* has shown what goes on there. Prison is different—the same but different. Outside of actual experience this book is the best way of sensing the sameness and the difference.

Most prisoners want to get out. One route is the successful appeal. The book maps this route. In most cases it's a dead end but even a trip to nowhere is something on which it's worth spending time when you're doing time. An interesting comment on appeals notes that they are (or can be) argued in court and suggests that this is so because appellate judges like to demonstrate their own brilliance. Perhaps.

Two chapters near the end of the book make an interesting comparison between the growing fairness of the American criminal justice system and the declining efficiency of same.

It would be refreshing to find a weakness in a book which this reviewer feels is so strong. The author provides one—his last chapter. Titled "Three Alternative Attitudes Toward Crime Control" it is disappointingly full of generalities. However, do not fault the author for this. His job, and well done, was to show what the criminal justice system is. It is the task of professionals within the system to convert his closing generalities into specifics.

This book should be required reading for anyone even tangentially connected with the search for justice. It is a first step into criminal justice involvement. Further steps are listed in the bibliography. Failure to read this book and dip into its bibliography should constitute forever a waiver of the right to complain about crime and justice in this country.

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