BOOK REVIEWS


The "lie detector" and other similar devices for testing the truth of statements have enjoyed a vogue of great newspaper popularity, but little accurate information has appeared in accessible form. Largely because of this fact the members of the legal profession have evidenced a strong skepticism. But with the appearance of this book by Dr. Larson they will be afforded an excellent opportunity of learning not only about the mechanism of the lie detector but also of the latest findings of empirical science on lying and its pathological conditions.

For many years Dr. Larson has had intimate experience with deception in juveniles and adults and has studied the problem of crime from the standpoint of a patrolman on the beat, as well as from that of expert in identification, physiologist, psychiatrist, and criminologist. At the present he is an assistant state criminologist of Illinois and an assistant professor of psychiatry at Rush Medical College. He is one of the inventors of the cardio-pneumo-psychograph, popularly known as the "lie detector."

An introduction adequately summarizing the value of this machine for police work is written by America's foremost police authority, Chief August Vollmer of Berkeley, California. And that is the primary function of the machine, as the author repeatedly asserts throughout the work. It is not intended as yet to be used in court as evidence.

In the first part of the book Larson gives adequate summaries and convenient selections from contemporary scientific studies of lying and its pathological state, including much information not readily accessible for the practicing attorney or law student.

The second part contains selections from the most varied sources of inherent interest and significance to the law. It treats
at considerable length of the ancient and modern legal methods for the detection of guilt or innocence.

Next Larson reviews in detail the modern scientific methods of testing truth, starting with the experiments and theories of Caesare Lombroso, and carrying through with the word-association tests of Hugo Münsterberg, and Marston's reaction time index. The author arrives at the conservative estimate that no one such method is reliable as a criterion of the truth in and of itself, but should be included with other physiological techniques. The decided conflict of opinion among the leading psychologists as to the efficacies of these methods, is briefly indicated in Dean McCormick's survey. Marston's experiments with blood pressure, which were unfortunately made upon the college students with no control group of hardened criminals, are critically reviewed. Scopolamin, popularly known as "truth serum," is critically applied by Larson to actuality. Dr. House, whose experiments with scopolamin brought its use to public attention, contended that the administration of this drug so affects the cerebrum that the power of reasoning is destroyed although the memory retains its functioning. Later experiments, in which Larson participated, have failed to establish that the subject cannot lie while under its influence.

The major work of Dr. Larson in criminology is his invention of the cardio-pneumo-psychograph, which has succeeded fairly well in establishing an objective basis for the detection of lying. This machine registers continuous cardiac and pulse curves. Larson writes, "In brief, the technique consists of securing a continuous blood-pressure curve taken synchronously with a respiratory and a time curve. . . . A normal curve record is obtained without any stimulus word or question. This will, of course, differ from his condition during actual deception, if present. After a brief period of rest, this is followed by a short prefatory word or 'preamble,' after which a series of questions is given. The questions are of simple nature and must be answered by 'yes' or 'no' (to minimize disturbances incident to the mechanism of speech). With due care no difficulty need
be experienced in selecting suitable questions which will prove the deception complexes, if present. After a few questions of an indifferent nature and a suitable period of rest, the questions bearing upon the alleged crime are given. . . . It is relatively easy to elicit the requisite co-operation. The suspect is told that he happens to be under suspicion in regard to an alleged crime and that it is our desire to eliminate him, if possible. The suspect is often glad to have such an opportunity (for in many cases suspicion has been wrongfully fastened upon an innocent individual), and if guilty, he does not dare to refuse because he is afraid that such a refusal may appear suspicious. . . . Therefore, if the proper procedure is followed, the result is that the reaction of the suspect, if guilty, becomes defensive and his fear increases, instead of diminishing, with the progression of the test; whereas if innocent, he becomes reassured as the test proceeds, and fear diminishes, although he may be under considerable tension at first. . . . The record of the innocent suspect will usually vary but slightly, if at all, from its normal. The record of the individual who lies, on the other hand, is not only different from that of an innocent person, but shows changes with the attempt at deception."

Larson gives over 150 cases selected from police, penitentiary, murder, and private cases, with copies of the records made by the machine. Interpretation of the records is not a simple matter. Even such experts as Larson and Keeler sometimes disagreed in interpreting the cases, and Larson frankly acknowledges that there have been a few "definite failures."

For this reason, as well as others, Larson concludes: "Up to the present time the writer has been strongly adverse to the introduction of deception-test records into court procedure, as the technique is not infallible and may never be accurate enough to warrant courtroom use. There can never be in this technique such accuracy as is possible in the case of fingerprints, and so long as error is possible, these records should not be introduced for wrangling sessions by opposing attorneys, as they would only further mystify the jurors and might lead to a flagrant miscarriage of justice. But as a means for the interrogation of suspects and their accurate selection, it compares favorably with
other police or legal methods of investigation, if used properly, and has already won an important place for itself as a tool in preliminary investigations."

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The authors of this book on New York municipal government are among the most prominent members of the Socialist Party. Mr. Norman Thomas needs no introduction. His co-worker, Mr. Paul Blanshard, is the Executive Director of one of New York's most militant reform agencies, City Affairs Committee, and formerly associate editor of *The Nation*.

The thesis of the book is succinctly stated in the preface to be that "behind the politics of New York lie the economics, the politics, the ethics of a sick acquisitive society, drawing inexorably near to the end of its epoch." New York City has not been selected for study because it is a sinner above all other cities in political administration and play, but because of the authors' intimate knowledge of local conditions.

Several chapters on law enforcement, summarizing the recent scandals of the magistrates' courts are probably of special interest to law students and lawyers. "The truth is, of course, that almost every judge in New York City holds his position by virtue of an initial loyalty to the Democratic or Republican machine. He may have become an honest and scrupulously fair judge in the process of his development—many of the worst machine judges acquire new stature when their debts have once been paid—but his honesty and fairness seldom have anything to do with his appointment. The *sine qua non* of both appointment and election is party loyalty service." The findings of the Seabury investigations, which were unfortunately restricted to Manhattan and Bronx, are conveniently summarized—purchases of judgeships, magistrates dining with well-known gunmen, third
degree practices, infamous frame-ups by the vice squads. These facts are familiar to any newspaper reader.

Other chapters, among eighteen, deal suggestively, if not always convincingly, with Machine Made Mayor, Roosevelt and Tammany, Racketeering in Land, Housing Human Beings, The Consumer Pays, The City of Riches and Poverty. The Socialist program for the creation of "the city of the future" is summarized in the chapter of that title.

Statements and charges are fully authenticated by references to reliable sources, such as government reports, newspaper accounts of proceedings and hearings, etc. The appendix contains an interesting calendar of the Walker scandals, as well as a summary of the Seabury charges.

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Lawyer and layman alike are vitally concerned with the proper administration of justice. Our older generation in Chicago can recall the abuses suffered under the justice of peace system that prevailed before the establishment of the Municipal Court of Chicago. We have heard that court criticized rather severely from time to time and justly so, but if we are to improve conditions, we would do well to follow the example set in New York by their Seabury investigation in getting concrete evidence instead of merely making general and vague accusations.

Tribunes of the People summarizes the testimony brought out by the Seabury Investigation of the Magistrates' Court of New York City. Professor Moley was the man selected by Samuel Seabury to gather material for the constructive aspects of the report. He uncovered rottenness and corruption that showed an utter lack of morality and decency on the part of members of the legal profession that no self respecting bar would tolerate.
Professor Moley pictures a bench, appointed by the Mayor of New York, controlled by district political leaders in its acts and decisions; a clerkship made up of political workers; a set of "regulars," among the lawyers practicing in the Magistrates' Courts, without morals or scruples, bleeding and extorting unreasonable fees from accused parties, framing bail costs with professional bondsmen and splitting fees with them, splitting fees with prosecuting police officers whose testimony varies with the number of dollars they "cut in on"—a most disgusting picture. Through it all runs the ward politician, the district leader, the leech policeman and shyster lawyer, preying on women, charging them as prostitutes, to mulch fees, and splitting these fees between bench and bar, clerks, bondsmen, policemen, etc. Fabulous incomes of judges, clerks, policemen and bondsmen from these nefarious practices are exposed and summarized and a host of resignations under fire are shown.

The book is food for thought. Moley's suggestions for relief, however, seem weak. Judge Seabury suggests putting the direct control and appointment of the judges of the Magistrates' Courts under the New York Court of Appeals, since it is capable, eminent, and highly respected, although it is appointed. It seems to be a real problem to get proper men onto the bench of our inferior courts.

Questions such as follow fill the reviewer's mind: Does not the New York Court of Appeals possess the inherent power to discipline members of the bar on its own motion as well as that of others? Should not the Court of Appeals of New York State have the power to impeach magistrates for cause? By present law the Magistrates' Courts are self governing. Is the fault chargeable to the bar of New York City?

Surely the evidence summarized is a terrible indictment of the administration of justice where justice is most needed—among our poor and unfortunate. The money grub is a hardy worm and seems to require drastic prophylaxis.