

Jimmy Walker, The Story of a Personality (Book Note)

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dence by causing them to appear hard pressed for material, whereas, in reality, these three cases were introduced to show that the weakness of our judicial system also exists in the countries from which we adopted it. An analysis of these sixty-five cases reveals the following interesting data:

(1) In twenty-nine cases the convictions were obtained mainly on the basis of the testimony of witnesses who later were proven to have been mistaken in their identification of the defendants, although it must be admitted that the defendants' reputations contributed somewhat to their convictions.

(2) In one case of mistaken identification the witness recanted before trial and the accused was discharged.

(3) In thirteen cases the convictions were due to perjury by witnesses. Here, again, the defendants' reputations contributed to their convictions in two cases.

(4) In six cases the convictions were due to circumstantial evidence, but in two of these cases the defendants' reputations contributed to their convictions.

(5) In five cases no crime had been committed, but due to public sentiment had to be held, and due to perjury by witnesses in three cases and the defendants' reputations in the other two cases, convictions were obtained.

(6) In four cases public sentiment again caused the convictions of innocent defendants, but in these instances a crime had been committed.

(7) In four cases the convictions were obtained mainly by "expert" testimony. In one case the only witness was an "expert"; in the other three cases the "expert" was assisted by either circumstance, perjury, or mistaken identity.

(8) In only three cases were the convictions due mainly to the efforts of corrupt public officials. In one case, the *Icie Sands* case, solely by the testimony of a corrupt police official; in the other two cases the officials suppressed evidence and allowed the defendants to be mistakenly identified by the witnesses for the state.

Fortunately, for the consciences of the members of the juries convicting these persons, none of them were executed, although in one case the defendant owes his life to the mechanical ignorance of the hangman and an aroused populace.

The reviewer feels that the cases outlined in this book form the nucleus of a better argument against the present-day jury system of trying cases, than an argument for the indemnification of unjustly convicted innocent persons.

JIMMY WALKER, THE STORY OF A PERSONALITY. By Louis J. Gribetz and Joseph Kaye. New York: Lincoln MacVeagh, The Dial Press, 1932, pp. 351.

In the annals of legislative inquiries, it is doubtful if there ever was one more widely discussed or more celebrated than the recent hearings concerning former Mayor Walker. The interest aroused, and the bitter partisanship engen-

dered before and during the hearings, was reminiscent of a gladiatorial combat. In the opinion of the authors, the partisan victory, rather than the determination of facts, became the objective. It is the purpose of the book, therefore, to furnish an authentic portrait of one of the chief sufferers, and to reveal those traits and fortunate phases of his life that made Jimmy Walker the unique and vivid figure he was.

From the very beginning, and throughout the entire volume, the background of Walker's life history is deftly painted and artistically handled, so as to present in strong relief Walker as he appears to those who understand and know him well. This is consistent with the mode now current among biographers who realize that the setting of the society of the time is oft as important as the presentation of the facts themselves. A good setting adds lustre and color to the diamond.

The little-known facts of his father's successful civic and business career are first recounted in the chapter on Greenwich Village. Included, also, is the early life of Jimmy as a school lad, entertainer and song writer. Following is a record of his entrance into Legislature, and his emergence as an adroit leader of the State Senate. Walker's astuteness, and knowledge of political log-rolling, is stressed. The chapter on "City Hall" displays a colorful personality in a setting peculiarly well adapted for Walker's temperament. It is one of the most fascinating chapters of the book, reaching its peak in describing the activities of the metropolitan law-makers. Of paramount interest to the legal profession, however, is the portrait of Walker the lawyer, and the analysis of the facts adduced at the legislative inquiry. Throughout the book, emphasis is put on the flamboyant, and every episode that savors of the dramatic is expatiated upon. Rarely, however, does tribute flatten into platitude.

Written from the viewpoint of Walker's defense, the digest of the inquiry presents in bold relief legal questions, as well as the background and perspective of the Legislative Committee's hearings. It is in such accessible form that the layman or busy practitioner need not peruse the record unless he has a penchant for original sources. The narration of events follows in logical order, and the authors perhaps, like any reviewer, can be justly accused of injecting their own views, although extreme impartiality was sought. They suggest that thoughtless curiosity in sensational events, as Mr. Justice Holmes once said, can be turned into the philosophy by the realization that each event is part of a whole. Dean Pound's teachings about the limits of effective legal action is well illustrated. Many of the most important and precious elements in personality, and in social relations are not protected by the law at all.¹ The law does not protect friendships or other personal interests that are not given fixed form through permanent social status. It was that reason, the authors maintain as their thesis, that caused the ignominious downfall of Jimmy Walker.

The treatment and style has enhanced the intellectual and emotional effect produced by the material. The very spirit of Jimmy Walker pervades the entire volume. That the authors have effected their aims is evident, for to begin the book means finishing it in the same sitting. It is an intriguing and

¹ Roscoe Pound, *Limits of Effective Legal Action* (1917) 3 A. B. A. J. 55, 68. See, also, Lem Green, *Right of Privacy* (Nov., 1932) ILL. L. Rev.

absorbing narrative, devoid of philosophical excursions, but merely suggesting them. It does not add to human knowledge, but aims rather to increase human tolerance.² The result is not the exposition of brilliant or stimulating ideas, but, rather, the portrayal of a gallant, fascinating and romantic personality.

To those who still have faith in the integrity and uprightness of Jimmy Walker, the book will prove a consolation and veritable storehouse of information, with which to refute their opponents.

SOME PHASES OF FAIR VALUE AND INTERSTATE RATES. By James Barclay Smith. Baton Rouge, La.: Louisiana State University Press, 1931, pp. 74.

This monograph presents a fairly good review in summary of the various aspects of the problem of rate making with respect to the determination of value and the fixation of a reasonable return under the provisions of the Valuation Act and the Transportation Act of the Federal Government. The various conclusions of the author are none too well substantiated. In this respect, however, the author does not differ a great deal from others who have written on this subject.

Since it was the announced purpose of the author "to simplify the issues," a simpler style of presentation and a greater degree of clarity in stating his points could have been profitably employed. On the whole, there is little of value to be derived from reading the monograph, but on the other hand it does no harm.

However, one notes that the author's conclusion is that "Section 15A [The Recapture Clause] should be amended and the recapture period fixed at not less than two years." The concensus of opinion at the present time, as evidenced by the recommendations of the Interstate Commerce Commission itself, the United States Chamber of Commerce, and other respectable authority is that what the regulatory situation needs in this respect is not amendment of the Recapture Clause but its repeal.

CASES AND MATERIALS ON THE LAW OF LANDLORD AND TENANT. By Albert C. Jacobs. St. Paul: West Publishing Company, 1932, pp. 903.

The volume under review covers a subject of vital importance in the law of property. Problems arising under the relationship of landlord and tenant are many and resort to the courts is very frequent. From time to time, legislation has been enacted to meet prevailing conditions. The need for a special study of the field covered by leases is manifest and the collection of cases and materials of Professor Jacobs should be indeed helpful to both student and lawyer.

² In this respect it is similar to CLARENCE DARROW, *THE STORY OF MY LIFE* (1932).