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## Books Reviewed

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## BOOKS REVIEWED

**Why Men Rebel.** By Ted Robert Gurr. Princeton: Princeton University Press. 1970. Pp. xi, 421. \$12.50 Cloth, \$2.95 Paper.

This impressive work is concerned with the question of under what conditions various forms of violence against political institutions, such as riots, conspiracies, revolutions, occur. The question is explored by developing a systematic empirical theory. In other words, the book is not a general discussion of the subject nor a series of unrelated essays; it, instead, presents a series of hypotheses, each related to each other, which together form a general or grand theory on the topic of political violence. After the formulation of each hypothesis, the author presents supporting evidence and discusses methodological problems involved in further testing of the proposition.

The book relies on a central hypothesis: one based on the concept of relative deprivation. According to this proposition, the potential for political violence is related to the discrepancy between what groups in the society think they are justifiably entitled to (value expectations) and what they believe they are capable of achieving and maintaining (value capabilities).<sup>1</sup> The greater the discrepancy between expectations and capabilities, the greater the potential for political violence. Gurr, however, is aware that the actual occurrence of such violence is dependent on two other major factors. First, whether this dissatisfaction has been directed towards political objects and political institutions, and second, the extent and intensity of opposition to the regime, i.e., the balance of power between supporters and opponents of the regime.<sup>2</sup>

These three factors are explored in depth. For example, Gurr notes that the form of political violence is most determined by the balance of power factor. Thus, to oversimplify the analysis presented, conspiracies occur when the discontented group is small in number; riots occur when discontent is widespread but the regime has a near-monopoly on available force; and revolutions occur when the two sides are fairly evenly balanced in power.<sup>3</sup>

The relevance of Gurr's analysis for urban America is readily apparent. The growing resort to political violence by ghetto residents in recent years, whether it takes the form of mass rioting or isolated attacks on

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1. T. R. Gurr, *Why Men Rebel* (1970) 22-58.
  2. *Id.* 319-22.
  3. *Id.* 334-47.

policemen, firemen and teachers, is a problem of utmost importance. The author's hypothetical framework, while cast in a form applicable to all societies, seeks to determine why this violence is occurring in the United States and what steps the polity can take to alleviate the problem. The thrust of his answer is that it is social circumstances and political conditions which account for the violence. According to Gurr, permanent alleviation of our problems lies in structural reforms; "law and order" solutions are merely temporary expedients.<sup>4</sup>

The unique qualities of the book are two-fold. The volume presents a powerful argument stressing sociological and political variables, rather than psychological factors, as the primary causes of domestic political violence. While Gurr does not offer any specific solutions to our present urban condition, he does, by implication, argue that programs which seek to deal with the personality of black Americans without first changing their living conditions will not alleviate their dissatisfaction. Counseling, vocational training, Headstart programs, all of which are based on a psychological model, are insufficient in themselves. They, at best, need to accompany programs which will dramatically increase the income, status and power of slum dwellers. Moreover, the book is noteworthy because of the manner and skill with which it presents and argues its points. As noted above, its themes are highly organized and integrated and a wealth of data is presented in support of the author's point of view.

The book is not immune from criticism. The foundations of the entire structure, its theory of relative deprivation, is questioned by other theories of aggression, e.g., Freud, Fanon, Sorel. In presenting the data in support of his hypotheses, the author fails to differentiate between evidence which is impressionistic or journalistic, and more reliable documentation. At crucial points in the analysis, one finds Gurr's hypotheses at too general a level for application to particular current problems. For example, one will not find in this volume guidance as to what specific steps, as distinguished from which general approaches, should be undertaken to alleviate ghetto discontent. However, in erecting this formidable theoretical structure, Gurr has paved the way for scholars to test the validity of his schema and has ably proposed some solutions to some of the most intractable problems on the urban scene.

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4. Id. 357-59.

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**The Mugging.** By Morton Hunt. New York: Antheneum. 1972. Pp. xiii, 488. \$10.00.

Assaults on the person are a growing threat to urban centers. In New York City alone the current rate of homicides is five per day.<sup>1</sup> Urban residents have become fearful of the sudden, often senseless, assaults commonly known as "muggings." This fear of muggings has driven more than a few families from our urban centers. Moreover, the number of mugging occurrences and the apparent inability of the police to either protect the victims or to deter the offenders has tended to weaken the laymen's respect for our system of justice.

Mr. Hunt uses one such mugging to analyze the dilemma between citizens' rights and the public safety.

In October, 1964, Alexander Helmer was found dead inside his apartment. His body was not discovered for approximately one week; there were no eyewitnesses and no significant clues. In fact, the police did not even realize that the death was due to unnatural causes until the badly decomposed body was examined by a pathologist.

This is a typical setting for our urban crime: an elderly man, living alone, is apparently assaulted in his apartment by several youths; when he resists the assault he is stabbed and left to die; the youths escape with some meager possessions.

The problems confronting the police in their investigations of this type of crime are enormous. The usual investigation procedure includes round-ups and the extensive use of informers, notwithstanding the low esteem which much of the public holds for these types of police practices. In his analysis Hunt notes that these two practices used by the police "for ferreting out suspects in such crimes have nothing whatever to do with analytical investigation or scientific detection."<sup>2</sup>

The victim, Alexander Helmer, had lived in one of the many New York City neighborhoods where the new minorities are replacing the old ones. In these high crime neighborhoods it is customary for the police to maintain standing lists of possible suspects. Investigating the Helmer homicide, the detectives conducted the usual round-ups and questioned the informers. As a result they received a tip regarding Doel Valencia, who was purported to be "a known junkie, and perhaps most significant, numbered among his regular friends two brothers, Alfredo

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1. N.Y. Times, August 30, 1972, at 38, col. 3.

2. M. Hunt, *The Mugging* 61 (1972). [Hereinafter cited as Hunt.]

and Carlos Ortiz."<sup>3</sup> These two brothers were neighbors of Helmer. Valencia was quickly located at his apartment and brought to the precinct station for questioning. Ironically, the Ortiz brothers were located in the local criminal court, Alfredo Ortiz being there as a defendant in a narcotics case. Carlos Ortiz was picked up and brought to the precinct station as he left the courthouse. Alfredo Ortiz was conveniently released into the custody of the homicide detectives. The investigating detectives, McCabe and Russo, were experienced in the art of questioning suspects. Further, they believed that their tip was accurate and that they had the actual perpetrators in their custody. It is to be noted that as homicide detectives it was their job to investigate "leads" and, more importantly, they were under great pressure to "close the case,"<sup>4</sup> since "a killer is at large."<sup>5</sup>

Although there is still a dispute as to the time, methods and success of the questioning, the detectives maintain that the youths eventually implicated themselves in the mugging, and in addition named Angel Walker, an older youth, as the actual killer.

The author has carefully examined the court transcripts and exhibits in an effort to narrate an accurate account of police practices. Without taking sides, he illustrates how the detectives probably questioned the youths. They were asked questions not directly related to the investigation to see if they would deny facts already known to the police. They were generally kept isolated and told that the others had named them as the muggers. Proposing that the case was solved, the detectives encouraged the youths to admit their guilt. Moreover, the police confronted the youths with inconsistent answers and allegedly subjected them to various degrees of physical abuse.

After an unsuccessful attempt at interrogating Walker, an assistant district attorney and a stenographer were summoned.<sup>6</sup> Valencia repudiated his earlier confession. However, positive statements were taken from the Ortiz brothers. This marked the end of the investigative phase of the case.

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3. Hunt at 72.

4. When an arrest is made, the case is considered closed and the investigation generally ceases. The arrest is the detective's moment of success.

5. The work of the homicide detective is also partially enhanced by the glamour attached to solving a crime which carries a severe statutory penalty. See N.Y. Penal Law § 60.05 (McKinney 1967).

6. Unfortunately, the author does not comment upon the lack of such "neutral" observers at the inception of the questioning nor the need for the assistant district attorney to "discuss" the statement with the suspect before it is recorded.

Now the prosecutorial phase commenced.<sup>7</sup> The issue for trial narrowed down to the question of whether the youths had freely confessed or whether they were forced to repeat what the detectives wanted them to say. Thus, the question was one of credibility. The prosecution predictably relied on the credibility of the police.<sup>8</sup> The strength of this argument is that in order to render a verdict of not guilty, the jury would inescapably have to find not only that the police are liars but also, to some degree, sadistic monsters. The defense maintained that the confessions were false and worthless since they were coerced from the defendants through threats and beatings. In the first trial the jurors were unable to reach a verdict. On retrial the jury convicted the Ortiz brothers but was again unable to agree as to Valencia.<sup>9</sup>

The trial presented an interesting evidentiary problem now commonly referred to as the *Bruton*<sup>10</sup> issue. Since the defendants did not testify, the question arose whether the confessions of the co-defendants would be admissible as evidence in a joint trial.<sup>11</sup> Despite the denial of the right to confrontation, the trial judge admitted the confessions in this case over the objections of defense counsel. Although the United States Supreme Court denied certiorari, the Ortiz brothers are still challenging the conviction.<sup>12</sup>

Throughout the book, Mr. Hunt supplies an exciting account of the inner workings of the system of justice typical of our urban centers. The

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7. Angel Walker was not indicted. He had not confessed and the confessions of the others implicating him were not legally admissible against him. See N.Y. Crim. Proc. Law § 60.22 (McKinney 1972) (formerly N.Y. Code Crim. Proc. § 399).

8. It is to be lamented that the credibility of the police is not always easily verifiable. Precincts generally are not open to the public, accurate records are seldom kept and there is a notable absence of neutral observers. In this case, a crucial question of fact was whether Valencia was released at one time during the investigation or kept continuously in the precinct station. Regrettably, no records were available.

9. Valencia was eventually released mainly due to the right to counsel rules under *Miranda v. Arizona*, 384 U.S. 436 (1966).

10. *Bruton v. U.S.*, 391 U.S. 123 (1968).

11. For an excellent commentary on *Bruton* and the right to confrontation in general, see Comment, *The Hearsay Rule and the Right to Confrontation: States' Leeway in Formulating Evidentiary Rules*, 40 *Fordham L. Rev.* 595 (1972).

12. The challenge is now being attempted via federal habeas corpus on the grounds of a violation of due process and of the right to confrontation, and the theory of an illegal round-up and detention without probable cause. See, e.g., *Davis v. Mississippi*, 394 U.S. 721 (1969).

book is realistic and it affords the reader an opportunity to observe the handling of a homicide case from the initial investigation by the police through the post-conviction motions of the defense counsel.

The author has handled quite well the analysis of the defendants' inability to comprehend the legal issues and trial strategy, and the tendency of defendants to blame the inadequacies of the system on their attorneys. Mr. Hunt does seem somewhat pessimistic and perhaps too much so. He is often too harsh with the lawyers, finding fault with their courtroom demeanor, physical appearance or sociological background.

Nevertheless, Mr. Hunt has combined his considerable writing experience and familiarity with the behavioral sciences to produce an accurate, unbiased and interesting account of a typical homicide.

*John P. Curley\**

**The Police and the Public.** By Albert J. Reiss Jr. New Haven: Yale University Press. 1971. Pp. xv, 221. \$7.95.

The relationship of the police to the community presents one of the most compelling and challenging law enforcement problems of our contemporary society. The phrase "police-community relations" is commonly used to describe this necessary although at times delicate encounter between the public and its law enforcement personnel. An attempt to analyze and evaluate the determinants and motivations of this relationship, a formidable undertaking, is purported by Professor Reiss to be the objective of his thesis:

The conventional view of the criminal-justice system provides almost no information on encounters and transactions between police officers and citizens, the microcosm that generates all cases for processing in the criminal-justice system. The core of all these transactions, commencing with those between citizens and the police, is a discretionary decision. The main purpose of my research that began in 1962, was to investigate how citizens decide to mobilize the police and how the police decide to intervene in the affairs of citizens. At the same time, I sought to understand how police and citizens exercise discretion in their transactions and, particularly, how and why they decide not to set the machinery of criminal justice in motion. The legality of police behavior toward citizens was another important subject to explore.<sup>1</sup>

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1. A. Reiss, *The Police and the Public* (1971), at x. (hereinafter cited as Reiss).

The author states that so little was known about the transactions between police and citizens that it seemed "field work was the only reasonable way to investigate them."<sup>2</sup> A worthy and noble effort indeed. However, the author does admit, and his research reflects, the difficulty of effectively evaluating the encounter process when the vantage points of the police officer and the public often derive from differing emotional and psychological perspectives:

As observers became familiar with the microcosm of the encounter it became apparent that the relations between police and citizens are problematic in several important respects. Making the objectives of police and citizens in the encounter compatible was complicated by the fact that the immediate problems of citizens are regarded as work and routine by the officers. Moreover, how the police deal with the situation depends largely upon the willingness of the citizenry to be policed. Added to this is the element of uncertainty in all human action which nonetheless is structured by formal and informal sets of expectations on both sides. The fact that we had to rely on police organizations to study the encounters gives the transactions a somewhat one-sided perspective from the work role of the police.<sup>3</sup>

Therefore, both as a reader and reviewer, I found myself somewhat confused. Should I accept the author's findings although admittedly based on his own admissions of one-sidedness and uncertainty—or should I reject the author's findings which appear contrary to my own. Admitting, after twenty odd years in a law enforcement capacity, including the experience of administrating a major city police department, to my own somewhat partisan philosophy of what constitutes effective and efficient law enforcement, I have attempted to overcome this double standard of application by treating each chapter on its own merits.

In Chapter I, the author devotes considerable emphasis to the statistics of police-citizenry encounters. This can prove to be somewhat tedious reading, although the categorization of empirical data dealing with general demeanor, race and emotional state of citizens according to the response and conduct of police personnel can, if properly presented and interpreted, provide valuable insight and information. The utilitarian value of statistical data, however, depends ultimately on the depth and proper perspective of the presentation. There are reports from the author's associates who rode in police vehicles and witnessed encounters in Chicago, Washington and Boston. The approach is a valid one but the accuracy of the data is limited by the inability of the observer to witness citizen disposition prior and subsequent to the encounter, as

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2. *Id.*

3. *Id.* at xiv.

well as the predisposed attitudes of the observers themselves. For example, the data reflects a categorization of demeanor attitudes of police officers toward citizens in encounter situations. Interpreting the data, the author states that in 11 per cent of all encounters, police officers were hostile, authoritarian or derisive towards citizens.<sup>4</sup> While the interpretation appears to be complete, it does not take account of socio-economic factors surrounding the encounter, or the evaluative considerations of the observer. Having witnessed police-citizen encounters on many occasions, my reactions conflict with certain results reflected in the data, particularly in that police demeanor in a given encounter may well be conditioned by many intangible, yet determinative factors which cannot be statistically measured, for example, concern for public security and crowd emotion. Additionally, the conclusion that police fail to reciprocate the public trust of civility far more often than the citizenry, runs counter to the cumulative law enforcement experience of this reviewer.<sup>5</sup> Ultimately, the final thesis may depend on who sees what—a potentially loose frame of reference.

In Chapter II, it seems to me that the author would have been far wiser to assiduously tear into the whole area of criminal justice as an influence on daily police-community relations instead of concentrating on the police and the citizen-police relationships. I firmly believe that the criminal justice system needs refinement and restructuring. Responsibilities of each element of the system must be more accurately defined—a feeling echoed strongly in many quarters.<sup>6</sup> Then, too, the public must decide what they want from their police. Until this is resolved, we are going to continue to have problems. Obviously, without law, tyranny will result, but the law, to be effective in the public sector, must be the product of a meaningful police-community relationship.

The author expresses strong feelings on the investigative police techniques of wire-tapping, interrogation and search. These appear as "dirty words." They are in fact very vital to police operations. Certainly they must be used within the legal framework, as codified by legislation and interpreted and applied through judicial process,<sup>7</sup> but the author would

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4. *Id.* at 50-51 (see Table 1.6).

5. *Id.* at 144.

6. See, e.g., President's Committee on Law Enforcement and the Administration of Justice: *The Challenge of Crime in a Free Society* (1968).

7. There has been a plethora of litigation and legal writing concerning the legislative and judicial standards for police investigative and arrest techniques. At the present time, the Supreme Court has spoken definitively concerning these techniques. See *Katz v. United States*, 389 U.S. 347 (1967) (eavesdropping);

appear to disclaim the professional use of these law enforcement techniques as contra to the police-community relationship.

In Chapter III, there is an attempt to establish the bases for a police subculture, and although this attempt admits of empirical validity in several areas, the author engages in generalization and hasty analysis when he states:

Police standards and conduct are based primarily on five sources: (1) subversion by the citizenry; (2) the input-output system, particularly where the police lack control over final outcomes; (3) the quality of citizen behavior toward the police; (4) the existence of a dispersed command that does not lend itself to close supervision; and (5) legitimation by the police subculture and shared participation in deviance. In the long run, we have had only one solution to the problem of conformity to standards for occupations that are dispersed in work situations, their professionalization. Lest anyone assume that professionalization is a uniquely satisfactory solution, he must be reminded that charges of professional malpractice are not uncommon.<sup>8</sup>

I agree with the premise of professionalization, but find the sociological jargon somewhat confusing. Professor Reiss attempts to demonstrate, and correspondingly documents, varying instances of discretionary law enforcement, "police justice," harassment, and unwarranted use of authority, although he makes clear the fact that transactions between citizens and police result in reciprocal civility in 83 per cent of the transactions observed.<sup>9</sup> Furthermore, the author, in juxtaposing the police with other elements in the criminal justice system, to wit, lawyers and judges, asserts that the system of criminal justice itself tends to perpetuate a feeling of alienation between police officers and the rest of that system by accentuating status inequalities, by a common lack of deference and condescending demeanor towards the police, and by effectively treating them as less than professional.<sup>10</sup> I believe that law enforcement is a true profession, despite the fact that all law enforcement officers are not true professionals. It is well documented in recent years that "professional" police officers and "nonprofessional" police officers break the rules.<sup>11</sup> I do not believe that this necessarily destroys the con-

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Miranda v. Arizona, 384 U.S. 436 (1966) (interrogation warnings); Mapp v. Ohio, 367 U.S. 643 (1961) (search and seizure).

8. Reiss at 171-72.

9. *Id.* at 144.

10. *Id.* at 140. "[M]any officers become particularly sensitive when the bench fails to treat seriously a lack of deference to police authority while demanding total deference to judicial authority." *Id.*

11. The recent report of the Knapp Commission in New York City clearly

cept of professionalism. People have great faith in doctors, lawyers, accountants, etc. even though some of these professionals "go off the deep end." And so it is with police. The thorough and continuous training of police officers coupled with the education of the public will contribute a great deal towards rectifying the deficiencies to which the author alludes. Law enforcement officers must live within the framework of legality on and off the job. When the disciplinary system is violated the perpetrators must be punished.

In Chapter IV, the author postulates that because "citizen attitudes and expectations about the police and police service affect whether or not they call the police,"<sup>12</sup> legitimacy in the exercise of police authority and the accountability of police to the community, to external units (review boards) and to internal units (command organization) directly affect the relationship of police to the citizenry. Clearly, civility in the relationship demands reciprocity,<sup>13</sup> for the sake of public order and safety. As the study indicates:

When American citizens call the police . . . it is their willingness to live up to an obligation to mobilize the police for violations of the law, whether against themselves, others, or the public order, that is a major element in maintaining a civil society. It mirrors their acceptance of responsibility for and to the whole society. A police force that works mainly by responding to citizen requests for police service is more consistent with a civil society than is one that relies mainly on police initiative. The willingness of citizens to commit their adversary relations to the legal system, including the system of law enforcement, is an additional element, since a civil society is one that operates through the rule of law. Since civility is born of trust, the extent of trust and confidence the police and public have in one another is also of utmost importance for a civil society.<sup>14</sup>

It is important for all to realize that the law enforcement profession *must* know what citizens want from their police. Without that kind of

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reflects, despite some of its conclusions, the incidents of police corruption within the New York City Police Department. See also Fourteenth Annual Report of the Temporary Commission of Investigation of the State of New York (1972) for a study of gambling and narcotics law enforcement in the New York Metropolitan Area.

12. Reiss at 173. This thesis is questionable, particularly in view of statistical evidence that the request for police services is continuously increasing.

13. In an earlier study, the author concluded that police want citizens to grant them deference and citizens want the police to treat them as persons rather than cases. A. Reiss, in *President's Commission on Law Enforcement and the Administration of Justice, Studies in Crime and Law Enforcement in Major Metropolitan Areas*. (1967).

14. Reiss at 173.

guideline, the job of the law enforcement officer becomes quite futile. Without this expression, by the citizenry, of what is demanded from the police, crime repression would be the role of the police, rather than crime prevention.

The mutual respect of police and citizens entails a forthright and clear exposition of what is expected from each group, and further, the failure of either to honor this reciprocity must be dealt with symmetrically. The author proposes three methods of official accountability; civic, external and internal; to fulfill this end. While the civilian review has in this reviewer's judgment done little to foster either more efficient law enforcement or police-community relations, those mechanisms aimed at enhancing and professionalizing accountability of police toward their civic responsibilities are entirely valid and necessary.

A second fundamental concern of the author deals with the extent of legitimate exercise of police authority in areas where citizen deference on matters of essentially private concerns is not disposed to grant such authority, particularly in the areas of private morality and public dissent.

The policing of vice erodes police authority when police impose a standard that is unpopular with a substantial segment of the local community. Selective enforcement of unpopular laws invariably is seen as the arbitrary exercise of authority. The policing of vice also tends to undermine police authority because it leaves police vulnerable to subversion through the corruption of police conduct; a corrupt police hardly can lay claim to legitimacy of moral authority.

Matters involving dissent particularly corrode police authority because the participants tend to re-direct their hostility against political authority onto the police. The police are especially vulnerable to this displacement of hostility when these dissenters are challenging the legitimacy of authority to make decisions. The police who can do so little about changing the status quo become the symbols of all that is the status quo.<sup>15</sup>

The author is entirely summary in his treatment of two complex socio-economic problems. As to the problem of policing vice, it is certainly, for the police officer, not an attempt to control public morals. The decriminalization of vice laws presents an interesting subject for citizen-expression and legislative debate, but, in lieu of legislative action, the dismissal of policing vice with a mere reference to corruption potential is inaccurate and unfair. Regarding the issue of police involvement in controlling dissent, the author suggests—*sub silentio*—that police authority should not be utilized. Admittedly, displacement and transference of hostility onto police may be attendant to police involvement in main-

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15. Id. at 175-76.

taining order. However, the requisites of a vibrant, but orderly, society demand enforcement of the law and the protection of society's public peace by its agents so trained; the prevailing concern should rather be that law enforcement personnel perform this function with the professional and technical competency that both training and police-community relations demand.

Finally, the reference to private security forces is questionable, particularly in the sweeping generalizations which analogize them to vigilantes, masquerading under the guise of protectors of private property. It is quite clear that police in the public sector could not possibly service the complete private sector without catastrophic increases in manpower; hence, the need for private security forces. While the process of professionalizing private security forces to the point of technical competency is gradual and indeed a recent innovation in the private commercial sector (schools, stores, banks), the performance of professional security forces in the large industrial sector offers ample proof of the profound need for such forces. On this matter the author needs to recheck his facts and sources.

Without question, Professor Reis has made an honest, documented attempt to analyze and point out deficiencies in the relationship between the police and the community. While the results may be questioned, the motives certainly may not, as the police-community relationship mirrors the social structure and in large measure the quality of life in the community. In concluding, the author states that "in the long as well as in the short run, a civil police depends on a civil citizenry . . . [to] the degree that we can develop civility in police relations with citizens, we move toward a civil society."<sup>16</sup> Rather than emphasis on either, the real answer rests in equal emphasis on both—the police and the public. Then, indeed, we can look towards a civil society.

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16. *Id.* at 220-21.

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