

guish, and he says there was more than one occasion when, having studied all the official reports on a condemned prisoner, he nevertheless remained dissatisfied and would drive to the penitentiary to interview the man and search for some clue to a correct decision. (A measure of his concern is suggested by the fact that his defeat in 1963 was at least partly attributable to his efforts to repeal the death penalty in Ohio.) DiSalle's conclusion, which he argues with convincing force in *The Power of Life and Death*, is that "the death penalty solves nothing. It treats symptoms, ignoring the disease, the primary causes of crime. It eliminates the possibility of rehabilitation, thus denying a second chance to a potentially useful citizen. Capital punishment becomes merely a communal expression of vengeance—a debasing passion in any society that calls itself civilized."

DiSalle's book sketches the history of the abolitionist movement in the United States from its beginnings in 1788, when Dr. Benjamin Rush, a signer of the Declaration of Independence, wrote an essay called "Inquiry Into the Justice and Policy of Punishing Murder by Death," to the present century, when state after state and nation after nation are slowly outlawing the death penalty. (So far, eight of the fifty states have abolished it.) He points out that where execution has been eliminated no increase in capital crimes has occurred, and that significant numbers of people found guilty of such crimes have been successfully rehabilitated and returned to society. In his own state, for example, out of more than 200 convicted murderers released since 1945, only eleven have been returned to prison.

What does DiSalle propose in place of capital punishment? "Death-penalty abolitionists," he says, "have never advocated the abolition of punishment. Nor have they denied that certain criminals should be permanently separated from society, nor doubted that some are not capable of being rehabilitated." What DiSalle calls for is a conscientious, long-range program to fight juvenile delinquency, relieve poverty, obtain better correction, probation, and social workers, and concentrate on true rehabilitation rather than mere punishment. Realization of his blueprint is still a woefully long way off, but his book offers a sound philosophy for an enlightened beginning.

And, lest any reader suspect that the former Governor is what he himself characterizes as a "woolly-headed dogooder" lacking in any real experience with crime and criminals, let him only recall the men who staffed the Executive Mansion in Columbus, living side by side with DiSalle, his wife, and occasionally his grandchildren. Every last one of them was serving a life sentence as a convicted killer.

## Pay Now, Justice Later

**Ransom**, by Ronald Goldfarb (*Harper & Row*. 264 pp. \$5.95), *indicts the American bail system as a practice whereby pretrial imprisonment is determined solely on a financial basis. Formerly Counsel to the President, Myer Feldman is a practicing lawyer.*

By MYER FELDMAN

A CHARACTERISTIC of contemporary American life is the multitude of crusading organizations. Each society, association, brotherhood, sisterhood, club, or union represents a special interest. Anyone so inclined can join. There are people banded together to eliminate carbon-monoxide poisoning, clubs for gourmets, and groups whose primary goal is the perpetuation of the buffalo. Many of these aggregations are represented by registered lobbyists: the *Congressional Quarterly* lists them in thirty large pages of small type.

Only those who languish in prison because they cannot raise the necessary bail seem to be without either an organization or a lobbyist. However, in Ronald Goldfarb they appear to have found a spokesman.

Mr. Goldfarb's thesis is simple. Why imprison a man before he is found guilty? Why determine that some should be imprisoned but not others, solely on the basis of their financial resources? Why continue a practice uniformly condemned by every scientific criterion?

*Ransom* proves its thesis by citing a series of horrible examples, by pointing to the success of demonstration projects that eliminated the inequities of the bail system, and by a searching inquiry into the fundamental concepts of that system.

Within recent years a man charged with burglary was held in a local county jail for 121 days; upon trial he was found innocent. Similarly, a nineteen-year-old boy was jailed on a robbery charge for two months before being tried and found not guilty. In one horrifying case a seventeen-year-old was arrested and charged with stealing tools, but never had a chance to prove his innocence because he was placed in a cell block with eight or nine men who beat him to death.

The cases are not confined to violent crime. Recently a man was jailed because he failed to answer a summons to explain why he had not paid his water bill. In fact, the bill had been paid. But while he waited in jail for his trial his

family of four children went completely unattended.

We may not agree with Mr. Goldfarb's remedies: for instance, his suggestion that the failure of a defendant to cooperate should determine pretrial imprisonment is probably unconstitutional. But we cannot disagree with the need for reform. Certainly the success of experiments in San Francisco, St. Louis, Tulsa, and New York merit thoughtful consideration. The District of Columbia announced a few weeks ago that 97 per cent of defendants released without bail under a special program kept their appointments with the court. Very few of them got into any trouble while awaiting trial. All objective tests show that accused persons can be relied upon to present themselves to trial, and that there is little reason to punish the poor prematurely by confining them.

A civilization, it has been said, can be judged by the care it devotes to the underprivileged. There is no doubt that we fail that test today, so far as poverty-stricken persons accused of crime are concerned. This book greatly advances a hitherto halting debate.

... THE PHILOSOPHY of the rule [of evidence] that guilt should not be prejudged or assumed should guide the whole process of criminal justice . . .

More significant . . . is the serious and vital question whether the workings of our bail system violate the guarantees of our Constitution. The Bill of Rights mentions bail only indirectly in the Eighth Amendment, which directs that bail must not be excessive. . . . This admonition includes two implicit judgments: that there is a bail system; and that one is necessarily entitled to protection only from the excesses of bail but not necessarily from its outright denial. Yet, arguably, the denial of bail is perforce excessive. However, when the Eighth Amendment is read in the context of our jurisprudential history, and the recently invigorated due process and equal protection clauses of the Fifth and Fourteenth Amendments, the spirit of the rules governing bail seems to demand a more expansive view of the right to pretrial release and a more restrictive view of the meaning of the Eighth Amendment. It seems more reasonable to conclude that the bail system is not mandatory but only one restricted way of treating pretrial custody.

—From "Ransom."

# Poor Little Self-Pitying Rich Boy

*A True Story*, by Stephen Hudson (Dutton. 599 pp. \$6.95), an autobiographical novel first published in sections early in this century, sees its protagonist successively as a sensitive lad in Victorian England, the victim of a predatory Baltimore belle, and finally as a discontented member of a decadent set at Lake Como. Roger B. Dooley is professor of English at the City University of New York.

By ROGER B. DOOLEY

APPARENTLY regarded in England as a neglected masterpiece, Stephen Hudson's *A True Story* may well strike most American readers as more of a literary curio. In its present form, which accumulated over a number of years, it consists of five parts of varying length (one little more than a sketch) tracing the life of a sensitive scion of Austrian-Jewish financiers, Richard Kurt, from his childhood in Victorian England through early manhood in the American Midwest to unhappy middle age in an international social set centered around Lake Como.

Although the author, whose real name was Sydney Schiff, remained until his death in 1944 extraordinarily reticent about his private life, it is quite clear both from internal and external evidence that this is autobiography in fictional form. As a consequence of its unusual genesis—written at different times, in different styles, and never planned as an organic structure—*A True Story* inevitably leaves the impression of being a mélange of unmatched, perhaps unmatched, parts.

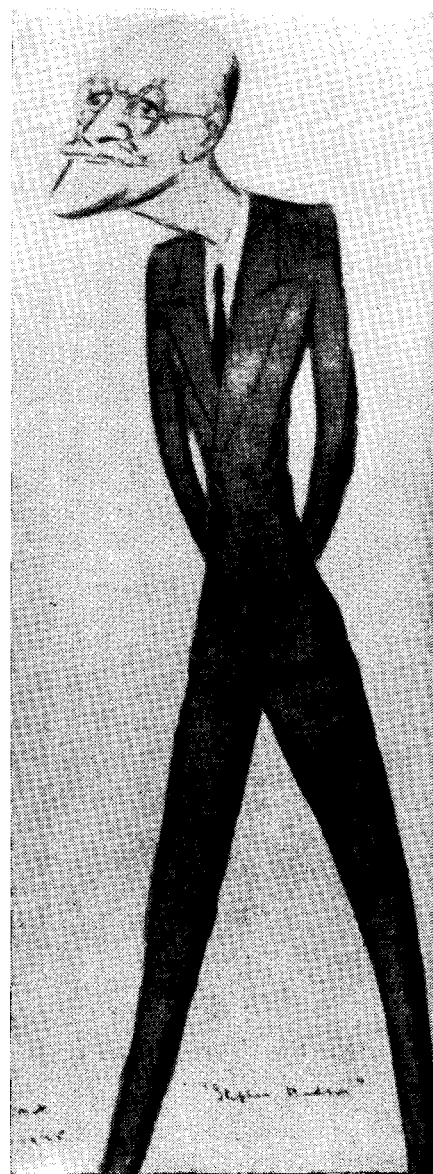
The first section, "Prince Hempseed," written in the changing vocabulary and sentence structure of a growing boy, may recall Joyce in technique, but it certainly does not in intensity or subtlety of perception, still less in characterization. An endless succession of servants, schoolmates, masters, and tutors appear briefly and are never seen again. The narrator's Uncle Fred recurs just often enough to establish him as a kindly foil to the cold, insensitive father; but the beautiful mother, whom the boy idolizes, is given scarcely a line of dialogue, still less a scene. She is usually glimpsed, surrounded by admiring young men, about to take off for Deauville or Mar-

ienbad. Presumably the author meant to convey the pathos of the poor little rich boy, shunted off to strangers by indifferent parents, but surely any twentieth-century reader has lived through so many more harrowing boyhoods in English schools, real or fictional, that Richard's self-pitying loneliness is likely to leave him cold.

Since Richard has done poorly in school and shows no aptitude for any profession, his father, instead of sending him to Oxford, ships him to the States to work for Uncle Theo, president of a railroad. The U.S. of the Gilded Age seen through British eyes would indeed be a welcome novelty, but, though Richard records in "The Other Side" every new acquaintance and impression, he comprehends American society even less than his own. Did leading New York financiers and railroad tycoons of the 1880s make such constant use of the spittoon at the Union Club before being carried out dead drunk? Did any Americans, however uneducated, ever use such locutions as "Then why doesn't you stay? You'se come here for me, hasn't you?"

In the section entitled "Elinor Colhouse," apparently set a few years later (though the chronology is never clear), Richard appears as the matrimonial target of a Baltimore belle whose cold-blooded fortune hunting would make her a worthy friend (or, more likely, a deadly rival) of Edith Wharton's Undine Spragge. Here Hudson commits one of his most serious novelistic blunders: instead of letting Elinor's true motives dawn gradually on the reader through Richard's eyes, he presents this whole section from her point of view. The schemes by which Elinor tricks Richard into a secret marriage and contrives its premature disclosure are so crudely obvious that Richard, falling into every simple trap, looks more a fool than ever.

Only in the fourth section, "Richard Kurt," does Hudson seem to justify the esteem in which he is held in England. Told in the third person, but again from Richard's point of view, it is an absorbing and soundly constructed novel, with all the psychological and social nuances so lacking in the other parts. After an indeterminate number of years of luxurious international drifting, Richard and Elinor are redecorating an elaborate villa on Lake Como, where a decadent set of the rich, idle, and bored is bril-



—Sketch on book jacket by Max Beerbohm.

**Stephen Hudson — "a neglected masterpiece"?**

liantly sketched. Presumably Hudson spent more of his time in this society than in any of the others; authenticity is evident on every page.

Though originally published separately, "Myrtle" is a mere twenty-page appendage, in which an idealized young woman inspires Richard with the courage to make a final break with Elinor. The only question is, why did he not do so many years earlier? If he is more sinned against than sinning, he is also more acted upon than acting.

One must note that, except in these last two sections, Hudson's style is as flatly unimaginative as his titles. The fatal flaw, however, is Richard's total lack of any recollection of his own past. Though Walter Allen has called the book "the study of an Oedipus complex working like doom through a man's life," when Richard's mother dies—between novels—he almost never thinks of her again, nor of any of the experiences or