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Book Review [A Reasonable Doubt]

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BOOK REVIEW

A REASONABLE DOUBT. By J. W. Ehrlich. Cleveland, The World Publishing Co., 1964. Pp. 297. \$4.95.

This is a difficult book to review, but an easy one to read. The author, a distinguished member of the San Francisco Bar, has assembled in this volume, a series of essays related to the law and other aspects of contemporary society.

Mr. Ehrlich, known as "the Master" to San Franciscans, for his dynamic defenses of criminals in the courts of the city for over forty years, is perhaps better known as "Sam Benedict" to the nation at large. The television character is drawn after, or perhaps better, modeled on the author. Mr. Ehrlich has had his life story told elsewhere in "Never Plead Guilty."¹

This book is not an autobiography like "One Man's Freedom,"² but it is in a sense autobiographical. The cases which have contributed to Mr. Ehrlich's fame are rarely mentioned. But this work gives a better insight into Jake Ehrlich, the man and the lawyer, than "Never Plead Guilty"³ which detailed case history after case history in an attempt to capture a portrait of Jake Ehrlich, the lawyer.

What then is this book? It is a series of essays, which are all vaguely centered on the theme of law and society. As I read it, I was reminded of Justice Douglas' "An Almanac of Freedom."⁴ The resemblance extends to more than structure; the theme of each deals with a man's quest for freedom, and the zeal to protect rights which are guaranteed by our "Bill of Rights." Justice Thomas P. White⁵ captures the essence of "A Reasonable Doubt" when he states in the foreword:

Mr. Ehrlich bases many of his premises upon our Declaration of Independence, which avers that certain of our rights are inalienable because they come to us from a higher power than the state or, as our founding fathers put it, "endowed (upon us) by our Creator," that therefore these rights of the minority, these rights of the individual citizen, cannot be taken away from *any of us*, either by a mob on the street, a policeman or by *any act of any legislature*.⁶

Mr. Ehrlich, who styles himself an amateur historian, has included some history written in the grand manner of the "debunk-

¹ Noble, *Never Plead Guilty, The Story of Jake Ehrlich* (1955).

² Williams, *One Man's Freedom* (1954).

³ *Ibid.*

⁴ Douglas, *An Almanac of Freedom* (1954).

⁵ Justice, Supreme Court of California, retired.

⁶ P. 13.

ers," for example, "Abe Lincoln did not free the slaves";⁷ "(Oliver Wendell) Holmes was no more a liberal than President Kennedy (was) a Moslem."⁸

It is a thoroughly readable collection, aimed at the general reader. Justice White suggests that it will be profitable for the younger reader to examine carefully those chapters which re-examine our fundamental principles.⁹ This reviewer agrees, but at the other extreme, lawyers, judges, even law professors, can profit from this book. There are many anecdotes, some old, some new, at least to me, all of which are well told. One drawback for the lawyer, who might wish to use some of the material for arguments or speeches is the lack of an index.

The author has not only written historically, but religiously and philosophically. While there are several areas of disagreement between the author and myself; he puts his points well and forcefully. Mr. Ehrlich shows a deep and reverent respect for human life throughout this book, particularly in the chapters which touch on capital punishment. Yet he devotes an essay to a plea for easier abortion. His justification is that the still unformed thing in a woman's womb is not a human being.¹⁰ Of course, the quarrel is with this basic premise. There are other areas of disagreement but Mr. Ehrlich always provides a lawyer-like argument and intellectual stimulation.

*Leo J. O'Brien**

⁷ P. 222.

⁸ P. 61.

⁹ P. 13.

¹⁰ P. 295.

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