

Book Reviews

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Book Reviews

The Addict And The Law. By Alfred R. Lindesmith,* Indiana: Indiana University Press, 1965. Pp. xiii, 337. \$7.50.

Synanon: The Tunnel Back. By Lewis Yablonsky,** New York: The Macmillan Company, 1965. Pp. xi, 403. \$6.95.

A society that is witnessing such phenomena as the Civil Rights Revolution, the Ecumenical Movement and the War on Poverty should need no further demonstration that ours is, at least ostensibly, an age of re-examination and re-creation. The current narcotics debate, however, is particularly illustrative of the processes of dialogue and change that are at large today.

Prior to World War I narcotics addiction was not treated in the United States as a criminal matter. Since the passage of the Harrison Act¹ about fifty years ago, however, official American responses to addiction have been primarily penal and repressive. Evidently this public policy was never left wholly unchallenged by those who believe the problem and its solution to be fundamentally medical and psychological; but the challenge of late has become more visible to the public, more aggressive and more hopeful of success.

The signs of growing public debate and of change are voluminous. For example, sponsorship by the leading organizations for the nation's two most concerned and significant pressure groups, doctors and lawyers, has been secured.² It is reported that several states have begun to concentrate more on treatment and rehabilitation of addicts than on the elimination of the sources of their drugs.³ Reports of apparently successful new therapeutic programs are becoming commonplace,⁴ and the courts have begun to question the constitutional validity of some governmental responses to the use of or addiction to narcotics.⁵

The two books being reviewed make useful contributions to the current dialogue. Each book embodies significant limitations, but each is exceedingly informative, particularly to one such as the reviewer

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1. 38 Stat. 785 (1914).

2. See DRUG ADDICTION: CRIME OR DISEASE? REPORTS OF A.B.A.-A.M.A. JOINT COMMITTEE ON NARCOTIC DRUGS (Intro. by Lindesmith 1961).

3. Curran, *Massachusetts Drug Addiction Act: Legislative History and Comparative Analysis*, 1 HARVARD J. ON LEGISLATION 89 (1964).

In Maryland, the laws on narcotics addiction are currently under active study by a state commission. See *The Sunday Sun* (Baltimore) Sept. 26, 1965, §A, p. 22, col. 1.

4. See, e.g., *N.Y. Times*, August 22, 1965, § 1, p. 60, col. 3 (methadone); *The Sun* (Baltimore) Aug. 18, 1965, p. 46, col. 5 (Baltimore City Narcotics Clinic); *N.Y. Times*, May 12, 1965, p. 32, col. 1 (New York City Half-way House).

5. *E.g.*, *Robinson v. California*, 370 U.S. 660 (1962).

who is not deeply steeped in the subject. Each of the authors was reasonably articulate and each was unashamedly engaged in a piece of more or less scholarly advocacy. Although both books oppose the prevailing practice of repression and coercion, the major recommendations of each differ almost as much from those of the other as from the prevailing practice.

THE ADDICT AND THE LAW is the more comprehensive of the two books. In an uncommonly useful service, it provides the reader with pocket histories of narcotics addiction and governmental responses thereto both in the United States and in several other Western and Oriental countries. Single-mindedly, however, in the statement of these histories and in all other discussion, the philosophy of the book is espoused. There is, in fact, never room for doubt that the author's view, and it is a most persuasive one, is that our approach to the problems of addiction — the suppression of addicts and their drug sources — is not only inordinately degrading to the society, the addicts, and all other participants in the processes, but is also largely self-defeating. In place of our system of suppression the author would substitute programs, patterned on those of England and other West European countries, of medical-psychological treatment of addicts and government regulation and supervision of their drugs, which would be available to them by prescription.

In pursuing his goal, Dr. Lindesmith usually does a good argumentative job of marshalling his facts. The unspeakable degradation suffered by the non upper-class addicts in our society makes lurid and plausible copy. The reader is rendered irate at the fantastic system of enforcement whereby favored addict-informers are supplied in various ways with drugs by the police.⁶ The account of the failure of traditional enforcement programs and strategy to bring to bay the king-pins in the supplying business is eye-opening. The description of the manner in which the Federal Narcotics Bureau and other governmental agencies engage in myth creation fathers the question: "Who are the police agencies trying to fool, what are they trying to prove and what interests are they attempting to secure?"⁷ A call to action is provided when statistical and general sociological evidence is arrayed in such a manner as to indicate that repressive systems such as ours, in which addicts are punished and denied access to legitimate supplies of drugs,

6. See also, *The Sun* (Baltimore) March 13, 1965, p. 21, col. 4 ("Judge Objects to 'Awesome Power' of Narcotics Squad").

7. Among the myths largely attributed to the Federal Narcotics Bureau and other enforcement agencies are the myths that judicial leniency is responsible for the disturbing narcotics situation (*e.g.*, p. 63) and that use of marihuana, which itself is not addictive, is part of the problem of addiction. (Pp. 222-42).

No doubt in response to the myth of judicial responsibility, last year a bill was introduced in the Maryland House of Delegates to provide for mandatory prison terms of at least two years for a first narcotics offense, five years for a second offense and ten years for a third. House Bill No. 94, January 25, 1965. In contrast, the President of the United States has announced that "The Justice Department will shortly submit proposals for a Federal civil commitment statute to the Congress and for limiting the coverage of the mandatory minimum penalty sentences." *N.Y. Times*, March 9, 1965, p. 20, col. 3. It should be noted that the author of the book makes a persuasive argument against civil commitment programs. See pp. 290-94.

actually foster rather than eliminate addiction, whereas addiction declines or is minimal in non-repressive systems.

Generally, the book is a good and comprehensive brief, but it suffers some defects of a brief. Information, for example, tends to follow conclusion. Just as in a brief, the book often contains overstatements, particularly when the author, who is not a lawyer, comments on legal practices.⁸ Too much energy, in addition, may have been expended in the pursuit of a personal vendetta — in this case, one between the author and the Federal Narcotics Bureau, which he claims has taken outlandish steps to suppress views in opposition to its own. (Pp. 104–22, 242–62). It is especially unfortunate that the appearance of an *ad hominem* attack was given, for the Federal Narcotics Bureau is not only the author's personal enemy but more importantly his intellectual and political enemy. As the author, despite his personal involvement, demonstrates, it has traditionally been the Bureau's self-appointed task to guard the wall of the old order, yielding ground only grudgingly to pressures for humane change in our approach to narcotics addiction.⁹

SYNANON is not merely a brief, it is also, understandably, a statement of faith by a convert to an idea and a movement. This is not to be deprecated, for Synanon, which began a few years ago in California as an off-shoot from Alcoholics Anonymous,¹⁰ is an exciting movement that naturally attracts converts — and not merely from among our narcotics-using sub-culture.¹¹ So far as the treatment of addicts is concerned, Synanon is exciting because it is evidently more successful in freeing addicts who participate from their addiction, than any other known program.

Freedom from narcotics is achieved through an eclectic procedure of intensive and long-term, living-in group therapy. The addict, who more or less voluntarily presents himself at a Synanon House for help, is treated as a child on the very sound theory that he has not sufficiently internalized necessary implements of self-control to be trusted as an adult. In order to get into the house, the addict must submit to a probing cross-examination by several senior members who, with the single exception of the founder, are all former addicts. He is relieved of any drugs that he may have brought along and treated to a "cold

8. For example, misinterpretation was made of the test of the legality of searches and seizures, pp. 45–46, and there was a tendency to use cases decided several decades ago to illustrate instances of injustice, *e.g.*, pp. 86–88. Notably the proposition that "It is generally recognized by students of the American system of criminal justice that the prosecutor almost completely dominates the non-federal judicial system," was supported by a 1939 source. Pp. 83–84.

9. After reading the two books being reviewed, I wrote to the Federal Narcotics Bureau, requesting whatever literature on narcotics addiction it could send. A prompt and friendly reply was received, enclosing a great many materials. Without exception the materials were defensive of the status quo, generally aggressively so.

10. There are now Synanon installations at various locations throughout the country. Plans are being made for an entire Synanon community in California.

11. Consider, for example, how many voluntary service organizations have the ideological integrity to decline, after soul-searching, badly needed financial support from a municipal government on the ground that acceptance of the money, subject to the ordinary controls that would come with it, would make the organization a part of the "establishment" and thereby limit its capacity to fulfill its purpose. *N.Y. Times*, July 30, 1965, p. 29, col. 5.

turkey" withdrawal from drugs, which are henceforth prohibited as is the use of all other "chemicals" including alcohol, but not including tobacco. The addict's only alternative to the procedure is to leave and thereby sever connections with the organization. In the sense that there are no physical restraints laid upon him, he is free to do this at any time. If he chooses to remain, he is soon put to work at menial jobs and, particularly in the early stages of the procedure, he is closely supervised and not trusted out of the house. There are, however, no prison guard-to-inmate or doctor-to-patient relationships, for all those ahead of the new "child" in the hierarchy have been through the same mill and the organization has no ultimate recourse to physical restraint. Social pressure, directed in various ways, and the threat of exclusion from the organization or the "family" are the only coercive sanctions that are available.

A central aspect of the program is the synanons, or seminar-like sessions of aggressive group therapy which are led by senior members and in which the motivations and hostilities of the members are unsparingly laid bare. These are conducted at several appointed times during the week. Synanons may be supplemented by what is known as a "haircut" or a verbal dressing down of a member who has been guilty of an infraction of the organization's rules. Ordinarily, at appointed times during the week, members of the public are invited in for regular parties or social visits. During the festivities, information is freely exchanged by all in attendance and a therapeutic seminar is conducted for general participation.¹²

As the addict progresses through the regimen, more and more controls become internalized, concomitantly, the extent of external supervision decreases. Each individual can rise as high in the organization as his talents will take him. After an uncertain period of approximately three years a former addict may become a "third-stager" or one who, remaining free from drugs, chooses not to continue living and working in a Synanon installation. "Third-stagers" do, however, maintain a kind of therapeutic contact with the organization and Synanon consciously encourages people who could become "third-stagers," if they choose, to remain and work in the organization.

The results that have been achieved by Synanon are spectacular. Through their associations with Synanon, hundreds of former addicts are now remaining entirely free of narcotics; many have been "clean" for several years. Even larger numbers of "squares," or non-addicts, who are "sponsors," have gained release for their own frustrations and anxieties and have entered into meaningful social relations through their interaction in the processes of Synanon.

The story of the phenomena is well-told in Dr. Yablonsky's book. The history and derivation of the organization is amply traced. Difficulties between it and some governmental authorities and "neighbors" are recounted without undue rancor. The curative processes are informatively described and repeatedly illustrated with case examples. Lan-

12. I attended such a Synanon social evening at a Westport installation on July 31, 1965. Occasionally information or insight contained in this review was drawn from this experience rather than from the book itself.

guage is used honestly and, where necessary to the narrative and to the reader's enlightenment, taboo words and concepts are not spared.¹³

Occasionally, however, the book is a bit repetitious; occasionally it is grandiose in its claims; often the reader receives the impression that a new religion or cult is being described. The author, who is exceedingly close to the organization and movement, brooks few thoughts of its possible weaknesses or failings. Critics are rejected out-of-hand. In this reactive manner, even those friendly to Synanon but who believe that after successful pursuit of the Synanon program, professionals, such as psychiatrists, may be of further help to addicts, are put-down as hopelessly self-interested or unenlightened.¹⁴

Each of the books being reviewed thus suffers from lack of balanced judgment. Perhaps this is as it should be. Perhaps unabashed advocacy is more useful to the successful resolution of important social issues, such as these, than more detached scholarship. I suspect, and perhaps it is obvious, that neither advocacy nor scholarship can alone claim the field.

If these two books are briefs, and each articulates an advocate's position, it is incumbent upon one who compares them to consider whether the two positions are reconcilable. At first it would appear that they are not. *THE ADDICT AND THE LAW* would permit addicts free access to narcotics, *SYNANON* would require total abstinence. The first book, however, is concerned with freeing the addict from grinding and self-defeating suppression by the state. It has no quarrel with *SYNANON*'s view that freedom from addiction may best be achieved by a voluntary program of abstinence and collective self-help. On the other hand, it is a macabre thought to be sure, but I cannot help but wonder whether Synanon could function if desperation bred of suppression did not drive addicts to its door.

Sanford J. Rosen†

13. A particularly useful Synanon concept is that of the "mother-love," which describes a person, often a mother, who subconsciously promotes the addict's habit to assure his dependence upon the "mother-lover." Pp. 214-32. The concept appears to have achieved rather broad acceptance. See *N.Y. Times*, May 10, 1965, p. 1, col. 6.

14. Mention was not even made of the only other, and earlier book about Synanon, which happens to have been written by such a psychiatrist. CASRIEL, *SO FAIR A HOUSE: THE STORY OF SYNANON* (1963). At the Synanon House in Westport, visitors were informed that they could rely implicitly on Dr. Yablonsky's book. Only by chance was Dr. Casriel's book mentioned and then it was referred to deprecatingly as "that other book."

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Public Regulation of the Religious Use of Land. By James E. Curry. The Michie Company, Charlottesville, Virginia. 1964. Pp. XXII, 429 (\$12.50).

The purpose of this book, simply stated by the author, is to provide "an historical and critical analysis, in more-than-usual depth, of approximately 100 cases in which attempts to regulate the religious use of land have resulted in court decisions published in the official reports" (p. iii).

Designed to aid in exposing and solving church-zoning problems, it is aimed at four particular groups: lawyers; "laymen" — particularly the clergy; zoning officials; and political science students of church-state relations. However, the book's "criticism in depth" approach to the cases will render it of doubtful value to laymen and political science students. I do not mean to intimate that the criticism will be lost on non-lawyers or is unwarranted, only that it is unlikely to be understood and appreciated by them.

As noted, the book involves a discussion of most of the reported cases on church zoning law. Included are cases dealing with automobile exclusion from a particular use district, usually a residential district (automatic exclusion); permissive inclusion left to the determination of some group not necessarily a governmental agency (permissive inclusion); and inclusion or exclusion depending on the fulfillment of certain building requirements, such as height and area restrictions and off-street parking requirements (regulated inclusion). These cases are carefully discussed with the clear intention of destroying the validity of any absolute rules in the area, principally those espoused by the so-called "absolute anti-exclusionists". This group comprises a few courts and many legal writers who believe that churches and their attendant institutions, because of their "preferred" position in society (not necessarily expressly relying on the First Amendment protection of "the free exercise" of religion), may not be excluded from any zone in a community.

The principal merits of the book are three: (1) the aforementioned iconoclasm; (2) the book is a source for all cases in the area; and (3) the theories of the cases, both pro and con, are fully discussed. As to the iconoclasm, it is refreshing to know that now and in the future no interdiction prevents a society, which must by necessity be flexible, from imposing regulations, when desirable and needed, on the use of land by religious organizations. The author states that the Supreme Court of the United States has not yet ruled on the question of church zoning, although it has refused review of state cases which have imposed some type of exclusion or regulation. This position of the Court, although not an expression on the merits of these cases, gives reason to expect that the state may continue or initiate regulation with a good chance of ultimate legal success.

Mr. Curry's work will undoubtedly find favor with the lawyer who is handling or litigating a church zoning case. In this book he will find almost all the cases in this area discussed, dissected and

criticized. Research will be aided by a more than adequate index system breaking down the cases chronologically, alphabetically, by religion involved and by state and municipality. Additionally, legal publications are indexed as to source, title and author, and there is, of course, a complete subject index to the material. The researcher should need no further aid, although he may experience some problems in using the author's method of case citations. Curry does not use ordinary running heads customary to the law, *e.g.*, *Smith v. Jones*, but rather cites cases by the religious organization involved and the municipality or county and state of occurrence. This makes it almost impossible for the researcher to recognize the same case when going from this to another publication.

Most important of its merits, the book discusses the various theories advanced in church zoning cases, pro and con, in logical progression. It will undoubtedly surprise many to find that, by far, church proponents place the most reliance in opposing a particular exclusion on the due process clause of the Fourteenth Amendment, rather than on the equal protection provision of the same amendment or on the First Amendment's guarantee of freedom of religious exercise. The author accordingly devotes much attention to the due process clause; however, the application of the latter two are likewise covered. In opposition to these arguments for free church use, the author discusses those cases which justify the use of the police power to control religious use of land. Such factors as traffic control, fiscal loss, light, space, air and inconvenience to neighbors are all felt by the author to justify regulation under the police power and qualify its use as necessary for the protection of the public health, safety and welfare.

Unfortunately, the work suffers from its failure to explore which of these factors will justify what type of control or regulation. Such a discussion seems required if there is to be a meaningful resolution of the due process argument. The author states the argument as follows:

When the due process clause is invoked — as it so often is in church zoning cases — the questions arise: is the public purpose to be served by the regulation sufficiently substantial to justify it and do the means adopted to promote these ends bear a reasonable relation to the declared purpose? Both questions must be answered affirmatively or the regulation is called arbitrary, unreasonable and capricious, and therefore unconstitutional (p. 50).

Yet, the second question, "do the means adopted . . . bear a reasonable relation to the . . . purpose", does not seem to be definitively answered by this work.

This problem has a multitude of variations. Is automatic exclusion justified because of a public desire to provide adequate space, light and air in the residential neighborhood? Perhaps only building restrictions (regulated inclusion) are needed. Will increased traffic flow justify automatic exclusion or permissive or regulated inclusion? If the residential area is exclusive of churches, worshippers living there will have to travel elsewhere for services; this would seem to cause equal if not greater traffic hazards, for the cars would be on the road

for greater distances. What type of exclusion or inclusion should operate in the case of possible fiscal loss? Exclusion of church property from one area will force the erection of buildings elsewhere, and a final site located in a commercial or industrial zone may have a higher tax base than the original. Thus, the community could conceivably suffer greater loss of revenue. Also, it should be noted that problems of traffic control and fiscal loss may even remain totally unaffected by a particular church inclusion.

In sum, where the purpose sought to be accomplished by exclusion will seemingly create the same or greater problems to the governmental entity, one must ask if exclusion is justified or some other form of control required. Curry's failure to treat this means-purpose relationship adequately weakens his criticism of the "absolute anti-exclusion" rule—particularly where it is aimed at automatic exclusion—and leaves the reader unsatisfied on the due process point. However, the lawyer involved in church zoning will otherwise find this book invaluable as a research aid.

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