

one or more such boundaries, and are known as international rivers. These boundary and international waters are the source of many conflicting claims by the riparian states. Where a river is at an international boundary, is the boundary the middle of the stream, the middle of its deepest channel, one of its banks, or elsewhere? What rights have the riparian states to navigate, or to use the waters for irrigation, development of power, or other purposes? Have non-riparian states any rights? Where a stream flows across a border, can the state on the upper reaches obstruct or divert water to lessen that which reaches the lower state? Can the latter obstruct the flow and cause flooding of land in the former's territory? Professor Andre Patry of Laval Université discusses in an illuminating article, "La Regime des Cours d'Eau Internationaux", the history of attempts to find a satisfactory answer to these and other related questions.

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CRIMINAL INTERROGATIONS AND CONFESSIONS

By FRED E. INBAU and JOHN E. REID. Baltimore: The Williams & Wilkins Company. 1962. Pp. viii, 214. \$6.50 (U.S.).

This book, written by Professor Inbau of Northwestern University, who was formerly Director of the Chicago Police Scientific Crime Detection Laboratory, and by Mr. Reid, who is Director of John E. Reid and Associates, and who was formerly a staff member of the said laboratory, will prove of value and interest to all those who are in any way concerned with the administration of criminal justice. The book is a complete revision and enlargement of material previously published in the earlier editions of the author's book, *Lie Detection and Criminal Interrogation*.

The book is divided into three parts:

- (1) Criminal Interrogation.
- (2) The Law Governing Criminal Interrogations and Confessions.
- (3) Criminal Interrogation—A Practical Necessity.

The first 139 pages deal with criminal interrogation, and emphasize such matters as the importance of privacy during the process of interrogation, and tactics and techniques for the interrogation of suspects whose guilt is definite or reasonably certain, on the one hand, and of suspects whose guilt is doubtful or uncertain, on the other. Many suggestions of a psychological nature are dealt with in this part, and these will be of significance, both to police officers and to lawyers.

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The second part deals with the tests for admissibility in federal cases and in state cases. Despite all opposition, the *McNabb*¹ "civilized standards" rule of confession admissibility in the federal courts still stands. In *Mallory v. United States*² the Supreme Court unanimously reaffirmed that rule. The authors point out that:

At the present time, therefore, if federal law enforcement officers delay in bringing an arrested person before a federal commissioner or judge for arraignment (i.e., the equivalent of a "preliminary hearing" in state courts), and the delay is for the purpose of obtaining a confession of guilt, the resulting confession is inadmissible in evidence.³

This calls to mind the case of *R. v. Fitton*.⁴ In that case the accused was taken to a police station early in the morning by police officers who were investigating a murder. He was asked about his movements on the previous day, and made an exculpatory statement, although he admitted that he knew the deceased. *He was kept at the police station all day*, and at about five o'clock in the afternoon the officers returned and told the accused that they had discovered facts that showed his earlier statement was false. After some further conversation the accused "blurted out" a highly damaging remark, after which he was formally arrested for murder and cautioned. He then made a statement in the form of questions and answers, which was taken down in writing and signed by him. It was held that both the oral and written statements were properly admitted at the trial because of the fact that the rule in *Ibrahim v. R.*⁵ had been fully satisfied. Mr. Justice Fauteux and Mr. Justice Taschereau, concurring, said:

Assuming that it could be said that the conduct of the police in the circumstances of this case was not in accordance with the "Judges Rules," it was, particularly under the authorities quoted, within the discretion of the trial judge, if otherwise satisfied that the test of voluntariness . . . had been met, to admit these statements in evidence . . .⁶

The authors point out that the task of determining the "general rule" of confession admissibility in state cases is far more difficult than it is with respect to federal cases. In state cases involving confessions the United States Supreme Court lacks the "supervisory power" that it possesses in federal cases, and the court must operate within the framework of "the due process" clause of the Fourteenth Amendment. In this situation the authors submit their own suggestions for a possible guideline for law enforcement officers to follow in their interrogation of criminal suspects.

The second part of the book goes on to deal with the rights of suspected or accused persons with respect to counsel, what specific types of

1. 318 U.S. 332 (1943).

2. 354 U.S. 449 (1957).

3. P. 147.

4. [1956] S.C.R. 958.

5. [1914] A.C. 599.

6. [1956] S.C.R., at 987.

interrogation practices constitute "force" or "coercion", what constitutes a "threat", what "promises" are prohibited, and the extent to which "trickery" or "deceit" may be used to obtain a confession. It seems to some people, including this reviewer, that it is quite improper for those in authority to question or cross-examine a person once they have decided to charge him. This seems not to be the view of the authors, who devote a section of their book to tactics and techniques to be used in connection with persons whose guilt is definite or reasonably certain. In Canada, it has been established that the mere fact that questions have been asked will not render a statement inadmissible if it is shown to the satisfaction of the court that the statement was in fact made voluntarily by the accused.

In the concluding part of the book there is a statement to which this reviewer must take exception. The authors state:

Of necessity, criminal interrogators must deal with criminal offenders on a somewhat lower moral plane than that upon which ethical, law-abiding citizens are expected to conduct their every-day affairs.⁷

The question immediately arises, who is to say that the criminal interrogator is dealing with a criminal offender? At the interrogation stage he is, at most, simply dealing with a witness or suspect. The label "criminal offender" cannot attach until such time as criminal responsibility has been established by means of the judicial process.

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BOOKS ALSO RECEIVED

The Right to Membership of a Trade Union, by R. W. Rideout.
London: Athlone Press. 1963. \$8.25.

Cases on the Law of Torts, by C. A. Wright. Toronto: Butterworth & Co. (Canada) Ltd. Third edition, 1963. \$21.50.

7. P. 208.

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