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BOOK REVIEW

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BOOK REVIEW

THE ROOSEVELT COURT: A Study in Judicial Politics and Values, 1937-1947, by C. Herman Pritchett, Associate Professor of Political Science, The University of Chicago. The Macmillan Company, New York, 1948. 314 pp.

Lawyers, in the day-by-day pursuit of their profession, confine their research to small compartmented fields of the law. Their efforts in the preparation of briefs are directed toward finding particular authorities to support the positions of their clients. The case which is "on all fours" in facts and in the desired result is the goal of their search.

In this process, the average lawyer loses sight of the social trends as enunciated by our courts and the advanced legal theories of the times. These things are left to the legal scholar, for the lawyer feels somewhat off base when the opinions of the court discuss the sociological, political and related questions of the times. Yet the United States Supreme Court has often branched off into new fields without any judicial precedent, and this has been particularly true during the past 12 years. Many persons—and the category includes lawyers—have severely criticized the court for departures from precedent and the abandonment of *stare decisis* in many opinions.

Professor Pritchett, in an admirable and non-technical study of the Roosevelt court, has presented the broad outlines of the conflicts and difficulties which have been faced (and avoided at times) by the justices on our highest bench since 1936. The book makes no attempt to ferret out or explain the abstract questions of law which some authorities find in these cases. It is perhaps just as well since simple explanations are usually best on constitutional and great public issues. The author presents in general terms the trends adopted by the court in such fields as economic regulation, civil liberties, crime and punishment, bureaucracy, labor and management.

The shadows of two great liberal justices, Oliver Wendell Holmes and Louis D. Brandeis, still hang over the court. But as the author points out, these two justices never had to face the questions which have beset the "liberal" court

in the decade from 1937 to 1947 under the conditions of being in power. The minority position permitted Holmes and Brandeis to shun any compromise and preserve an intellectual honesty in the maintenance of their positions.

With power come additional responsibilities, and Professor Pritchett points out that liberalism out of power seldom behaves the same as liberalism which has achieved control. That factor has hampered the present court, but much has been achieved in the realization of the goals of a democratic society in the past decade—with the court's understanding and help.

The lawyer, with little time or opportunity to study United States Supreme Court decisions not affecting matters which he is handling, will profit much by reading this study. Like every good political scientist, Pritchett writes simply and lucidly. His statistical summaries are somewhat confusing to the non-mathematical mind, but, like the statistical summaries in the Kinsey report, they are explained in terms which make deductive reasoning from the tables unnecessary.

The author is not altogether friendly to the Roosevelt Court; at the same time he recognizes the dilemmas which have faced the court in this era of an increasingly planned economy and an ever-expanding federal government. Thousands of pages have been written on the opinions of the United States Supreme Court since 1936, and as never before in our history the highest tribunal has received columns of attention by the Fourth Estate. In less than 300 pages, Professor Pritchett has done a most satisfactory job of analyzing the more important opinions of the court and in pointing out the judicial trends of the times.

AUGUSTUS T. GRAYDON