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BOOK REVIEW

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BOOK REVIEW

DOUGLAS OF THE SUPREME COURT. A Selection of His Opinions, edited and with a biographical sketch by Vern Countryman, Doubleday \$5.95 Pp. 398.

In the past two decades the United States and the World have seen much change in every area of life. The geography of the world has changed with such rapidity that map makers have had difficulty keeping up with it. Science has surged forward. The economy of the country has changed greatly. These changes have been reflected in the opinions of our Supreme Court. In these same twenty years more precedent-breaking decisions have been handed down by our Supreme Court than in any other twenty year period of our history! For this reason a review of some of these opinions is helpful to the practicing lawyer.

Two decades ago, on April 17, 1939, President Franklin Delano Roosevelt appointed Justice William O. Douglas to the Supreme Court of the United States. The book which is the subject of this review was written about this Justice and his history making opinions.

The author of this work, or perhaps I should say editor of the book, because it consists principally of excerpts from opinions written by Justice Douglas, was Justice Douglas' law clerk, Vern Countryman. Vern Countryman was in a position to capably and intelligently write an introduction about Justice Douglas and was in an excellent position to select the sixty-nine opinions found in the book from the nearly six hundred opinions written by Justice Douglas since his appointment.

The book was written to appeal to lay readers, as well as to lawyers. The ever-present footnote normally found in a book of the legal genus is gratifyingly absent. The reader can read in satisfaction without having his eyes tiresomely dart down to footnotes. Mr. Countryman realized that the cases and their significance must be made understandable to lay readers. To this end he has in most instances replaced the Court's statement of the case with a less detailed description of the facts and a general description of the legal context in which the case

arose. The editor very refreshingly eliminated technical discussion and citations from the opinions.

There are no opinions on the vital question of racial segregation in housing or schools. The editor explains their absence when he says that Justice Douglas "has never been assigned the writing of an opinion on that subject."

The book is divided into five basic chapters. The first chapter is a biographical sketch which covers Justice Douglas' early life in California and Washington State. It includes his adversities in obtaining an education at Whitman College, in Walla Walla, Washington and at the Columbia Law School. It briefly covers his career as a practicing lawyer, as a professor at Columbia Law School and his resignation from the faculty of that school to work with the S.E.C. It embraces a discussion of his very important work on the Securities and Exchange Commission, which resulted in his becoming its Chairman in 1937 at the age of 38.

In April, 1939, Chairman Douglas, of the Securities and Exchange Commission, resigned to become Associate Justice Douglas, of the United States Supreme Court.

The second chapter of the book, but the first chapter to contain any of the opinions of Justice Douglas, is a treatment of, and is entitled, "The Powers of Government". These opinions indicate the development of the new concept of the powers of the Federal Government.

Chapter III is entitled "The Economy". The cases therein review the fundamental questions of governmental powers under the Constitution. They provide meaningful content to such general terms as "fair and reasonable" and "restraint of trade".

"Fair Governmental Procedures" is the title of Chapter IV and is descriptive of the content of these excerpts of Justice Douglas' opinions chosen by the editor.

No book about Justice Douglas would be complete without reference to his decisions on the freedom and liberty of an individual. Chapter V is entitled "Liberty". It contains a wise sampling of Justice Douglas' philosophy as reflected in his opinions on freedom of speech and the press. Other opinions set forth his theories on the other basic freedoms. These

opinions, many of them dissents, strike sharply at restrictions on individual freedoms.

All of Justice Douglas' opinions are eloquently expressed. They are tremendously significant as legal documents, and present a striking and challenging expression of public and private freedom by a man who possesses one of America's most incisive legal minds.

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