

BOOK NOTES

A reading of the *History of the Supreme Court of the United States* (Chicago, Charles H. Kerr and Company, 1912; 823 pp.), by Gustavus Myers, inclines one to the belief that no Socialist has ever sat on that high tribunal. The lens through which the author has looked at his subject may be inferred from a reading of the index. Under "banks" there are 41 references. "Bribery and corruption" is noted 62 times, "railroads" 43 times, and "land frauds" 30 times. Under "Constitution of the United States, its drafting and interpretations and questions regarding," there are 19 references; and under "Dartmouth College case" 18 references. The author's main conclusion is that "the personnel of the Supreme Court has represented the dominant class section or sections of each era . . . completely, consistently and accurately." He has gathered together a voluminous and interesting mass of material about all the justices who have sat on the Supreme Court, their personal friendships, their family and social affiliations, the history of the cases in which they were advocates before their elevation to the bench, and the decisions which they rendered. He is impressed by the fact that "the Supreme Court as a whole has been peculiarly free from venal corruption in an age when such corruption was common if not continuous." His work is the fruit of extensive research. His pages abound in references to documentary material. As a study of the importance of judicial decision in affording to property that protection claimed by it under the Constitution, the recital is impressive. It convinces one that any radical change in the system found by the courts to have been ordained by the Constitution can be best attained through the amendment or revision of that instrument. The service of the book would have been enhanced had the author discussed more fully the legal issues in the litigation considered, made clearer the possibility of decisions contrary to those reached, and indicated to what extent such contrary decisions might have altered the course of economic development.

If it were wise to review a book "by title only," it might be well merely to call attention to the fact that Mr. Allen L. Benson, the author of *The Truth About Socialism*, has published a commentary on the system of government in the United States under the title of *Our Dishonest Constitution* (New York, B. W. Huebsch, 1914; 182 pp.).

But the title, in this case, seems to be ill-chosen. That the charge of dishonesty is not directed at the men who framed the Constitution or voted for its adoption seems evident from the author's approving quotation from Woodrow Wilson's *Division and Reunion* to the effect that "the federal government was not by intention a democratic government." The dishonest folk are previous historians. Mr. Benson presents no facts of importance which have not already been made known through the researches of scholars who have written in a more scientific temper. His own ideals of honesty may be inferred from his strenuous advocacy of his proposal to repudiate every national debt in the world, because most debts are war debts, and war should be discouraged. The book contains interesting suggestions for a new federal constitution which shall be truly democratic. For the most part these suggestions are along the line of the more radical programs now being adopted in some of our states—initiative and referendum, proportional representation, popular election and recall of all officers etc. Mr. Benson's appeal is to the emotions rather than to the intellect. Some of his proposals deserve an advocacy more distinctly thoughtful than that which he has undertaken.

The importance of a knowledge of public law to all students of the social sciences is becoming increasingly recognized. For the training of the future lawyer, the case-book method of instruction has amply demonstrated its superior excellence. It is manifest, too, that the student of government as well as the student of law can understand thoroughly the import of judicial decisions only by an analysis and comparison of the judicial opinions. For such students a collection of the important opinions is almost a necessity. This need has been most admirably met by Dean James Parker Hall of the Law School of the University of Chicago in his *Cases on Constitutional Law* (St. Paul, West Publishing Company, 1913; xxxii, 1452 pp.). By the substitution of brief abstracts for the statement of facts in the official reports and by the judicious cutting down of the all-too-often prolix opinions of the judges, the compiler has been able to present within the compass of a single volume all of the important decisions of the Supreme Court in which the Constitution has been interpreted. The footnotes indicate the applications and extensions of the doctrines laid down in the cases printed, the qualifications of those doctrines and the weight of authority on controverted questions. The material as a whole has been so well selected and presented that the collection can serve as the basis for private study. As a source-book aid to one reading a treatise on the subject, it is invaluable.