

ministration, and not "punishing" them. "As Attorney General," Newfield writes, "Kennedy was not a partisan of the civil rights movement during its early Southern and integrationist days." Perhaps not as partisan as some of us hoped. But, from the day he saw Negroes attacked by police dogs ("sensual politics" again), Kennedy was the man in that Administration most responsible for pushing civil rights as a moral issue on his cooler, less Puritanical brother.

In *The Next Kennedy* by Margaret Laing, an English writer whose book was outdated by Kennedy's Presidential campaign, and was never widely reviewed, the "sensual politics" theory is carried back further. Miss Laing documents at least two "sensual" events that occurred between the time that RFK was assisting Joe McCarthy (diamond-in-the-rough friend of Joe Kennedy, Sr., and the godfather of Bobby and Ethel's first child) and Kennedy's later tolerance toward what J. Edgar Hoover termed "subversives": First, his instant dislike for the persona and methods of Roy Cohn. (They got into a fist fight in the hall outside the Army-McCarthy hearings.) And, second, a trip he took at the age of twenty-nine (just after working for McCarthy) through Asia and the Soviet Union with Supreme Court Justice Douglas. Not only did Kennedy discover that the trees weren't Communist trees, but when he became very ill a Communist doctor stayed up three days and nights to save his life.

However, these events are only earlier proofs of the man Newfield picks up after Jack Kennedy's death; the first three chapters of his book, devoted to Robert Kennedy's character, are still convincing.

The next chapters on Kennedy's politics are somewhat less convincing, especially the occasional forcing of his views into currently correct positions of a radical consciousness and/or the New Left. (It is often mentioned as a positive virtue, for instance, that Kennedy skipped the dreaded stage of liberalism, and actually disliked liberals.) The book does not provide enough documentation for Kennedy's belief that Eugene McCarthy would have been a poor President, or for his disdain of the Reform Democrats in New York. Newfield shares these feelings, as do I. For the sake of all three of us, I'm sorry he doesn't amplify McCarthy's voting record, or include his statements that "well-educated people support me," or elaborate on the self-deavourings of some Reformers.

There is one riddle I would like cleared up in the next edition. If Kennedy aides Peter Edelman and Adam  
(Continued on page 53)

## THE WARREN COURT: A Critical Analysis

edited by Richard H. Saylor, Barry B. Boyer, and Robert E. Gooding, Jr.  
Chelsea House, 262 pp., \$7.95

EARL WARREN'S RETIREMENT as Chief Justice of the United States has occasioned a spate of books and articles on "the Warren Court." This one is a collection of ten articles originally published in the December 1968 issue of the *Michigan Law Review* (of which Richard Saylor, Barry Boyer, and Robert Gooding were the principal editors), to which have been added a preface by Leon Friedman of Chelsea House, an essay by Anthony Lewis of *The New York Times* on Earl Warren himself, and an appendix containing the Court's decisions in the three cases Warren considers to have been the most significant during his tenure.

Is—or has there been—such a thing as "the Warren Court"? If so, what is it? If the phrase is taken to signify nothing more than the period comprising Warren's years in office, of course the answer to the first question is easy and affirmative, and the second calls for a description of the work and impact of the Court as an institution since 1953, when Warren took the oath.

That is the approach taken by the former Solicitor-General, Archibald Cox, in his book, also called *The Warren Court*, published last year.

But as commonly used "the Warren Court" surely signifies more than chronology. We do not refer to "the Vinson Court" or "the Stone Court." We do not even speak of "the Hughes Court," despite the great intellectual and political eminence of Charles Evans Hughes and the exciting events that took place in and around the Court while he was Chief Justice. Indeed, if one were to use such an expression, one would have to say that there were at least two "Hughes Courts," for certainly the "nine old men" of the early Thirties were quite different from the Court at the time of Hughes's resignation in 1941, with its six Roosevelt appointees including Black, Frankfurter, Douglas, and Murphy. But we do speak of a "Warren Court," and this book goes far toward telling us why.

Of the eleven essays included here, eight are by law professors, two by journalists who have specialized in reporting the Court's doings, and one by a practicing lawyer. Seven examine particular areas of judicial decision-making: reapportionment of electoral districts, racial desegregation, criminal procedure, church-state questions, free-

## Your Literary I. Q.

Conducted by David M. Glixon

### OUT OF THE MOUTHS OF GROWN-UPS

It's no surprise that some of the best-known verses for children—or adopted by children—were written by some of the best-known poets. Myra DeChaine of Claremont, Calif., wonders how many you can place. The nursery library is on page 40.

- |   |                       |
|---|-----------------------|
| 1. There was a little turtle./He lived in a box. ( )  | a. Hilaire Belloc     |
| 2. There was a little girl/Who had a little curl<br>Right in the middle of her forehead. ( )    | b. William Blake      |
| 3. The green bug sleeps in the white lily ear.<br>The red bug sleeps in the white magnolia. ( ) | c. S. T. Coleridge    |
| 4. What does little birdie say<br>In her nest at peep of day? ( )                               | d. Walter de la Mare  |
| 5. Who has seen the wind?/Neither you nor I. ( )  | e. Vachel Lindsay     |
| 6. Sea Shell, Sea Shell,<br>Sing me a song, oh, please! ( )                                     | f. H. W. Longfellow   |
| 7. He prayeth best, who loveth best<br>All things both great and small. ( )                     | g. Amy Lowell         |
| 8. Be kind and tender to the Frog,<br>And do not call him names. ( )                            | h. Christina Rossetti |
| 9. Sound the flute!/Now 'tis mute. ( )  | i. Carl Sandburg      |
| 10. Three jolly gentlemen,/In coats of red,<br>Rode their horses/Up to bed. ( )                 | j. Alfred Tennyson    |

dom of speech, labor law, and anti-trust law. John P. Mackenzie of *The Washington Post* contributes an excellent piece on the Court's press relations and the problems of reporting its actions accurately and communicating their significance to the lay public. The remaining three essays deal more generally with the Court as an institution and Warren as Chief Justice.

One thing clearly emerges from this spectrum of comment: Earl Warren's contribution to the work of his Court, be it deemed large or small, has not been the product of legal scholarship or intellectual power. He has been highly pragmatic, a man of action rather than of ideas, as Anthony Lewis rightly observes in the leading essay. He has been impatient and ill at ease with conceptual problems, and probably insufficiently sensitive to the values of continuity and analytical integrity. As an opinion writer he has not been notable, and his most famous effort, in *Brown vs. Board of Education* (the school desegregation case), has been more widely praised for its conclusion than for its style. In the history of law as a discipline and a profession Warren's name will not rank with those of Black, Frankfurter, or several others who have graced the bench during his tenure.

All this is common ground among the several contributors, though all agree that Warren's Court has been a force for change—for "revolution," as Lewis puts it—far bolder and further-reaching than ever before in the Court's history. But Warren's share of responsibility for the Court's impact on our times is the focus of sharp dispute between Lewis and Philip B. Kurland (professor of law at the University of Chicago), who writes the concluding essay, "Earl Warren, the 'Warren Court,' and the Warren Myths."

For Mr. Lewis "the legal revolution could not have taken place without Earl Warren" because he "saw the movement and put behind it the weight of his character and position and public reputation." For Professor Kurland, on the other hand, "There is no evidence that Warren's influence has extended beyond the power of the one vote that is conferred upon him as a member of the Court."

In this reviewer's opinion neither of these views hits the nail squarely on the head, and the truth lies not in between but somewhere to the side. The Truman appointees, Vinson, Minton, and Burton, with Stone, Rutledge, and Murphy retiring, swung the Court into a passive phase. Probably unwittingly President Eisenhower, by his selections of Warren and Brennan to replace Vinson and Minton, restored a considera-

(Continued on page 30)

## Book Forum

### Letters from Readers

#### Overlapping Technology

THE FIELD OF EDUCATION has enough problems without adding to them. David Dempsey's piece "Humanist Wedges to Learning" [SR, July 12] is a good case in point.

"Books," Mr. Dempsey writes, "are the 'software' in an educational process that is becoming increasingly 'hardened' by audio-visual aids, teaching machines, field work and the retrieval of computerized information." His poetical imagery goes beyond his editorial license in this issue.

Paper-making and typesetting machines are just as "hard" as cameras and film. As a matter of fact, book production has reached an overlapping technology with motion pictures. A complete book can now be processed from the images on a single piece of film. The "software" in both media are the thinking and creative capacities of the men who program the "hardware."

Is the table of contents or the index of a book, or the card index of a library any more than "hardware" for the retrieval of information? A "technological society" has simply devised improved methods for retrieving more complicated information.

JOSEPH KENAS,  
New York, N.Y.

#### Heeded Wisdom

THE REVIEW OF *Vietnam: The Origins of Revolution*, by John T. McAlister, Jr. [SR, May 31] includes the following comment: "That McAlister's knowledge and wisdom have been unheeded by policy-makers for the past decade can perhaps best be explained as one more tragic example of the 'arrogance of power.'" The writer perhaps did not know that Dr. McAlister testified before J. W. Fulbright and the other members of the Senate Committee on Foreign Relations on March 7, 1968. The committee listened to Dr. McAlister's testimony very closely and asked penetrating questions on U.S. policy options and the importance of the political dimension in relation to the military. Thus, in this instance at least, Dr. McAlister's wisdom did not go unheeded. The minutes of the hearing were printed by the Government Printing Office, as part of "The Nature of Revolution," *Hearings* before the Committee on Foreign Relations.

PENELOPE STAFFORD,  
Arlington, Va.

#### Properly Labeled

I AM WRITING to congratulate Joseph Haas on his review of Noah Gordon's *The Death Committee* [SR, July 5]. At a time when the novel is not enjoying a great deal of support from dedicated authors, it is a pleasure to see a reviewer properly label the works of an author as poor. Mr. Gordon insulted the reading public with his first novel and, had he entitled it anything

other than *The Rabbi*, it would have gathered dust on book sellers' shelves.

HOWARD A. SIMON,  
Baltimore, Md.

#### Whither the Entwives

IN REPLY TO JOAN GRISWOLD [Book Forum, July 5], according to Tolkien in *The Two Towers*, the Ents and the Entwives drifted apart, the Entwives cultivating the fields across the Great River, the Ents wandering in the Fangorn Woods. After the Darkness descended over the Brown Lands of the Entwives, the Ents came in search of them, but they had gone, and the war had burned and uprooted their fields. Some said they had seen the Entwives going north, some said they had traveled south, or east, to the sea; they were never found.

KATHY KEARNEY,  
Oakland, Me.

IT IS SAFE TO ASSUME that the Ents were never successful in their search for the Entwives. After the fall of Sauron and the end of the Third Age on Middle Earth, the Fourth Age, or the age of the rule of Men, began. The Ents, even Treebeard, probably became more and more "treeish" and eventually all disappeared; or what is even more likely, at least after the reign of Aragorn, they were chopped down and destroyed by Men.

ARTHUR METZGER,  
Cincinnati, O.

THE ENTWIVES WERE NEVER FOUND, and Aragorn's hint that they may dwell in Eastern Middle-Earth (vol. III, p. 320) remains the only information about them. However, Professor Tolkien may explain the Entwives' disappearance in his *Silmarillion*, a book about the First Age of Middle-Earth, which is now eagerly awaited by Tolkien addicts throughout the civilized world.

My own hunch is that the Entwives live in the forest just east of the Sea of Rhun, shown on all maps of Middle-Earth.

J. BARRY BROOKNER,  
East Point, Ga.

WE CAN FIND but one explanation of where they went and what may have happened to them. Fangorn thought that the Entwives would have liked the Shire (II g4 Ballantine). Also, in *The Fellowship of the Ring* (p. 73) Sam tells of "elm trees" seen walking in the north. It seems pretty clear they went near the Shire, but we don't know what happened to them, nor whether the Ents ever found them. Indeed, there was a prophecy that they would re-unite only when they would have lost everything they had.

VALPARAISO SMIAL, T.S.A.,  
MARC FABING, Thain,  
BETH LEMBKE, Sec. Treas.,  
MILDRED POWELL, Librarian,  
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