

the consultant and advisor of the client upon business matters. To keep the confidence of these clients, the lawyer of today must demonstrate a business-like handling of his own affairs. To this end Mr. McCarty's book on Law Office Management is dedicated and very largely achieves its purpose.

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FILIBUSTERING IN THE SENATE, by *Franklin L. Burdette*.  
*Princeton University Press* (1940).

As the title of the book would indicate, the author presents what he aptly terms "the fine art of obstruction from John Randolph to Huey Long—and after." There is illustrated the technique, objectives, and achievements not only of the celebrated filibusters to be found in every history book, but also of those which were no less important in American life but are practically unknown to the public. A vivid description is given of the continuous occupancy of the Senate floor by Robert M. LaFollette who filibustered for more than eighteen hours against the Aldrich-Vreeland Currency Bill; the tirade of Huey Long against the N.R.A. where the Louisiana Senator talked for fifteen and one-half hours about everything from the bill itself to his favorite recipe for "cheese salad dressing" and a rambling discourse on the subject of "pot-likker"; Rush Holt, the baby of the Senate, talking a bill to death by reading *Aesop's Fables* in the hope that his fellow Senators would "draw the morals"; and numerous other instances of the use of the time-honored tactics of filibustering to gain legislative victory.

A brief history is given of the much discussed *cloture* rule where the Senate by a two-thirds vote can limit debate on any issue. In the twenty-two years since *cloture* has been possible the Senate voted upon the application of it only thirteen times, and on only four occasions has the motion been adopted. So jealous is the Senate of their right of unlimited debate, that it has only suppressed that right by invoking *cloture* on the discussion of the Versailles Treaty (1919), World Court Protocol (1926), Pepper-McFadden Banking Bill (1927), and Prohibition Reorganization Bill (1927).

In his concluding chapter the author points out the arguments *pro* and *con* on the question of the propriety of filibustering. Arguments against obstruction by means of a filibuster may be reduced to four major categories: (1) that the majority should rule; (2) that the

Senate should legislate efficiently; (3) that experience in state legislatures indicates that debate can be limited without undemocratic results; and (4) that, on the basis of a constitutional argument, an issue should be decided when the yeas and nays have been properly demanded. The principal defenses offered by the supporters of the practice of filibustering are: (1) that minorities have rights which no majority should override; (2) that a Senate majority does not always represent a majority of the people; (3) that the Senate cannot carefully inspect legislation without unlimited debate; (4) that filibusters do not prevent needed legislation, since no importance measure thus defeated has been enacted later; (5) that the Senate can only be a check on the Executive if Senators can speak freely upon all matters; and (6) that the constitutional requirement for recording yeas and nays is a protection of dilatory tactics.

The author, Mr. Burdette, is a West Virginian and a *summa cum laude* graduate of Marshall College. Before beginning his teaching career at Princeton, he studied at Nebraska, North Carolina, Chicago, and Princeton, receiving the doctorate from the last institution where he is now on the staff of the State and Local Government Section. The book is recommended reading for all who are interested in the procedural working of the United States Senate.

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