

REVIEWS

CHARLES EVANS HUGHES. By Merlo J. Pusey. New York: The Macmillan Company, 1951. 2 volumes, pp. xvi, 829. \$15.00.

IT is not necessary to be a lawyer in order to be impressed by the life and work of Charles Evans Hughes. So shining an example of great personal integrity and devotion to principle in high office renews one's faith in the efficacy of democratic leadership. A forthright editor of the *New York Evening Post* once described Hughes as "the most straightforward, intellectually honest, transparently sincere person I ever have known." Much later in his career another seasoned newspaperman spoke of his "moral unapproachableness."

And yet ours is an age in which so much "cynical acid" has percolated into the intellectual stream, that many may find this facet of the Hughes character more than they can fully accept, and the man himself not quite as inspiring or interesting as does his admiring biographer. Their credulity may be particularly strained by the account of his nomination for President in 1916 not to mention his "reasons" for deciding to take it. In 1912, when it looked as if only his nomination would keep the rift between Roosevelt and Taft from splitting the Republican party, Hughes was reported to have made this comment: "No man is as essential to his country's well being as is the unstained integrity of the courts." Perhaps even more difficult to understand—but let it be added that the biographer does explain it—is Hughes' failure to detect the depredations of the "Ohio Gang" when he was a member of Harding's Cabinet. He did not suspect the Secretary of the Interior, who was later to be sent to prison for his part in the Teapot Dome scandals, of "anything worse than vanity and mental indigestion."

Nevertheless, after reading Mr. Pusey's painstaking chronicle, it is plain that for Hughes moral earnestness was a way of life, as it is also a clue to his long and distinguished record of public service. It would almost seem as if the religious intensity of his forebears found expression in his strongly developed sense of civic duty. As John Bassett Moore wrote to him in 1928: "You may be reckoned as somewhat of a specialist in subordinating your private interests to public service."

But one must be careful not to exaggerate the ethical impulse in Hughes' nature; he was no excited political evangelist. His appeal was always to human reason and intelligence. "The cure for the ills of democracy is not more democracy, but more intelligence" is the way he modified a favorite shibboleth of the Progressive ferment. Judging by the extent to which the men in his party who did make the Presidency—Roosevelt, Taft, Harding, Coolidge, Hoover—leaned on his counsel and his help, it may be assumed that Hughes exerted a powerful influence on the practical politics of the

country. Franklin D. Roosevelt, possibly the most astute and successful politician of our century, regarded him as the most formidable strategist in the Republican Party.

From the time he was at Brown, Hughes revealed qualities of mind and character which made those who saw him in action feel sure that he would achieve great success and even renown. The self-discipline he mastered and the superiority of his scholastic performance loom all the more remarkable when it is recalled that he worked under the distractions of extreme financial pressures. To his contemporaries he appears to have personified, in the vivid language of Bertrand Russell, "all the noonday brightness of human genius." They were witness, after all, to a towering intellect, a lively and sensitive imagination, simply extraordinary powers of concentration and absorption, and a persuasive tongue that was to ripen into a forensic skill and platform oratory which more than one generation was to find quite "incomparable." His striking presence, later made even more impressive through the cultivation of the famous whiskers, only served to strengthen the effect of immense personal force. It is understandable then why Mrs. Hughes should have been convinced, from the earliest days of their wonderfully happy marriage, that her husband was "a man of destiny."

"I inherited a continuing ambition to excel in good work," Hughes once confessed. At times this passion for excellence brought him to the verge of physical collapse, which was averted only by a complete change in his activities, as when he gave up his rapidly growing legal practice for the more sedate life of the law teacher at Cornell. Similar considerations led him to resign as Governor of New York (at the age of forty-eight) when Taft offered him the "quiet" of the Supreme Court. But always he would drive himself even harder in the next assignment.

Indeed, this combination of prodigious workmanship and moral idealism gave a distinctive stamp to everything Hughes touched. These traits are discernible in his fearless conduct of the life-insurance and public utility investigations which first brought him national attention; his record as a crusading Governor; his six years as Associate Justice; his stewardship as Secretary of State; and his nearly twelve "great years"—the characterization is Brandeis'—as Chief Justice of the United States. He contributed both his eloquence and his amazingly constructive energies to the practical vindication of progressive aspirations. Such are the mysterious sources of public reputations, that it is likely to come as a surprise to many to read that when Hughes was Governor, he was far more advanced or "liberal" in his governmental theories than either Wilson or Brandeis. Mr. Pusey writes:

"On several visits to New York, Wilson had spoken disparagingly of Hughes' reforms. The courts, he insisted, could do more purifying than "the new instrumentalities [Hughes' regulatory commissions] now being unthinkingly elaborated." His scorn for regulatory commissions

was as well defined as his contempt for Bryanism and for Theodore Roosevelt's assault on big business."¹

And again:

"Progressive Mr. Brandeis was still trying to cope with the big public service corporations through specialized commissions and direct action of the legislature. Hughes thought the time for such halfway measures had passed. . . . Only strong and expert administrative agencies armed with a mandate from the people could end the era of governmental shadow boxing with gigantic utilities."²

And speaking of Hughes' services to enlightened democracy, it is impossible to refrain from quoting his ever-timely condemnation of those "who would corrupt public opinion." Appropriately enough, the first time he held forth on this theme was in 1906, when his Democratic opponent for the governorship was William Randolph Hearst. "The man who would corrupt public opinion," Hughes declared in the course of the campaign, "is the most dangerous enemy of the state," adding:

"We have in this country but one security. You may think that the Constitution is your security—it is nothing but a bit of paper. You may think the statutes are your security—they are nothing but words in a book. You may think that elaborate mechanism of government is your security—it is nothing at all, unless you have sound and uncorrupted public opinion to give life to your Constitution, to give vitality to your statutes, to make efficient your governmental machinery."³

We are indebted to Mr. Pusey for publishing the full text of the one Hughes utterance as Governor which posterity has done its best to distort. I refer, of course, to his assertion that "We are under a Constitution, but the Constitution is what the judges say it is. . . ." Mr. Hughes seems to have despaired of ever seeing his original meaning restored. But what must have rankled most of all was the irony that the half-sentence which had been torn out of context should have proved to be so useful to those supporting the "court-packing" plan of 1937. Here is what the future Chief Justice actually said in 1907:

"I have the highest regard for the courts. My whole life has been spent in work conditioned upon respect for the courts. I reckon him one of the worst enemies of the community who will talk lightly of the dignity of the bench. We are under a Constitution, but the Constitution is what the judges say it is, *and the judiciary is the safeguard*

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1. P. 222.
 2. P. 201.
 3. Pp. 175-6.

of our liberty and of our property under the Constitution." (Italics supplied).⁴

Mr. Pusey is probably justified in concluding, "In six years on the Supreme Bench Hughes had attained a judicial stature not often equaled in a similar period." Certainly his seminal opinions in the *Minnesota*⁵ and the *Shreveport Rate*⁶ cases have given him a permanent importance in the judicial exposition of the most perplexing problem of our federalism, the reconciliation of federal and state powers. His leadership in this field was not fortuitous; Chief Justice White deliberately selected Hughes as the one member of the Court equipped with both the intellectual capacity and the necessary practical experience to guide it in formulating workable constitutional doctrines. "Hughes had thoughtfully weighed every national and state claim to power over transportation and come out with a statesmanlike apportionment that would have done credit to John Marshall himself."

Now that some of the illusions about Holmes have given way to closer scrutiny of his basic attitudes, few will quarrel with the contrast Mr. Pusey draws between Holmes and Hughes as liberals. It is his judgment that as Associate Justice, Hughes' record of liberalism is more substantial than that of Holmes, who, incidentally, had both respect and affection for his much younger colleague. When Hughes resigned in 1916, Holmes wrote to Pollock: "I shall miss him consumedly, for he is not only a good fellow, experienced and wise, but funny, and with doubts that open vistas through the wall of a nonconformist conscience." An outstanding instance of their divergence is *Bailey v. Alabama*,⁷ in which Holmes dissented vigorously from Hughes' opinion holding invalid Alabama's "peonage" statute. "There is no more important concern," Hughes had written, "than to safeguard the freedom of labor upon which alone can enduring prosperity be based." As for Holmes' position, it may be enough to recall what Max Lerner has said about it: "For those who still cling to a lingering belief that Holmes was a humanitarian liberal in his impulses, the 'Alabama peonage' case should be required reading."

Still, we can be sure that Hughes himself would have taken strong exception to the use of any such elusive labels in the discussion of judicial business. Asked by a student in 1932 whether he considered himself conservative or liberal, the Chief Justice said:

"These labels do not interest me. I know of no accepted criterion. Some think opinions are conservative which others would regard as essentially liberal, and some opinions classed as liberal might be regarded from another point of view as decidedly illiberal. Such characterizations are

4. P. 204.

5. *Minnesota Rate Cases*, 230 U.S. 352 (1912).

6. *Houston, E. & W.T.R. Co. v. United States*, 234 U.S. 342 (1914).

7. 219 U.S. 219, 245 (1911).

not infrequently used to foster prejudices and they serve as a very poor substitute for intelligent criticism. A judge who does his work in an objective spirit, as a judge should, will address himself conscientiously to each case, and will not trouble himself about labels."⁸

Imbued with such a view of judicial objectivity, Hughes naturally resented the reckless imputations in the Senate debate on his appointment as Chief Justice. While the fight cannot be compared with the furious and protracted battle over Wilson's nomination of Brandeis, the fact is that more senators voted against confirming Hughes than had voted against Brandeis. Their principal objection seems to have been that Hughes, since leaving the Court, had amassed a fortune representing wealthy individuals and powerful business interests. "No man in public life so exemplifies the influence of powerful combinations in the political and financial world," exclaimed Senator Norris, ending his attack with a peroration strikingly reminiscent of the words he had flung at Stone five years earlier: "[I]t is reasonable to expect that these influences have become part of the man. His viewpoint is clouded. He looks through glasses contaminated by the influence of monopoly as it seeks to get favors by means which are denied to the common, ordinary citizen." Forgotten were all the evidences of the man's deep attachment to social progress and humane government, his courageous championing as private citizen of numerous unpopular causes—including his militant stand against the expulsion of the Socialist Assemblymen from the New York legislature—and, most unfairly of all, his unsullied record of intellectual honesty.

As if in anticipation of the storm that was to break when President Hoover named him as Taft's successor, Hughes had this to say in his lectures on the Supreme Court in 1927:

"The Supreme Court has the inevitable failings of any human institution, but it has vindicated the confidence, which underlies the success of democratic effort, that you can find in imperfect human beings, for the essential administration of justice, a rectitude of purpose, a clarity of vision and a capacity for independence, impartiality and balanced judgment which will render impotent the solicitation of friends, the appeals of erstwhile political associates, and the threats of enemies."⁹

But it was left to Professor Chafee to put the whole incident in its proper perspective:

"Mr. Hughes was primarily a lawyer, and as such he felt it his duty to represent loyally the client for whom he happened to be working. . . . On the bench his client is the people of the United States, and there has

8. P. 691.

9. HUGHES, *THE SUPREME COURT OF THE UNITED STATES* 45-6 (1923).

never been any danger that he would be inclined to represent any other."¹⁰

Obviously, any one of the major phases of Hughes' long career would merit a book in itself. Trying to appraise a work which encompasses all of them presents a problem in selection and emphasis. More than one-fourth of it, for instance, tells of the four years during which Mr. Hughes was in charge of our foreign relations, and from these pages there emerges a portrait of a very great Secretary of State indeed. This is the best part of the book. Mr. Pusey's imaginative re-creation of the atmosphere, conflicts, and personalities at the Washington conference is a real tour de force. The Secretary's astonishingly effective leadership of the Conference, achieved partly by sheer diligence but mostly through his genius for conciliation, seems to have made a deep impression on everyone. A strong "internationalist" and one of the original supporters of the League of Nations, he was not discouraged when he was forced to abandon, after only a month in office, the attempt to win Senate approval for our entrance into the League. Instead he continued to strive, in a variety of subtle ways, to foster America's participation in the world community. The methods by which he nevertheless managed to maintain cordial relations with Congress and the press, at a time when isolationist sentiment was probably at its peak, make instructive reading. Let William R. Castle, one of Hughes' closest associates and later Stimson's Under-Secretary, give us (from his diary) the secret of his Chief's phenomenal success:

"As long as I live I shall consider association with Mr. Hughes one of the great privileges of life. It is inspiring to come into contact with his mind, the most perfect mental machine in the world; with his courage, which always dares to do the right thing. . . . If he was only mind he would be a leader, but not the great leader he is. I know no more splendidly human person, no one with a bigger heart or quicker sympathy."¹¹

Qualitatively the Hughes biography is one of those uneven books which defies general characterization. But about one feature there can be little dispute: Mr. Pusey, who is Associate Editor of the Washington Post, has taken great pains to assemble and present a mass of exceedingly interesting and valuable material. He makes excellent use of letters, public documents, newspaper accounts, and biographical notes the Chief Justice started writing after his retirement. Much of the story is conveyed with a perception and excitement which would do honor to even the most creative of biographers. Mr. Pusey largely succeeds in portraying Hughes in relation to the forces and events of his time, thus distilling for us a half-century of political and judicial history. He is at his best when writing about political controversies and matters of

10. CHAFEE, *FREE SPEECH IN THE UNITED STATES* 362 (1942).

11. P. 610.

statecraft. But among the most expertly handled discussions are the legal chapters, especially those on Hughes' service as Associate Justice.

Disappointment is all the keener, therefore, when one turns to the chapters on the Chief Justiceship. The book's most serious defect is its treatment of the one phase of Hughes' public life by which posterity is likely to measure his lasting significance. Until this part of the book is reached, it could be described as sympathetic but not an uncritical biography. The same is not true of the final chapters.

In terms of ultimate contribution, it would be fair to assess Hughes' Chief Justiceship by examining the part he played in relation to three distinct sets of problems: (1) civil liberties, especially freedom of expression and racial equality; (2) the improvement in the administration of the federal courts; and (3) the constitutional crisis which culminated in the Roosevelt Administration's challenge to the judiciary. The first two are discussed by Mr. Pusey with meticulous care and scholarly restraint.

His analysis of the so-called New Deal cases, however, suffers too much from special pleading. Mr. Pusey's distaste for the court-reorganization proposal is so great that it has distorted his view of historically important events and issues. But it is not necessary to be an apologist for the late President's shabby scheme in order to appreciate that the situation it was designed to remedy was fraught with grave peril to the nation. The fundamental transformations in constitutional theory—although not always candidly acknowledged as such by the Justices—suggest, moreover, that the "wound" sustained by the Court was, in Hughes' own phrase of an earlier day, at least in part "self-inflicted." And while the Chief Justice cannot be assumed to have exerted the decisive influence on the Court's deliberations, neither can he be absolved of all blame. The least that can be claimed for Hughes is that he met in the highest degree the test he himself had formulated as the ultimate source of a Chief Justice's authority: "[H]is actual influence will depend upon the strength of his character and the demonstration of his ability in the intimate relations of the judges."

It may seem like petty criticism to find fault with a two-volume biography because of what it says about just a few cases, however important they may be. Yet these cases have a vital bearing on Hughes' stature as Chief Justice in an age of transition, and on the strategy he pursued in meeting the threat to the Court's independence. In view of the extent to which Mr. Pusey makes Hughes live in the shadow of Marshall, it is difficult to understand his reluctance to contemplate the possibility that his brilliant hero may have outmaneuvered the man in the White House. Surely *Marbury v. Madison* has not diminished Marshall's eminence as the Great Chief Justice.

Mr. Pusey has undertaken to prove too much. He is too anxious to show that the Court Reorganization Plan had absolutely no effect on the course of judicial decisions. The inevitable result is a complete misreading of the *Jones and Laughlin* case and the cases from which it deviated, namely,

Schechter and *Carter*.¹² It will be remembered that the message calling for the enlargement of the Court's membership was sent to Congress on February 5, 1937, and that the decision in the *Jones and Laughlin* case came down on April 12. From Mr. Pusey's comments on these cases, one would never know that the latest of them wrought a veritable "revolution" in the theory of our federal system. Regarding the outcome in the *Schechter* case he writes: "If the test case had involved a big interstate industry, NRA would still have gone down, but only on grounds of unconstitutional delegation of power." And later: "There was no suggestion, as some critics have assumed, that Congress could not regulate wages, hours, and industrial relations in big enterprises operating across state lines." Had these observations been made right after the case was decided, the worst that could be said was that they were bad prophecy. Coming from a biographer who is also familiar with the Chief Justice's opinion in the *Carter* case, decided a year later, they require a different explanation.

As regards the *Schechter* decision, quite apart from *Carter*, let us not overlook the Chief Justice's statement, "The question of chief importance relates to the provisions of the code as to the hours and wages of those employed in defendants' slaughterhouse markets. . . . Their hours and wages have no direct relation to interstate commerce." Any attempt to infer from these words that Hughes was merely castigating the Administration for intruding into the management of a strictly local business, and not foreclosing federal control over working conditions in industry generally, was completely negated by what he did and said in the *Carter* case. Not even in the Thirties could it have been seriously doubted that the soft coal industry was "big" and "interstate." "If the strategic character of this industry in our economy and the chaotic conditions which have prevailed in it do not justify legislation, it is difficult to imagine what would"—tersely commented Justice Douglas in his opinion sustaining the constitutionality of the Bituminous Coal Act of 1937.¹³

When the Court had before it the Guffey Coal Act of 1935, Chief Justice Hughes concurred in Justice Sutherland's opinion, for the majority, holding the labor provisions unconstitutional. Because he thought that Congress had power to set prices for coal shipped interstate, he filed an opinion objecting to the Court's refusal to separate the labor sections from the price-fixing features of the statute. In it is to be found this unequivocal language:

12. *Schechter Brothers Poultry Corp. v. United States*, 295 U.S. 495 (1935); *Carter v. Carter Coal Co.*, 298 U.S. 238, 317 (1936); *National Labor Relations Board v. Jones and Laughlin Steel Corp.*, 301 U.S. 1, 76 (1937). Only these cases will be considered here. But Mr. Pusey's approach to several others, *e.g.*, *United States v. Butler*, 297 U.S. 1 (1936) and *Steward Machine Co. v. Davis*, 301 U.S. 548 (1937), also illustrate the factual and logical inadequacies of his analysis. For my discussion of all of these cases on a previous occasion, see KONEFSKY, *CHIEF JUSTICE STONE AND THE SUPREME COURT* 98-135 (1945).

13. *Sunshine Anthracite Co. v. Adkins*, 310 U.S. 381, 395 (1940).

"I agree . . . that production—in this case mining—which precedes commerce, is not itself commerce; and that the power to regulate commerce among the several States is not a power to regulate industry within the State.

". . . If the people desire to give Congress power to regulate industries within the State, and the relations of employers and employees in those industries, they are at liberty to declare their will in the appropriate manner, but it is not for the Court to amend the Constitution by judicial decision."¹⁴

Admitting that Justice Sutherland's opinion in the *Carter* case "spread on the record so narrow a view of the commerce clause that the President's 'horse and buggy' tag seemed belatedly fitting," Mr. Pusey nevertheless fails to recognize that the Chief Justice must share responsibility for the result. Nor is he sufficiently aware that until the decisions upholding the Wagner Act, prevailing constitutional doctrine denied to Congress authority to regulate activities and relationships even within industrial plants producing for interstate markets. The Chief Justice stood personally committed to these principles. With respect to other segments of the economy his attitude was quite different; he was himself the author of a far-reaching opinion vindicating Congress' power over employer-employee relations on the railroads.¹⁵ There is no indication that the distinction ever troubled him.

But the biographer does not agree. Appraising the Chief Justice's opinion in the *Jones and Laughlin* case, Mr. Pusey is vigorous in defending him against the charge of inconsistency:

"The great about-face of the Chief Justice is supposed to have come in the *Jones and Laughlin* case. His opinion is superficially said to be a reversal of what he had written in the NRA and Carter Coal cases. Some shift in emphasis is undeniably apparent, but it may be traced entirely to the vast differences between the situations with which the court was dealing. In the NRA case the court found that the commerce power did not reach into the Schechters' chicken coop, and Hughes employed every legitimate argument to buttress that conclusion. In the NLRB case it was clear that the Jones and Laughlin empire could be reached through the commerce power, and he naturally emphasized that fact. This is the universal practice of judges. Once a decision has been made, they properly support it with the strongest arguments at their command."¹⁶

Mr. Pusey is begging two crucial and related questions. First, did not the *Carter* case also concern far-flung activities which "could be reached

14. *Carter v. Carter Coal Co.*, 298 U.S. 238, 317-18 (1936).

15. *Texas and New Orleans R.R. Co. v. Brotherhood of Ry. and S.S. Clerks*, 281 U.S. 548 (1930).

16. P. 767.

through the commerce power"? And secondly, what suddenly led the majority of five—but particularly Chief Justice Hughes and Mr. Justice Roberts—to arrive at the "decision" that Congress was free to control labor relations within a *manufacturing* establishment, before finding "the strongest arguments" in support of it. In all fairness to Mr. Pusey, however, it must be pointed out that the whole tone of the Chief Justice's elaborate opinion carried the implication that he was not saying anything new.

Hughes was profoundly convinced that what was at stake in the crisis precipitated by the Court Plan was nothing less than the fate of the Supreme Court's historic role as "guardian" of the Constitution. Is it really so iconoclastic, then, to surmise that a military analogy may well have suggested the best strategy for the occasion? The decision to retreat in the immediate skirmish in order to assure victory in the larger "struggle for judicial supremacy"¹⁷ need not have come as the result of active intrigue or cajoling of colleagues. Men facing a common danger have been known to do what had to be done without talking about it. Since the "retreat" was to the Constitution, furthermore, the tactics could not have been too difficult to execute. Neither the Chief Justice nor Mr. Justice Roberts—the two key participants in the judicial "about-face"—was so fixed in his basic constitutional philosophy that the "switch" in their application of essentially flexible doctrines demanded sacrifice of "soul." There was always the comfort of Justice Brandeis' rationale, "The Court bows to the lessons of experience and the force of better reasoning."

Justice Roberts had already reversed himself on minimum wages for women.¹⁸ The decision in the *Parrish* case was not announced until March 29, but the Justice whose vote was decisive had informed his colleagues in December that he was prepared to overrule the *Adkins* and *Tipaldo* cases. By making much of the fact that this had taken place two months before the Court Reorganization Message was sent to Congress, Mr. Pusey only reveals that he does not reckon with the impact of the overwhelming vote of confidence received by President Roosevelt in November 1936. In a fundamental sense, Mr. Dooley's "wit of cynicism," as Justice Frankfurter has characterized the notorious quip—"th' Supreme Coort follows th' illection returns"—is not without historical justification. Hughes, in his book on the Supreme Court, had observed that proper discharge of the Court's function depends less on "formulas" and more "on a correct appreciation of social conditions and a true appraisal of the actual effect of conduct." It is not beyond the realm of possibility that the effect of the 1936 electoral landslide, followed by the effort to "reform" the Court, was to sharpen his own "appreciation" of the changed character of the American economic system and his own "appraisal" of political realities.

17. This is the apt title which Robert H. Jackson gave to his remarkably objective book on the same period, published in 1941.

18. *West Coast Hotel Co. v. Parrish*, 300 U.S. 379 (1937).

However this may be, it would appear that the intellectual hazards inherent in the writing of a lengthy book are not unlike those attending a long life: the opportunities for self-contradiction, and even more serious lapses, tend to multiply. It is regrettable that Mr. Pusey has spoiled an otherwise truly superior biography by overdrawing the image of his subject. Blanket comparison with Marshall will not erase the fact that as Chief Justice, Hughes failed, on several critically important occasions (before 1937, to be sure), to perceive the real nature of the problems confronting his country and of the constitutional powers to deal with them.

But the life and achievements of Charles Evans Hughes were distinguished enough not to require artificial inflation. Even after allowing for his limitations, the biographer could still have said of him what Holmes said of Brandeis: "I think he has done great work and I believe with high motives."

SAMUEL J. KONEFSKY†

LEGAL AID IN THE UNITED STATES—A STUDY OF THE AVAILABILITY OF LAWYERS' SERVICES FOR PERSONS UNABLE TO PAY FEES. By Emery A. Brownell. Rochester: Lawyers Co-operative Publishing Company, 1951. Pp. 333. \$4.50.

THIS volume is the end result of a major effort of the Survey of the Legal Profession. The author, Emery A. Brownell, has had a distinguished career in legal aid work and is therefore exceptionally well qualified. Using as a starting point Reginald Heber Smith's pioneer study, *Justice and the Poor*, published in 1919 but reviewing the conditions as they existed in 1916, the study traces the history and development of legal aid in this country since that time, analyzes the existing services, the unmet needs both in civil and criminal cases, and the steps necessary to meet these needs. It brings together all available materials, and in addition the results of several studies made expressly for this volume. The book is accompanied by 39 statistical tables and 5 charts, a foreword by Harrison Tweed, President of the National Legal Aid Association, and a lengthy and provocative introduction by Reginald Heber Smith. It is without question the most comprehensive study of legal aid service in this country ever published, and the first important study since the great depression. It will be of great value in providing a basis for charting and promoting legal aid work in this country.

One of the chief contributions of the book is the completeness of its study of legal aid in criminal cases. The principal facts are marshalled covering assigned counsel, public defenders, private defenders and other methods of providing counsel to accused. The evaluation of these several approaches is

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