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Book Review: Felix Frankfurter Reminisces

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which they may learn in depth and breadth the historical and social source and significance of many of today's legal decisions and regulatory practices.

Hamlet J. Barry, Jr.*

FELIX FRANKFURTER REMINISCES. By Dr. Harlan B. Phillips.¹ New York: Reynal and Co., 1960. Pp. 310. \$5.00.

In 1953 Professor Phillips began a series of recordings with Mr. Justice Frankfurter. These tape-recorded interviews, stimulated by the provocative questions of Professor Phillips, evoked from the Justice some very revealing and human comments on the events in his life up to the time he was appointed to the Supreme Court bench in 1939. It had been intended originally to postpone publication for a number of years. The Justice, however, was persuaded to allow publication now when some of his incisive descriptions would be much more in point.

Mr. Frankfurter has given us in this book some very interesting conversation, which tells us something of his life, his opinions, and his considered reflections on the men whose lives touched his.

Born in Vienna he came to New York with his parents at the age of twelve. He completed City College and then went on to Har-

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vard Law School, which has become for him one of his demigods. In later years he tended to judge most people by whether they had gone to Harvard.

For only the briefest time after graduation from Law School did he serve in a law firm. Otherwise, he has been engaged in serving in governmental agencies on the federal level, teaching in Harvard Law School, teaching at Oxford for a Sabbatical year, and serving on the Supreme Court during the last 21 years.

One of his early heroes was Henry L. Stimson, who took him into his office as United States Attorney, in the days when Teddy Roosevelt was in the White House. From Mr. Stimson he learned great respect for the responsibility of a prosecutor, and avoided always badgering and persecuting those who happened to be in the clutches of the law.

During the First World War he served as law officer in the office of the Secretary of War, Newton D. Baker, and had special responsibilities whenever labor troubles developed. One member of that conciliation commission was Colorado's Verner Z. Reed. Mr. Frankfurter helped with a number of labor tensions throughout the West which involved him in championing the cause of Tom Mooney in the celebrated case that agitated California for many years.

He was a disciple of Brandeis and Holmes in many ways. He followed up the Brandeis Brief in the Muller case, of maximum hours of work for women, by arguing the Bunting case before the Supreme Court which contended the same thing for men. He was also associated with the Attorney General of Oregon in arguing the O'Hara and Stettler cases regarding minimum wages for women. These were all landmark cases in liberalizing the attitude of the Court in social legislation.

In the midst of the furor over the Sacco-Vanzetti case, Justice Frankfurter wrote an article on their defense in the Atlantic Monthly, which was later published in book form, that brought him into open opposition to President Lowell of Harvard, Dean Wigmore of Northwestern Law School and many others.

He was offered and refused a position on the Supreme Judicial Court of Massachusetts, and as Solicitor General of the United States. When President Franklin Roosevelt invited him to succeed Justice Cardozo on the Supreme Court he accepted readily. He attributed his ready acceptance to the timeliness of the appointment. It was 1939 and would be hailed throughout the world as an instance of America's democratic approach to a Jew.

When he went on to the Court he was considered one of the radicals. It is a remarkable commentary on the fast pace of our society that today he is one of the more conservative members of our Supreme Tribunal.

This book reads very easily. One has the delightful feeling of listening to a great man talk, and of being both inspired and entertained.

Dr. Manuel Laderman*

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