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CASES ON THE CONSTITUTION. By John P. Frank. New York: McGraw-Hill Book Company, 1951.

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idleness, classification and grouping of prisoners are just a few of its aspects. No panaceas are offered.

For lawyers, this remarkable symposium has value. To the profession most active in law-making, it shows needs, trends, problems and suggested solutions.

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CASES ON THE CONSTITUTION. By John P. Frank. New York: McGraw-Hill Book Company, 1951. Pp. XI, 339. \$3.50.

This is not a casebook for a law school course but as supplementary reading for a number of undergraduate courses in government this selection of cases by Professor Frank is the most satisfactory of the half dozen such texts known to this reviewer. The collection has two notable merits. First, its emphasis is on recent cases of current interest; of the sixty cases, approximately three-quarters stem from the Roosevelt and Truman Courts. Particularly in an introductory course it is necessary to provide the student with illustrative material on contemporary problems if his interest is to be fully aroused. The fact that but few of the earlier cases are represented (only nine are dated prior to 1900) does not mean that the historical background is lacking, for Professor Frank has in his explanatory notes, which occupy almost a third of the book, adequately set forth the background and the doctrinal precedents. To this teacher this method is preferable to that of giving the classical cases and then using notes to explain the later developments.

The second merit lies in the emphasis on civil rights which Professor Frank uses as "a loose term to describe those liberties of the citizen in the fields of politics, religion, race relations and criminal law." This large proportion of civil rights cases can be explained in part by the fact that such matters have been the particular concern of the Roosevelt Court and to some extent of the Truman Court. Another explanation is that with the demise of substantive due process in 1937, constitutional limitations are now confined almost altogether to the political and personal liberties of the individual. One may also believe that Professor Frank has given deliberate emphasis to these cases in a time when the political scene is largely dominated by a race between some of our domestic zealots and the Russians to determine which group will abolish our liberties. The opinions of the dissenters in the recent freedom of expression cases may perhaps have some influence in counteracting the drive for national conformity which is tending to produce a nation of political Milquetoasts.

Professor Frank has broken away from the novel approach of his law school casebook in constitutional law in which the material was arranged chronologically. Here he has divided the cases categorically although not

observing the traditional arrangements. His first chapter is devoted to illustrating the functions of the several branches as well as throwing some light on interstate relations. In the second chapter he turns briefly to the powers of Congress — commerce, fiscal, war and foreign affairs. The third chapter deals with limitations on economic regulation in terms of the commerce clause and the due process and equal protection clauses. Civil rights occupy the final two chapters.

The introductory material is perhaps the least successful part of the book although admittedly it is difficult to compress sixty cases and notes thereon together with a meaningful introduction into some three hundred pages. Professor Frank in a dozen pages touches briefly on the origin of the court, its business and some of its justices. There is lacking a discussion of the several theories of constitutional interpretations, e.g. Justice Roberts' mechanical theory of the AAA case, which might aid the student in understanding the divergences between the majority and minority. The change in the nature of the business of the Court is treated well, but the explanation of how it gets its business is scarcely adequate.

The interpretive notes on the cases are often masterful summaries of the past cases and of the competing values involved as, for instance, in the search and seizure section. The Court's reluctance to decide "political questions," especially those in which it would be called upon to order some action, is better handled in a few paragraphs than some have been able to accomplish in a full article. Another particularly enlightening note concerns the first Amendment and the government's recent policy "of limiting the economic opportunities of those whose speech is offensive to the nation".

In a book so recent as to include excerpts from the *Dennis* case decided in June 1951 the absence of certain other recent cases is to be remarked. The case illustrating interstate compacts is *Hindelider v. La Plata Company*; no mention is made of *Dyer v. Sims* in which the Court undertook to put some teeth in the Ohio River Valley Water Sanitation Compact. Similarly the treaty power section illustrated by the classic, *Missouri v. Holland*, omits reference to *Sei Fujii v. California* which, although still in the lower courts, has implications so great that they threaten to overshadow the older case.

No casebook author can satisfy everyone and to show that Professor Frank is no exception this writer ventures to point out that freedom of press versus right to a fair trial has been omitted. The weighing of the competing values, as illustrated by Justice Frankfurter's opinion in the memorandum decision on the *Baltimore Radio Show* case, is as difficult and important as in the other civil rights fields. Others may find their favorites omitted but on the whole it is an excellent selection and with the valuable interpretive material may be used profitably in the class room as well as by students of public affairs.

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