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Frank: MR. JUSTICE BLACK: THE MAN AND HIS OPINIONS

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MR. JUSTICE BLACK: THE MAN AND HIS OPINIONS. By *John P. Frank*. New York: A. A. Knopf. 1948. Pp. xxiii, 357. \$4.

The author, a professor at Indiana University School of Law, was formerly a law clerk of Justice Black. The first part of this authoritative biography is a sketch of the Justice's private and public life; the second part consists of thirty-four of his opinions selected from more than three hundred written by him since he has been a member of the Supreme Court. The opinions are sharply edited. Each is prefaced by a short statement of the fact situation and the implications of the opinion as it relates to constitutional law. Early in Justice Black's career, as a police court judge and county prosecutor, his handling of many cases foretold the social ideas that were later to characterize his opinions in respect to the protection of the indi-

vidual's civil rights. His career as a Senator was distinguished and can be summarized as one that adopted the New Deal program completely. As a Senator and Justice he has supported the principle that the federal government has plenary power, directly and indirectly, over the commerce of the nation. He stands alone in his belief that the Supreme Court should not determine the reasonableness of statutory regulations under the due process clause, believing that this decision rests with the legislative branch of the government. He believes that the states have power to regulate commerce unless prohibited specifically by the federal government. This strong states' rights viewpoint, however, has not encroached upon his basic philosophy of civil rights. In the minority, he would incorporate the entire Bill of Rights into the Fourteenth Amendment. The incident of Justice Black's connection with the Ku Klux Klan is discussed at length, and one is left with the impression that this was an unfortunate mistake due to political expediency. The book is well written and the opinions are so selected that it becomes invaluable in the formal or informal study of constitutional law. As stated by the late Charles A. Beard in the introduction, "Mr. Frank's volume should be judicially received and thoughtfully examined by every citizen concerned with the fortunes and fate of the Republic."