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Book Reviews: A Republic If You Can Keep It

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staff of the Court for your unfailing helpfulness and friendship. I hope that as I return to private life, I shall find opportunities to continue to serve the Nation and the cause of justice which this Court so ably represents.⁵

As the work ardently points out, the fall of Justice Fortas not only signaled the end of a public career for one man but also brought the years of liberal judicial activism to an end that had been so prevalent in the years of the Warren Court.

In sum, one is left with the thought that Fortas, although resigning from the Court, was innocent of the allegations of impropriety. He emerges as a victim of the circumstances of the times and yet as a man of principle, a man of law, and responsibility. The work possesses a certain philosophical as well as pragmatic quality which tells a basic story of a prominent man while at the same time paralleling the true meaning of ethic, judgment, and professional responsibility.

A challenging, as well as thought-provoking work, it is one to be appreciated. It is designed to inspire and caution, accomplishing both with unusual clarity. It is one that is bound to attract attention and respect.

A REPUBLIC, IF YOU CAN KEEP IT. By: Earl Warren. New York: Quadrangle Books, Inc. 1972. Pp. 203 and Appendices. \$5.95. Mr. Warren served as Chief Justice of the United States Supreme Court for sixteen terms from 1953-1968. This is Mr. Warren's first book.

"We can have justice whenever those who have not been injured by injustice are as outraged by it as those who have been." This statement could well have been from one of Mr. Warren's opinions. Instead, these are the words of Solon of Athens, spoken in 594 B.C. and quoted by the Chief Justice in *A Republic, If You Can Keep It*. The words are appropriate for this work attempts to enlist those citizens who have not suffered in the battle against injustice. Warren tries to encourage others to recognize and advocate the need for a concerned citizenry. He feels that unless citizens know the results of injustice, realize the need for civic education and understand the significance of the historical development of our democracy, we could lose our republic. However, the non-legalistic, general approach of this work would tend to alienate the legal community and whether it will enlist other citizens to the cause is debatable.

Mr. Warren's work is divided into three sections: 1) a very elementary review of our republic's historical background, 2) a superficial discussion of society's current needs and problems, and 3) a sufficient dissertation on the Bill of Rights. The author concentrates on

5. R. SHOGAN, *A QUESTION OF JUDGMENT*, 282 (1972).

those events that shaped our freedoms including the ratification of the Constitution and the Bill of Rights, and the Civil War with the resulting thirteenth, fourteenth, and fifteenth amendments. The discussion of our needs and problems deals with the difficulties of a multiracial society, the arduous tasks required of citizens if government is to function properly, the need for education of citizens with respect to their rights and responsibilities, and the problems of crime, violence and dissent. Mr. Warren examines the historical development of our Bill of Rights grouping them into three categories: 1) freedom of religion, 2) freedoms of speech, press, and the right to assembly, and 3) the procedural freedoms, i.e. due process of law, right to a speedy trial, right to trial by jury, etc. The author asserts that we developed these rights in the past to protect individuals from the injustices of Star Chambers and the like. He points out why such technical developments as wire taps and electronic "bugging" devices make the constitutional rights even more critical in today's society.

Anthony Lewis' comment on the Chief Justice's opinions is applicable to the style of this work: "If the Chief Justice's approach was often generalized and moralistic, if simple answers were sometimes unsatisfyingly given to complicated questions, then at least American society was made to face some basic problems that it had ignored."¹ Again Mr. Warren is trying to make Americans face a problem, however, his use of generalizations leaves the reader with no better understanding of the significance of the retention of his rights. He does not give the layman enough specifics to identify with his possible needs. For example, the Chief Justice quotes the Constitution of the USSR which when he compares it with our Bill of Rights had similar wording. However, he does not explain why such similar words have such dissimilar applications. He could have explained how the procedures and rules of the American judicial system give meaning to our freedoms. But he neglected to do so. In contrast, however, Mr. Warren's dissertation on the Bill of Rights is more effective when it is more specific. The trial of William Penn is used to illustrate why the first ten amendments to the Constitution contain valuable rights. The judge's coercive charge to the jury, his refusal to inform Penn of the accusations, and his denial of Penn's right to be confronted by the witnesses against him, allows the reader to perceive the necessity for the protection of his Bill of Rights.

In conclusion, Mr. Warren did not attempt a legal treatise and it is unfair to hold this work to that standard. But it does appear that in trying to keep his work non-technical, the Chief Justice has left out the concrete legal facts that support his general statements which would give meaning and assist the layman in understanding why it is so important for him to protect his republic.

1. R. SAYLER, *THE WARREN COURT—A CRITICAL ANALYSIS* 7 (1972).