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The Vanishing Rights of the States, by James M. Beck

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The Vanishing Rights of the States by James M. Beck. 1926.
George H. Doran Company. New York. Pages 126. Price
\$1.50.

This is a little book which under a somewhat expansive and leading title, in fact deals exclusively with the right of a legislative body to expell one who has been duly elected to it under the law because of any offenses or conduct of that duly elected person that in the opinion of the legislative body seems to unfit him for membership. The late Solicitor-General of the United States takes the view that the constitution did not contemplate any right in either house of congress to impose additional qualifications for membership apart from those regular credentials of election which are supplied by the local state or congressional district. Mr. Beck goes into the instances in which the United States Senate has hesitated to exercise any power of expulsion upon its members because of reprehensible although not illegal conduct in the past. He also goes rather fully into the case of John Wilkes in England whose expulsion from Parliament in the eighteenth century caused such a furor at that time. It is quite obvious that Mr. Beck's little book finds its immediate occasion for being in the proposed expulsion from the United States Senate of the senators-elect from Illinois and Pennsylvania. If we are to assume that the conduct of these men in securing their elections was reprehensible but that they did

not commit acts which were direct violations of the law or which have been hitherto regarded as involving illegality in the determination of elections, then it would seem that there is much to be said for Mr. Beck's view. The fact that these men are charged with spending large sums of money, which is a practice odious to the general public, should not cause a popular cry for their expulsion, since such a result in turn may be used later by a legislative body to the great injury of worthy men. It is not a question of the merits of these particular senators-elect; it is a question of the highest protection of the right of the people to determine who shall be their representatives rather than that the then sitting house of congress should determine this indirectly.

Perhaps the occasion for Mr. Beck's title is in his general reference that if the validity of a particular election is taken from the people of the state this will involve a serious intrusion upon constitutional rights of citizens and indirectly upon the effective functioning of all local political units.

Never before has a Senate of the United States refused even to receive the credentials of a duly elected member pending an investigation of his claims to membership. There is a great newspaper demand for this departure from precedent and the facts of the particular cases make this demand popular. *Quaere* whether this departure is sound as a matter of constitutional law and *quaere* whether thus to raise this popular cry of pursuing a course which will increase the rights of citizens in fact.

In any case the book is stimulating although far from comprehensive. The appendices take up 42 of the 126 pages and much of the balance is actually covered by quotations. The references to English constitutional history on the same point and the early considerations of the questions in our country is highly interesting, however. Perhaps popular feeling will swing the other way on this question in the not distant future.