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Earl Warren: A Political Biography, by Leo Katcher; Warren: The Man, The Court, The Era, by John Weaver

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BOOK REVIEWS

EARL WARREN: A POLITICAL BIOGRAPHY. By Leo Katcher. New York: McGraw-Hill, 1967. Pp. i, 502. \$8.50.

WARREN: THE MAN, THE COURT, THE ERA. By John D. Weaver. Boston: Little, Brown & Co., 1967. Pp. 406. \$7.95.

Anyone interested in collecting a bookshelf of serious reading on the various Chief Justices of the United States is struck at the outset by the relative paucity of materials available. Among the studies of the Chief Justices of the twentieth century there is King's *Melville Weston Fuller*,¹ which, while not definitive, is reliable and adequate enough to have merited reprinting in the excellent paperback series being edited by Professor Philip Kurland of the University of Chicago. For Edward D. White there is a Georgetown University doctoral dissertation of obviously limited scope. William Howard Taft has fared better; although Pringle's earlier two volume biography² is largely devoted in perspective and in coverage to his pre-Court career, Mason's study of Taft as Chief Justice comes close to being everything that could be asked of a scholarly biography.³ Pusey's *Charles Evans Hughes*⁴ is still the definitive work on the subject, although reviewers were initially critical of some of the author's interpretations; the specialized, smaller work by Samuel Hendel⁵ is a useful complement. Mason was also the author of *Harlan Fiske Stone: Pillar of the Law*,⁶ a monumental study which revealed so many intimate details of the Justices at work behind the scenes (or the curtains) that those obsessed with preserving an absolute secrecy about such matters were aghast. For Fred M. Vinson there is virtually nothing, which is probably just as well; Prichett's *Civil Liberties and the Vinson Court*⁷ is a more than adequate commentary on that interval.

Works on Earl Warren presumably should be measured against the variable standards set by these books on the other Chief Justices of the twentieth century. Yet that is hardly practicable; the volumes by Pusey and Mason are exhaustive scholarly treatments after the fact, and the

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1. W. KING, *MELVILLE WESTON FULLER* (1967).
 2. H. PRINGLE, *THE TIMES AND LIFE OF WILLIAM HOWARD TAFT* (1939).
 3. A. MASON, *WILLIAM HOWARD TAFT, CHIEF JUSTICE* (1965).
 4. M. PUSEY, *CHARLES EVANS HUGHES* (1963).
 5. S. HENDEL, *CHARLES EVANS HUGHES AND THE SUPREME COURT* (1951).
 6. A. MASON, *HARLAN FISKE STONE: PILLAR OF THE LAW* (1956).
 7. C. PRICHETT, *CIVIL LIBERTIES AND THE VINSON COURT* (1954).

others are subject to a number of limitations. Not only has the Warren Court just rounded out its constitutional jurisprudence, but the constitutional law it has evolved remains the subject of a passionate ongoing debate. Even under the best of circumstances, biographical studies of men still in the active practice of their profession are difficult to produce; Justice Douglas is best understood through his own prolific publications, and the books on Black or Frankfurter contemporaneous with their careers have not been remarkable.

Yet commentaries on the Warren Court are naturally salable because of the very fact of its controversial pronouncements. It is not surprising, therefore, that two men, both writers on contemporary affairs, should have hit upon the idea at the same time. The remarkable impression one gets from reading them comparatively is that they have tended to complement rather than duplicate each other's treatment. It will be no comfort to the Court's bitter critics to report, in addition, that both authors conclude that the Chief Justice and his Court have served the nation well in the veritable revolution in constitutional thought which has occurred since 1953.

This reviewer has had an unusual perspective from which to assess the two books; preparing an exhaustive study of constitutional developments of the twentieth century, he has had particular need of a reference shelf on the modern Chief Justices. When it came to Warren, the only thing even of relative worth was Irving Stone's campaign biography of 1948⁸ and the *Public Papers of Chief Justice Earl Warren*⁹—a title which is foredoomed to generate reader disappointment even though the materials were competently edited by Henry M. Christman and were released in a revised edition in 1966. There are a smattering of useful but limited short studies, by Charles Black and others, but for this reviewer's own writing and research needs the volumes of Katcher and Weaver were opportune.

Without further delay, let it be said that of the two the Weaver book will fill the requirements of the serious reader more readily and satisfactorily. Not only is it carefully documented, but its whole conception as an analysis of the Chief Justice in terms of his background and the background of the contemporary Court makes it a valuable reference tool. Both authors, as seasoned journalists, have drawn substantially on personal interviews with people who "knew him when" but the Weaver interviews are woven with particular effectiveness into the author's documentary sources. The meticulous crosschecking of even minor details

8. I. STONE, *EARL WARREN, A GREAT AMERICAN STORY* (1948).

9. *PUBLIC PAPERS OF JUSTICE EARL WARREN* (H. CHRISTMAN rev. ed. 1966).

is demonstrated in the numerous annotations in many of the chapter notes.

Accordingly, what emerges in Weaver's biography is a totally credible portrait of a man firmly committed to the idea that the worth of every human being should be the first concern of the rule of law. This, of course, is already the verdict of most of the objective students of the constitutional doctrines of the Warren Court. But it becomes increasingly persuasive as the author follows Warren as a youth in Bakersfield, as a law student at Berkeley, and ultimately as a Governor in Sacramento. It is not simply that the present Chief Justice is an intensely warm human being—all but the most vitriolic of his foes concede that. The whole tenor of his public career, as Weaver demonstrates, is the conviction of the equality of all men, politically, racially, and economically before the law. The great milestones of *Brown v. Board of Educ.*,¹⁰ *Baker v. Carr*,¹¹ and *Gideon v. Wainwright*¹² have this in common.

This is essentially what Katcher also is saying in the book which he calls a "political biography." In telling his version of the Warren story, this author devotes substantially more space to a series of political anecdotes and vignettes, and substantially less to the personal aspects of the man. The two versions "jibe" with reasonable consistency, and thus the details emphasized in the one book do indeed complement those in the other. The lack of reference materials is, however, a serious handicap in evaluating Katcher's volume. The statement in the preface, "[t]here is no single quotation or attribution . . . which can not be documented," is simply an earnest reminder of the writer's good faith; it does not help in researching some of the sources for more details which may better serve his own needs. However, so far as the Katcher book is concerned this is merely to say that it was written for the general reader exclusively, while the Weaver volume serves both the layman and the specialist as well as possible when we are still in the immediate wake of Warren constitutionalism.

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10. 349 U.S. 294 (1955).

11. 369 U.S. 186 (1962).

12. 372 U.S. 335 (1963).

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