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In Quest of Freedom: American Political Thought and Practice, by Alpheus T. Mason and Richard H. Leach; The Supreme Court in a Free Society, by Alpheus T. Mason and William M. Beaney

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IN QUEST OF FREEDOM: AMERICAN POLITICAL THOUGHT AND PRACTICE. By Alpheus T. Mason and Richard H. Leach. Englewood Cliffs, N. J.: Prentice-Hall. 1959. Pp. viii, 568. \$6.95.

THE SUPREME COURT IN A FREE SOCIETY. By Alpheus T. Mason and William M. Beaney. Englewood Cliffs, N. J.: Prentice-Hall. 1959. Pp. vi, 346. \$6.50.

In Quest of Freedom is a summary account of things said and written and things done in this country from the days of the Pilgrims to the days of desegregation, with a throwback to catch a few "taproots" in European literature and practical experience. The thought and practice which are summarized relate to government, public policy, and the politics which seeks to control the offices that make and enforce public policy. But the stream of argument and events which is traced out is no more a quest for freedom than a quest for conformance with rule, or quest for a place of power in a contentious world. No doubt "freedom" is a better label for a product on today's market than either "conformity" or "national power."

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The authors say that their purpose in *The Supreme Court in a Free Society* is to portray "the Judiciary as a *participant* in the political process." The content of the book makes it clear that "Judiciary" means the United States Supreme Court only. The portraying of the Supreme Court's participation in the political life of the nation is accomplished mainly (possibly I should say only) by summarizing the holdings and opinions of the Court and commenting briefly on the political consequences of the Court's acts and statements. Cases to be mentioned are selected, summarized, and commented on in a way to highlight two points: that the Court had alternative holdings available to it and the choice it made had political consequences, and that in making their choices the judges were attentive to evidences of powerful public expectations.

In each book Professor Mason is senior member of a partnership with one of his former students in the Princeton University Department of Politics. I trust it casts no aspersion on the luster of the younger men to say that Professor Mason is one of our most distinguished students of political theory and constitutional law. He is best known to lawyers, no doubt, for his *Brandeis, A Free Man's Life* and *Harlan Fiske Stone: Pillar of Law*.

The two books in review here are not the place to probe the quality of Professor Mason's scholarship, nor, I am sure, that of his younger colleagues. I conclude that each book is addressed to the college undergraduate, designed either to give him a quick review of what he has read in the original materials of constitutional law and political history, or to provide a means to escape reading them at all. I think readers of this *Journal* may safely ignore the book on *The Supreme Court* altogether. There are other one volume resumes of American constitutional law that give fuller accounts of what has been done and undone in leading decisions. And this book seems to me not to afford much insight into the Supreme Court or courts in general as contributors to the total political process of the nation. It is made amply clear that court decisions have high significance for public policy that is at the center of controversy, and that judges, Presidents, legislators and other political leaders know this. But it seems to me that the authors touched on too many controversies and too many court decisions to permit themselves analysis of much depth in a book of 350 pages.

In Quest of Freedom should yield a better return for those who want a quick summarization of arguments and events that constitute the promontories and high plateaus of American politics. Professor Mason has a book titled *Free Government in the Making* (New York: Oxford Press, 2d ed., 1955) which contains 900 pages of speeches, essays, state papers,

and other original contributions to political controversy and development of political institutions and practices in this country. The new book, *In Quest of Freedom*, summarizes the items in the earlier book. You or I might have recommended omission of many items in the collection of readings in order to make place for many other contributions that Professor Mason left out. But *Free Government in the Making* should provide for men of any taste, a rewarding journey over the political course the nation has travelled. *In Quest of Freedom* is a sort of Baedeker, telling you what you will encounter on that journey if you make it.

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THE EAVESDROPPERS. By Samuel Dash, Robert Knowlton, and Richard Schwartz. New Brunswick, N. J.: Rutgers University Press. 1959. Pp. 484. \$6.50.

A book by a prosecutor about methods of crime detection is apt to display bias in favor of the legality of the use of such methods; a book by a defense attorney is equally liable to be slanted in the other direction; and one who has had neither experience may well lack the insight to make any significant evaluation at all. Hence, this balanced and dispassionate volume by a well-known former district attorney of Philadelphia who has turned defense attorney is particularly valuable because the author has been able to bring both aspects of his experience to bear to evaluate the desirability of wiretapping and other aspects of eavesdropping in an electronic age. The timeliness of such an evaluation is obvious.

The book is divided into three parts, the first dealing with the practice of wiretapping and related acts, the second with the tools by which such surveillance is undertaken, and the third with the law which governs the practice. Of these parts, the first is the largest and by far the best.

Mr. Dash, author of the first part, has surveyed jurisdictions where wiretapping is permitted, where it is forbidden, and where the law is silent. His conclusion is the same; law enforcement agencies find wiretapping a useful and often necessary means of investigation and are prone to use it regardless of what the law says. The material adduced, consisting principally of the results of selected interviews and several legislative hearings, confirms the widespread public impression that police, and often private persons as well, use wiretapping to a very con-

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