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

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tributor refers to recent articles or to text books for further explanation of the points involved.

In considering such a book perhaps it is important for the law teachers to remember two things; first, that there is nothing criminal in putting its academic training into practical use; and second, that a book which has this practical aim need not be unscholarly in its make-up if it is also to be eminently practical. It seems to the reviewer that Professor Ballantine has had happy success in achieving a practical tool for the lawyer as well as a scholarly handling of the materials in view of their purpose. The questions are admirably specific, dealing with the real difficulties rather than generally dealing with matters which are well settled, in the manner of most law quizzes of the past.

We should remember that the editor and the contributors would be the first to deny that such a book should in any way intrude upon thorough preparation by the present methods used in law schools. The book is purely for review purposes or for reference. It is not unfair to suggest, however, that many students have a sort of constitutional inaptitude for taking adequate notes, although they may have the making of good lawyers. Such a book as this which could be used in some measure as an outline for their work might be peculiarly helpful for reviewing purposes. It may be stated definitely that the answers contain references to a number of recent cases and to references in legal periodicals which are valuable for any lawyer to have in convenient form.

The reviewer ventures a prediction that this book will supplant other law quizzes. The questions and answers cover real difficulties rather than fictitious ones; it should be of decidedly more practical value than other law quizzes or questions for review published thus far. The scholarly analysis of the problems and the convenient citation to recent authorities should make it a valuable reference book for the young lawyer after its immediate purposes have been fulfilled.

The Vanishing Rights of the States by James M. Beck. 1926.

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.


We have here a new member of the family of legal periodicals published by law schools. Its first issue was in January of this year. It may be said in general that this new law review is similar in plan and content to that of the other law reviews now published. It follows the convenient custom of printing only the leading articles on the cover while a complete table of contents appears on page one. In this table of contents the individual editorial notes and recent case notes are both given according to their several titles set forth in full. It has only one book review and this is a very brief one. It seems fair to anticipate, however, that the brevity of the book review division is due to the exigencies of getting out the first number. This law review differs from any now published in that no biographical material is given of the authors of leading articles. The editorial notes are printed in regular type with ample references in footnotes. These notes, however, are printed in small type and the references are given in the body of the text without the use of footnotes.

The three leading articles are: Problems in the Law of Radio Communication, by Frank S. Rowley; Some Ohio Problems as to Future Interest in Land, by Charles C. White; and Judicial Admissions, by Otis H. Fisk.