

Politicians—for the same reason.” For the same reason he might well have added: “To the Lawyers and the Judges,” but it is a long time since either lawyers or judges have been interested in the real intent of the fifty-five men except when they could use that intent to buttress the interpretation they wanted to make.

D. M. POSTLEWAITE.

STORM OVER THE CONSTITUTION. By Irving Brant, Bobbs-Merrill Co.

In these days of a rising federalism which is the inevitable consequence of the industrial revolution America has undergone, recourse is often taken to the words of the Constitution to challenge the right of the people to enact their will into law. Irving Brant searches the records of the Constitutional Convention and brings forth convincing evidence that the framers intended the Constitution to contain sufficient power to enable the federal government to meet any exigency required by the general welfare.

At the time the Constitution was framed men of property looked to a strong federal government to protect their property, now they are believers in States' Rights. Similarly, Democrats and Republicans have changed positions. The former, once believers in Jeffersonian States' Rights theories are now followers of Hamilton desiring a strong federal government. The Republicans have discarded the teachings of Hamilton to become the modern State Righters. The author discusses this peculiar transition and traces the beginning of it to Jefferson, himself.

Mr. Brant attacks the common belief that the Supreme Court has changed the Constitution from a concession of limited powers intended by the framers and also the belief that there were two general groups of states in the Convention, one in favor of a strong federal government and the other against it. He finds that in reality each group was in favor of a strong federal government if it was to control such government; that it was a contest for power not for liberty.

The framers are shown by the author to have taken for granted that the Constitution gave to the federal government many powers which are now denied it. Their discussions prove that they believed the Constitution granted power to create mercantile monopolies; that the taxing power could be used to regulate or destroy commerce, to regulate morals or even to free the slaves. Since the framers believed that the taxing power is so broad there appears to be no historical basis for the holding of the Supreme Court that Congress cannot levy a tax on products of child labor when the primary purpose is not revenue but regulation of employment.

The tremendous growth of corporations coupled with the limiting of both federal and state powers by Supreme Court decisions has brought about a critical situation. Mr. Brant believes that the only way to stave off fascism is by giving the federal government power to cope with the situation. He believes that this may be accomplished without constitutional amendment for the grant of sufficient power is in the Constitution, and the people need only elect presidents who will appoint the right men to the Supreme Court.

Mr. Brant is a very interesting writer. One cannot help but be convinced that the framers intended the Constitution to confer great power upon the federal government. The writer's advocacy of the New Deal is never for a moment left in doubt. His statements concerning the Supreme Court show that he is opposed only to those decisions which are not in accord with his particular philosophy. Thus, after a bitter denunciation of the Supreme Court in which he claims that its record of nullifications of federal law is almost a perfect one of economic and social reaction, he admits that it is a possible safeguard against fascism and a valid protection to property rights in voiding confiscatory provisions in farm mortgage and pension acts.

Conceding that the intention of the framers was to give the federal government the greater powers claimed by Mr. Brant, it may be questioned whether their intent is as important as that of the ratifiers. In the case of a statute it is true that the intention of the framers is all-important. But in the case of a Constitution it can be said that the framers are mere agents of the people to prepare the document for ratification and the intention of the ratifiers is all-important. If this view is followed the author clearly demonstrates that the people were misled as to the powers of the federal government.

The book shows that Mr. Brant has done a great deal of research and clear thinking. Whether or not one agrees with his conclusions the book is well worth reading.

CARL R. BULLOCK.

THE SYMBOLS OF GOVERNMENT. Thurman W. Arnold, Yale University Press, 1935.

To appraise the depths of Professor Arnold's thinking as expressed in this book one must first understand his approach. As a Neo-Realist, he attempts to convince us of the efficacy of the laboratory method used in the physical sciences as a formula for discovering the social sciences.

The author says that when he speaks of the symbols of government he means both the ceremonies and the theories of social institutions. They are ordinarily studied not as symbols but as fundamental principles of the