

Washington University Law Review

Volume 1955 | Issue 2

January 1955

Review of “The Constitution and What It Means Today,” By Edward S. Corwin

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Recommended Citation

Thomas H. Eliot, *Review of “The Constitution and What It Means Today,” By Edward S. Corwin*, 1955 WASH. U. L. Q. 215 (1955).

Available at: https://openscholarship.wustl.edu/law_lawreview/vol1955/iss2/10

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BOOK REVIEWS

THE CONSTITUTION AND WHAT IT MEANS TODAY (11th ed.). By Edward S. Corwin. Princeton: Princeton University Press, 1954. Pp. xiv, 340. \$5.00.

Having published in 1920 the first of ten editions of *The Constitution and What It Means Today*, Professor Corwin, still going strong, was a natural choice for the job of editing the Government's *Constitution of the United States Annotated*, which appeared in 1953. The structure was the same, article by article, paragraph by paragraph, from the Preamble to the "no-third-term" Amendment. When he finished his stint with the Government Printing Office, Professor Corwin quite predictably presented the eleventh edition of his earlier work, enlarged, expanded and with something new on every page. It is quite a remarkable little book—a kind of layman's "annotated constitution" in 300 ordinary pages—and presumably it is useful, although exactly how it can best be utilized is hard to say.

The book is remarkable for the succinctness and accuracy of Professor Corwin's summaries of the cases, 1000 of the latter as he proudly notes. At times these summaries are very instructive, as in his discussion of "divisible divorce."¹ Almost always they are compact, yet lucid. Occasionally they are simply too brief; for instance, the issues raised by wire-tapping, or by *Irvine v. California*,² can hardly be explored in a sentence. Even when compressing his material so severely, however, the author remembers that a little knowledge is a dangerous thing. If he unintentionally misleads his readers at all, it is only by making constitutional law seem simpler and more cut and dried than it really is.

Full of years and confidence, Professor Corwin enlivens this volume with flashes of his own opinions, in most instances carefully modulated. As a political scientist who has written on Presidential powers, he is obviously irritated by the *Steel case*,³ in which, he says, the Court's opinion "bears, in fact, the earmarks of hasty improvisation, and is unquestionably contradicted by a considerable record of Presidential pioneering in territory that was eventually occupied by Congress."⁴ He seems to be annoyed with the Justices for "ducking" the issues raised by gerrymanders; siding here with Black and Douglas in their *Colegrove v. Green* dissent,⁵ he rather surprisingly states that "the Supreme Court may be brought to hold, in a properly got up case, that State legislation sanctioning such disparities violates the 'equal protection' clause of Amendment XIV."⁶ In a footnote which he begins by asking pardon for indulging in a "mild skepticism as to the alleged necessity for the [World War II] Japanese segregation measures . . .," he becomes suddenly vehement, ending with an italicized reminder that not one Japanese, here or in Hawaii, was found guilty of "one single effort at sabotage or espionage."⁷ These are only a few examples of the way in which Dr. Corwin heightens the tempo by the injection of his own opinions, criticisms and historical knowledge.

As for the use to be made of this book, it could hardly be more than a quick and handy reference book for a lawyer, inferior, for usual purposes, to the afore-

1. pp. 161, 162. *May v. Anderson*, 345 U.S. 528 (1953); *Estin v. Estin*, 334 U.S. 541 (1947).

2. 347 U.S. 128 (1954).

3. *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952).

4. p. 126.

5. 328 U.S. 549, 566 (1946).

6. p. 13.

7. p. 67 n.164.

mentioned *Constitution of the United States Annotated* or the first four volumes of the *United States Code Annotated*. The ordinary layman may be repelled, and even misled, if he reads it through from beginning to end, for, while the paragraph by paragraph approach is neat and orderly, it is not the best way to make the Constitution itself understandable. Nor is it well devised to clarify the nature of the Supreme Court's function, or to indicate which constitutional issues are of real significance. In a few instances even the casual, fairly well-informed reader will not find here what he is looking for. Friends of the proposed Bricker Amendment, for example, will find Professor Corwin's support of broad Presidential power annoying; however, foes of that Amendment will be equally annoyed when they try to answer questions which logically follow from *Missouri v. Holland*.⁸ Students and laymen who are interested in Dean Griswold's attack on *Betts v. Brady*,⁹ or in his defense of the Fifth Amendment, will find little or no further enlightenment in this new Corwin volume.

For quick reference and occasional stimulation the book might be of real value to lawyers and law students who are not delving deeply into constitutional law, and to college students and teachers who are. And here, let this reviewer protest against the scorn in which college courses pertaining to law or the Supreme Court are too often held by law school faculties. I have recently seen a college catalogue wherein undergraduates who contemplate a legal career are warned to stay away from courses which concern constitutional law, or, for that matter, any other kind of law. Actually, if well devised and taught, partly by the case method, such courses can aid the alleged pre-legal student to decide where his future lies. For all students these courses can be a proper element in a sound general education.¹⁰

Thomas H. Eliot†

8. 252 U.S. 416 (1920).

9. 316 U.S. 455 (1942).

10. See FREUND, *Law and the Universities*, 1953 WASH. U.L.Q. 367.

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