covers the entire field of antitrust so comprehensively and so well." High praise indeed, but amply justified! Mr. Neale spent much time in research and investigation in Washington in 1952 as a Commonwealth Fellow. Obviously he put this to good use; for he appears to understand their favorite trust-busting measure better than do most Americans.

The first and major part of the book is devoted to an exegesis of existing law, covering not merely the Sherman Act, but also the interrelated Clayton, Robinson-Patman, and Celler-Kefauver Acts, including the topics of price fixing, resale price maintenance, price discrimination, monopolistic practices, and patents and international cartels, with special attention to problems of law administration and the choice of remedies, civil and criminal. In the main, this is a careful lawyerlike analysis of judicial precedents, skillfully performed without wasted words. Late cases, since about the middle 1950's, are not included; it is impossible to keep careful legal writing completely up to date. The author has well absorbed American ways of legal thinking; perhaps we can detect a trace of customary British denigration of our law materials in his refusal to add citations to the cases he discusses. But this is a minor fault, at most, since the precedents are easily traced in our many digests.

Of more interest to the general reader is Part II, entitled "Antitrust Assessed," containing a chapter on "Antitrust as an American Policy," and the final chapter on "Antitrust for Export?" Here the author develops the interesting idea that the mainspring of our policy is less the desire to promote free competition and remove trade restraints than it is a "distrust of all sources of unchecked power." So he finds an ambivalence of attitude in that Americans "tend to take a romantic view of the achievements and efficiency of large industrial organizations even while they take a suspicious view of their power." This conception is hardly one for export, at least to Britain, for there possession of power "arouses a much lesser degree of anxiety," and the emphasis is much more "on the use of power." So Britain is prepared to accept not so much our broad inclusive policy as a series of specific prohibitions of restrictive practices, outlawed in the Sherman Act, and now banned in the British Restrictive Trade Practices Act of 1956.

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WALLACE MENDELSON. *Justices Black and Frankfurter: Conflict in the Court.* Pp. x, 151. Chicago: University of Chicago Press, 1961. $4.00.

Professor Mendelson's little book is a study of constitutional interpretation concerned primarily with the present task of the Supreme Court or, more properly, with the task of the individual justices: to find solutions for "Atomic Age problems" within the four corners of that eighteenth-century document and at the same time to retain an adequate degree of consistency in the law. This monumental process demands from the justices, among other things, the selection of raw material from the flow of litigations and the necessary legal tools. It involves, also, the philosophy of the judges and their individual approaches to the judicial processes.

Professor Mendelson confines his investigation largely to the latter factor, drawing heavily upon the contributions of Justice Frankfurter, representative of the "humilitarians, the pragamatists," and of Justice Black, an activist and representative of those who profess to "see great visions and feel compelled to embed them in the law." "The purpose of this little book," says the author, "is to explore the nature of the judge's job. If the emphasis is upon the work of Justices Black and Frankfurter that is not because they must be accepted as 'heroes.' It is rather that they represent with uncommon ability two great, if differing, traditions in American jurisprudence."

This is, in short, a study of judicial self-restraint—or of the absence of it. It reviews convincingly Justice Black's attempts to establish justice for the "underdog." In pursuit of his ideals, Justice Black may well see the law as "simply a tool to be manipulated in accordance with the judge's

vision of right and wrong." With equal clarity, the author presents Justice Frankfurter, a recognized activist in his earlier days, as a modern expounder of the doctrine of judicial self-restraint, the Court spokesman for those who believe that the judicial function "is to preserve a constitutional balance between the several elements in a common enterprise. It maintains the ship, others set the course." Both are presented as liberals, imbued with the ideals of social progress and popular democracy and dedicated to the principles of justice. The one, Justice Black, is represented as advocating the theory that the function of the judiciary is to do justice, even if that means imposing "Justice upon all other agencies of government, indeed upon the community itself." The judicial pronouncements of Justice Frankfurter take a less exalted view of the Court's responsibilities. The cases here reviewed by the author demonstrate the Frankfurter concept that the Court is "not free to do Justice but bound to do justice under law, i.e., in accordance with that very special allocation of function and authority which is the essence of Federalism and the Separation of Powers."

Professor Mendelson draws his conclusions from a series of cases analyzed under the chapter headings "The Separation of Powers," "Democracy," and "Federalism." Even though neither the case analyses nor the conclusions are unique, the book has the great merits of clarity and precision. The study moves forward with easy informality, and it has the further merits of conciseness and personal conviction.

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RICHARD P. LONGAKER. *The Presidency and Individual Liberties.* (Cornell Studies in Civil Liberty.) Pp. xii, 239. Ithaca, N. Y.: Cornell University Press, 1961. $4.50.

Individual liberties are so intimately connected with the judicial process in the public mind that it has become common practice to look to that branch of government as their only truly constituted protector and defender. So deep is this belief that there has been created, albeit subconsciously, a corollary conviction: that the voice, office, and power of the presidency are confined and limited to our involvement in the world outside—where the nation's security and survival are challenged almost daily by a Khrushchev and a Castro, by a China and a Laos, by a race to put a man into space, and by nuclear weapons and rockets with a thrust sufficient to penetrate deep into the heart of the United States.

To address oneself to *The Presidency and Individual Liberties,* as does Professor Richard P. Longaker, seems, on the surface at least, either to be drawing the protection of human rights and freedoms into an arena where it does not belong or, conversely, to be adding problems beyond his scope and competence to the tasks of an already overburdened executive.

Yet if Professor Longaker, in this excellent little volume, has done nothing more, he has at the very least demonstrated that "because the President is the primary guardian of security, the real impact of constitutional rights has taken place within the executive's domain [for] in a Cold War liberty and security are jumbled together." In short, the evolving aspirations of the Negro in the United States, for example, have consequences, be they moral, political, or social, that are keenly watched in various parts of the world in which we, as a nation and a people, are competing for leadership and where values and ideology are vital stakes in themselves.

Although Professor Longaker tells us that his study deals with "the constitutional obligation of the chief executive to protect individual liberty," this must not be taken too literally, for he shows a keen awareness of the extraconstitutional means, as well as the moral necessity, for presidential leadership in the entire field of civil rights. What is in fact being examined is a dynamic and available means to "invigorate the liberating substance of the Constitution," to make more meaningful to us, and through us to others beyond our land, the "traditional individual liberties" as a matter of vital concern in themselves, but equally vital as a tool in the world com-