
The due process clause and the equal protection clause of the Fourteenth Amendment are thoroughly scrutinized and analyzed, both as to their legal and historical backgrounds and as to their application. The author traces the origin of the due process of law provisions of both the Fifth and Fourteenth Amendments to Magna Carta, shows how state courts kept certain legislative enactments in check by invoking principles of natural justice, the compact theory, and considerations of equality. The Reconstruction period, which gave birth to the Fourteenth Amendment, is thoroughly discussed. The Freedmen's Bureau Bill, the Civil Rights Bill, and the amendment itself are portrayed in respect to all the cross-currents of history at play during those turbulent times.

The author indicates that the Fourteenth Amendment was not a stone tablet handed down from on high, nor did it evolve from any humanitarian motives; rather, its purpose was three-fold—to punish the South, to extend the sphere of control of the federal government over the states, particularly the Southern states, and to strengthen and perpetuate the Republican party. To accomplish these purposes the amendment for the protection of Negro rights was merely the means. But even in the so-called "formative stages" of judicial interpretation, dissenting judicial opinions sought to protect corporate interests. From about 1872, the views of the dissenters became the decisions of the majority. From 1872 to 1910, six hundred and four cases were presented to the Supreme Court, in fifty-five of which it intervened; six cases involved Negroes, thirty-nine affected corporations, and ten concerned individuals of other than Negro blood. From 1899 to 1910 on only two occasions did the court interfere in cases involving the protection of the rights of Negroes. There was a brief period marked by the case of Muller v. Oregon, in which an increasing faith in the wisdom of state legislatures was evidenced. But in the years of post-war reaction, the retreating steps lengthened. Constructive and corrective labor legislation was invalidated and even ticket scalpers successfully established their liberty to contract as they saw fit. The book closes with an analysis of some of the New Deal cases.

By a chronological rather than topical analysis Professor Warsoff effectively examines the development of law in relation to the sociological and political factors at play. The book is thoroughly enlightening and realistic, combining an historian's ability to sense the significant in the broad outline of history and a lawyer's power of penetration into legal and judicial technicalities.

—Edward J. Martin.

2 208 U.S. 412 (1908).
2 Adkins v. Children's Hospital, 261 U.S. 525 (1922).