Trimble: Chief Justice Waite, Defender of the Public Interest

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BOOK NOTE


This is a good biography. The author's style is careful, almost too careful. His statements of court decisions are sometimes too cryptic. His transitions from subject to subject are frequently forced, particularly where he is describing the early period of Waite's life. He overemphasizes Waite's position in the community as a practicing lawyer and civic leader. At times there is a faint similarity between the tone of this biography and the memoirs of "The Late George Apley." With all of that the book is well done. The author has all the earmarks of a scholar, if he does not always have the "poise" of a popular biographer. And that is meant to be a word of praise.

The chapters on due process and rate regulation are the best in the book. Mr. Trimble has analyzed his cases well. He presents them with assurance and his style here is forceful. He makes some interesting suggestions about the scope of due process. The chapter on the early reconstruction cases is difficult to follow. Perhaps that is because in this day it is not easy for the average reader, who is more or less familiar with the more recent constitutional cases, to appreciate the scope of the arguments made in the earlier cases about "privileges" and "immunities" when he is inclined to reduce most "constitutional" arguments to contentions about due process. The author is too careful in proving that Chief Justice Waite was not interested in the Presidency. His many quotations from letters and editorials are dull reading. Perhaps the most interesting part of the book, although not the most important, is that in which the author describes the social life of the Chief Justice in Washington, his contacts with his colleagues, and his financial difficulties.

It is not a long book, and this reviewer found it most interesting. It occurred to him, too, as he read it that candidates for doctors' degrees in American history still have many opportunities for original work. There is much to be done by historians with the Court and its personalities, and particularly with the Court of the 1870's and 1880's.

Vernon X. Miller.