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Book Reviews

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FREEDOM SPENT. By RICHARD HARRIS.[1] LITTLE, BROWN & CO. 1976. Pp. 460. $12.95.

Reviewed by Frank A. Kaufman[2]

The provocative approach of Richard Harris to many contemporary problems of government, society and law is well known to readers of *New Yorker* magazine. *Freedom Spent,* first published in 1974, appeared originally, in large part, in articles by Mr. Harris in the *New Yorker.* The book tells of three separate, hard-fought litigations. Mr. Harris develops each of those three matters in detail, in terms of both their legal, social and political significance and their impact upon the human beings involved.[3]

The first case tells the story of an eleventh grade English teacher in a small town in upstate New York who, in November 1969, wore a black silk arm band to school as a protest against the Vietnam War. Some students also wore arm bands that day, and teachers were instructed by the school administration to ignore the student arm bands. However, the arm band worn by the teacher was not ignored and, when he refused the demand of the principal to remove it, he was fired. Eventually, in May 1975, federal litigation at the district and appellate levels culminated in victory for the teacher who won his reinstatement and a back-pay award. In the meantime, he, his wife and his children lived at the edge of poverty and under conditions which badly scarred them. They indeed found out what it means to stand up, in the minority, in pursuit of a basic constitutional right — the right of free speech.

In the course of his discussion of the case, Mr. Harris notes the literal interpretation which Mr. Justice Black gave to the first amendment and the Justice's designation of the first amendment as "'the heart of the Bill of Rights.'" Dubbing Mr. Justice Black's first amendment views as "undoubtedly correct," Mr. Harris writes that "perhaps a more pertinent viewpoint is to be found in an observation made by Mark Twain . . . when he said of . . . Americans, [i]t is by the goodness of God that in our country we have those three unspeakably precious things: freedom of speech, freedom of conscience, and the prudence never to practice either of them.'" The upstate New York teacher is characterized by the author as "[h]aving imprudently practiced both of them at once." Mr. Harris further notes that the teacher did not understand, "as almost all Americans have failed to understand,

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1. Mr. Harris has written widely on politics and law in America.

2. United States District Judge for the District of Marqland.

3. The list of the persons whom the author consulted or relies upon in connection with his analyses of first, fourth and fifth amendment rights includes Professors Anthony Amsterdam of Stanford Law School, Thomas I. Emerson of Yale Law School, Yale Kamisar of Michigan Law School, Leonard W. Levy of the Claremont Colleges, and Burt Neuborne of New York University Law School.

that those safeguards are, and always have been, largely rhetorical," and that in the place of freedom of speech "there has been a popular belief that it exists, which has occasionally persuaded those who have been tempted to suppress speech to leave it alone." The author acknowledges that in recent years the judiciary has made attempts, "so far, fumblingly tentative," at the behest of a few persons such as the upstate New York teacher, to enforce basic rights such as those pertaining to free speech.[4]

In the prologue of his book, Mr. Harris states:

> The simple and overwhelming truth is that the most fundamental parts of the American Constitution — above all, the guarantees of personal liberty contained in the Bill of Rights — have rarely been enforced. The myth of freedom has been driven into us incessantly almost from birth, but the reality of freedom eludes us to this day.

He acknowledges that "America [has] offered more freedom than other nations of the world . . . ," but notes that as the frontier has disappeared and our present complex society has arrived. With its emphasis on bigness in government, business, and labor,

> society has become more and more intolerant of differences within it and more and more uncertain of its purpose and of the meaning of 'the American dream.' In addition, Congress is today blind to the people's needs, the Presidency contains the power to bring about a personal form of despotism, and the judiciary nearly always serves the interests of the state rather than its citizens. In sum, the possibility of there being a true tyranny of the majority on a national scale has become ominously real for the first time in the nation's history, for mass society has created all the elements necessary to make the individual in America extinct.
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> . . . One of the truths that was so self-evident to the Founding Fathers — that all governments everywhere are always opposed to the needs and interests of their citizens — has been forgotten by succeeding generations of Americans. Also forgotten has been the basic purpose behind our Constitution — to create a government that would be strong enough to protect the people but not strong enough to destroy their freedom.
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> . . . .
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> The rights that lie closest to the heart of one's individuality are the right to express oneself freely, the right to be secure in one's home, and the right not to be forced to tell government what one may have said or done.[5]

These are the three rights at stake in the three pieces of litigation reviewed in the book. Mr. Harris ends his prologue with the statement that the three stories in the book are "about six ordinary American men and women who recently fought to preserve these irreplaceable rights — *our* rights — against government usurpation from the bottom to the top in this country."[6]

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4. R. HARRIS, FREEDOM SPENT 67-68 (1976).
5. *Id.* at 3-5.
6. *Id.* at 5 (emphasis in original).

About forty years ago, prior to World War II, during the rise of the Nazis and at the height of Mussolini's power in Italy, Sinclair Lewis wrote a novel entitled *It Can't Happen Here.* The book as a novel was hardly on a par with some of Mr. Lewis' earlier efforts. But, at the time, it impacted upon many of us the realization that no document, be it the Constitution of the United States or any other piece of paper, or any law, can assure democracy.

There are many who have read and will read *Freedom Spent* who will not agree with the historical and case analyses which Mr. Harris weaves in and out of his review of the human tragedies of which he writes. But even if one accepts all of Mr. Harris' views concerning the intendments of the Founding Fathers and his criticisms of certain of the Supreme Court's important decisions in the fields involved, one must keep in mind the overriding understanding that no principles of law are worth more than the people who enforce them are willing to ascribe to them. The author accepts this principle but faults the leaders of our society, including the judiciary, for their unwillingness to apply basic principles when the chips are down.

At one or more points in his book, Mr. Harris does note that the Warren Court enforced basic constitutional rights in criminal cases and civil rights cases. However, in substance, he labels the use by the courts of such concepts as "balancing of interests" and "clear and present danger" as escape hatches. To some extent, one must candidly admit that such concepts do provide a way for the courts to doff their hats to constitutional principles and then to ride comfortably along with the majority. Similarly, one must candidly admit that often the need to protect the rights of the individual in our increasingly depersonalized society is not given appropriate weight. But at the same time, one must understand that there are no supermen among human beings, be they presidents, members of congress, or judges. We should not lose sight of the fact that today in the United States, we probably have come closer to giving practical effect to basic democratic rights, such as those embodied in the first, fourth and fifth amendments, than any society during the history of the world. We must also recognize that our leadership should not get too far out in front of popular support and apply principles to the extent that an overwhelming backlash is engendered. Somehow, leadership must develop sufficient popular support to enable society to protect, both legally and practically, individuals who take unpopular minority positions in pursuit of their constitutional rights.

The upstate New York teacher won his battle, but at a price of which we should be ashamed. The delays which he encountered are unforgivable. Some delays which take place in litigation can rightfully be laid at the doorsteps of the courts, but others are occasioned by the busy schedules of attorneys, particularly of the handful of attorneys who, as Mr. Harris points out, devote themselves to representation of those asserting minority positions, often at financial sacrifice to themselves and often under workloads which are much too heavy. The upstate New York teacher encountered delays of both types as did the other persons whose stories are told so vividly by Mr. Harris, although all of them apparently received excellent representation.

Some persons, either as defendants in criminal cases or as plaintiffs in civil cases, utilize court procedures and the platforms of court cases to publicize their own views. They seemingly attach less importance to victory on the merits than to publicity. Many attorneys shy away from representing such persons. The litigants whose troubles are related by Mr. Harris were not of that type. Although it is probably true that at certain times during the McCarthy era and at other times during our history some lawyers managed to find excuses for not representing individuals of the type described in this book, I would venture the guess that there have always been, even during such times, many exceedingly capable attorneys who would have undertaken the speedy and efficient representation of such persons, even at financial sacrifice to themselves and their law firms. Attorneys who were not so overloaded as to be unable to press their clients' causes with speed, efficiency and ability probably were available to represent all of the litigants. My own experience in the court on which I sit and my knowledge of how other federal district courts work convinces me that such counsel could have obtained speedy hearings and trials in all three instances. The slow dangling to which the human beings involved were subjected hangs over this book like a shroud, and is something which the bench and the bar must at all costs prevent. Of course, if the litigant himself wants to drag out the case, that is another story, but that apparently was not true of any the six persons featured in this book. Those persons should have been able to identify and retain any number of capable attorneys. The system bears the responsibility for making such information more available.

Mr. Harris also attacks as "absurd and cowardly" what he describes as "the old judicial tradition that 'every presumption is to be indulged in favor of the validity of the statute . . . .'" Mr. Harris goes on to write that judicial self-restraint "misses a major point: the purpose of the courts is to provide a check, intentionally undemocratic, on legislative tyranny. As Hamilton wrote in *The Federalist,* the courts were designed to erect an 'excellent barrier to the encroachments and oppressions of the representative body.'"[7]

The judiciary is not, in fact, far removed from democratic control. Nor should it be. Judges can be oppressors of the rights of individuals just as they can sometimes be out in front with regard to the vindication of those rights. They can drag behind the majority in the enforcement of important rights. One need only dig out some of F.D.R.'s speeches in support of his court-packing bill to illustrate the point. While F.D.R. fortunately, at least from this writer's point of view, did not succeed in his effort to pack the Supreme Court, his long tenure in the White House, afforded him the opportunity to appoint judges with philosophies in accord with his own and those of the prevailing majority of the time. Other presidents, both before and after Mr. Roosevelt, have done the same.

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7. *Id.* at 79–80. I have not had an opportunity to go back and read what Alexander Hamilton wrote in THE FEDERALIST, but my definite impression is that Mr. Hamilton was mainly concerned with the need for the judiciary to protect the propertied classes against unfriendly legislative actions.

Mr. Harris repeatedly stresses the needs of the individual, "that society exists for the good of the individual," that the question of "[w]hat aspects of individuality . . . the state endanger[s] most in its essential relations with its citizens" is one which must be addressed and answered, and that there is a tremendous difference in "degree of power between the citizen and the state." His analogies of the relationship between the individual and the state to relationships between child and parent, student and teacher, employee and employer are far from inapt. His emphasis upon "the ever-present threat to one's sense of dignity, to one's feeling of being free, and to one's need for privacy" and the presence of that three-fold threat in all of those relationships, including the relationship between the individual and his government, is illuminating. Mr. Harris' view that all three branches of government have, in many instances, "ignored these three basic roots of individuality," may be supportable, but his statement that they have "almost always ignored" them, however, may go a bit too far. The same can be said of his comment that:

> At best it [government] has failed to nourish them and at worst it has poisoned them. To a large extent, the courts — most of all, the Supreme Court — are to blame, and if the individual is finally swallowed up by mass society, as seems so likely at the present time, it will be the Supreme Court that will have most to answer for before history's bar of justice. Except for the Hughes Court and the Warren Court, that institution has turned its majestic back on the individual.[8]

The second of Mr. Harris' stories relates to a man and his wife who were involved in anti-poverty work in Kentucky's coal mining area. The man originally went to Kentucky as a so-called Appalachian Volunteer. However, his radical views caused him to be fired. The couple stayed on in Kentucky and worked with the poor in the mountains. They were considered communists by a candidate for statewide political office who caused local officials to search the couple's home. They were subsequently jailed and held without pre-trial bail for a number of days, even though the wife was pregnant, and a charge of sedition was filed. The indignities suffered by the couple and the pressures to which they were subjected before the state statute and the search and seizure procedures were held constitutionally invalid, is a sorry tale. In all, the couple spent about ten years fighting battles which involved not only criminal and civil cases, but proceedings by a congressional committee. Assuming the facts as told by Mr. Harris to be correct — and he tells them in detail and most convincingly — one can only shudder at the treatment of those two people.

Nothing is more sacred than the fourth amendment right to be secure against unreasonable searches and seizures; without it a police state, not democracy, prevails. Nevertheless, one must be forgiven for raising an eyebrow at Mr. Harris' statement that "the Supreme Court, past and present, has done almost nothing to prevent those transgressions from being

8. *Id.* R. HARRIS, FREEDOM SPENT 87-88.

committed in the first place or to punish the police who commit them."[9] Courts decide cases brought before them. Courts can, if they deem it appropriate, apply exclusionary rules and review the use of unconstitutionally obtained evidence in both criminal and civil cases. Courts can even, under extreme circumstances, dismiss charges against defendants because of violations of their constitutional rights. In civil cases, courts can award equitable relief and damages to persons whose constitutional rights have been violated, but judges are not alone responsible for the enforcement of the law.

Mr. Harris attacks the doctrine of sovereign immunity, calling attention to the fact that a damage award against a government official who is unable financially to satisfy a judgment against him is of little value to the wronged person. Others besides Mr. Harris have persuasively attacked the doctrine of sovereign immunity, but it is a doctrine engrained in our history. Whether it will be eroded or rejected may well be for legislative bodies, rather than the courts, to determine. There *is* a limit to what courts can or should do. The fact that the courts have, even in Mr. Harris' view, sometimes led the way in terms of protecting the rights of individuals does not mean that they can or should take on the entire job.

Courts can be the forum in which government officials who have violated the law can be brought to the bar of justice, but the courts in our country do not initiate prosecutions. Whether and when to prosecute is largely a function of the executive branch of the government, and from time to time of legislative bodies. During the week in which this review is being written the Attorney General of the United States has instituted suits against officials who were of high rank in his own department in the not too distant past. Perhaps the most important way in which constitutional rights can be protected in this day of overpowering government is for popular opinion to demand prosecution of government officials who violate the law intentionally and wilfully. Care will need to be taken to prosecute only in instances in which there are rather obviously intended and knowing violations of law. Too many prosecutions of law enforcement and other officials could well cause them to be afraid to do their jobs. If that turns out to be the case, popular outrage, particularly in the presence of a high crime rate, will cause erosion rather than enhancement of individual liberties. Nevertheless, intentional violation of the law by any government official, no matter how highly placed, cannot be tolerated. No person, government official or private citizen, should be able to say that he has the right to violate the law because what he is doing is in his judgment in the best interests of society. We have seen too much of that in our recent history.

Mr. Harris' appraisal of Mr. Justice Frankfurter and the latter's views on the fourth amendment are set forth at some length. The writer characterizes the Justice as

> the epitome of the conservative justice . . . as intelligent as any man who has served on the Supreme Court . . . a student of the historical

9. *Id.* at 209 (1976).

> foundations of this nation . . . a believer in finding and applying the intent of the Framers, and . . . a confirmed statist. Whenever he was faced with a choice between the state and its citizens, he almost always came down on the side of the state. Above all, Frankfurter was a tidy man, and for him order invariably took precedence over liberty, for liberty is, of course, an untidy and even boisterous affair.[10]

Mr. Harris goes on to state his view that "American history has demonstrated the dangers inherent in a strong central government and in strong state governments."[11] He argues persuasively against what he labels the Supreme Court's "piecemeal application" of certain constitutional protections "as another judicial monument to statism."[12] There are many who will agree that the balance has been struck too easily in favor of statism not only by our courts but by our society as a whole, and that the courts should lean, in their balancing efforts, more toward protecting the rights of individuals. At the same time, there is a need to recognize that excessive untidiness and boisterousness will not be tolerated for very long by the man in the street.

Mr. Harris speaks for many of us when he notes that government has moved into many more fields than is seemingly necessary. Determinations of what government should or should not do in specific contexts require much more thought than has been given to date by our philosophers and leaders.

The third case related by Mr. Harris concerns two young women who were suspected of knowing the whereabouts of two other young women. The latter, along with three men, had robbed a Boston bank of $26,000. The three men were caught and convicted, but the two women were not apprehended. All five robbers were suspected of being part of a radical movement formed to protest American activities in Vietnam and Cambodia. The theory was that they had held up the bank to finance their movement. The two young women who are the victims in the third of the stories told by Mr. Harris lived in Connecticut as part of a gay community. They refused to answer questions put to them by law enforcement officials, even when called before a federal grand jury and given use immunity. The history of their appearances in the grand jury room, of their fears of speaking only in the context of use immunity and without transactional immunity, of long delays, of their unsuccessful fights through federal trial and appellate courts, of their rather lengthy confinement for contempt of court, and of what they and their lawyers believed to be unjustified and continuing harassment by government authorities, equals in grip and in depth the two other stories related by Mr. Harris.

In his epilogue, the author notes that, despite revelations of many instances of illegal actions by government officials, "not a single government official who broke the law [in a number of ways] has been prosecuted."

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10. *Id.* at 228.
11. *Id.* at 228-29.
12. *Id.* at 230.

That is no longer true. Mr. Harris also writes near the end of his book that "[p]erhaps George Orwell was right when he observed that most people don't mind tyranny as long as it is imposed on them in an acceptable form."[13]

The author writes pointedly. He puts his finger on what is most important in terms of the values of any democracy. He stresses and vividly paints the positions and needs of individuals and the extent to which protection is needed for individuals who act and speak out on the unpopular and minority sides of issues. More books like this need to be written. Yet, at least some of them need to be read within the context of that balancing of interests and needs which involve not only the individual but our society as a whole. That is an approach which Mr. Harris at least partially decries. It must be admitted that that approach does, as Mr. Harris asserts, sometimes provide a protective umbrella of excuse. But the need to avoid the inappropriate use of the balancing of interests approach does not mean that that approach in and of itself is basically wrong. Furthermore, while the judiciary undoubtedly in many instances has not, as Mr. Harris suggests, done what it should have done to enforce basic individual rights; the role of the judiciary, in terms of historical analysis and present and future expectancy, should be considered in relation to the roles of the executive and legislative branches of our government.

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13. *Id.* at 441. Mr. Harris states:

> The government has opened and read citizens' mail, it has tapped their telephones and planted electronic bugs in their bedrooms, it has bribed informers to concoct false evidence against them, it has written anonymous and untrue letters to their associates and employers to get them in trouble, it has turned Mafia killers against radicals, it has fomented riots, it has broken into and ransacked the homes and offices of political dissenters, it has encouraged police violence and trained policemen to break the law, it has prompted militants to murder one another, and it has tried to blackmail and drive to suicide one of the greatest leaders in American history. Moreover, it has done all this to Americans who were innocent under the law. Yet the general public doesn't seem to care. Its response to these revelations was so muted that the congressional investigations into them were cut short long before they were completed. What is more, not a single government official who broke the law has been prosecuted.

Id.

THE UNITED STATES DISTRICT COURT OF MARYLAND. BY H. H. WALKER LEWIS.[1] MARYLAND STATE BAR ASSOCIATION. 1977. Pp. 98. $6.00

Reviewed by Charles McC. Mathias, Jr.[2]

At the outset of his fascinating history of the United States District Court of Maryland, H. H. Walker Lewis remarks that since its inception in 1789 the court has enjoyed a reputation as one of the most distinguished in the country. A reading of his history tells us why.

The court's reputation is not built on its penchant for innovation and daring, despite the fact that we find both in ample supply. Rather, its reputation rests on its solid, scholarly approach to the law and on its steadfastness. This latter quality, I think, is one of the greatest virtues of the District Court of Maryland and owes a great deal to the cohesiveness that has characterized the Maryland legal community. It also owes a great deal to the consistently high quality of the Maryland Bar. As Justice William Van Devanter observed fifty years ago in the ceremonies marking the 150th anniversary of the establishment of the Maryland Court of Appeals:

> A strong bar and a strong bench usually go together — the presence of one almost certainly bespeaks the presence of the other. Maryland always has had a strong bar — many of its members attaining national repute and frequently appearing in courts outside the State and in the Supreme Court of the United States.[3]

The court's steadfastness is also the result of the remarkable longevity of the judges who have served on the court since 1790. Excluding the judges now sitting, the average tenure has been about sixteen years (the clerks of the court outdistance judges by at least six years). Judge Morris, wpo served from 1879 to 1912, holds the record with thirty-three years, followed closely by Judge Chesnut (1931-1962) with thirty-one, Judge Coleman (1927-1955) with twenty-eight, and Judge Giles (1853-1879) with twenty-six.

Mr. Lewis wrote this history of the court at the request of the Maryland Bar Association as a bicentennial project. The court's history, as told by Mr. Lewis, is closely intertwined with the history of the country. The political and social struggles that have altered the country — the wars, the Depression, Prohibition and the protests — also changed the court.

I must confess that I wish this backdrop had been more fully developed by Mr. Lewis, who on occasion tempts us with tidbits and morsels, but leaves us unfulfilled. For example, he refers to "Jefferson's determination to democratize the court,"[4] but does not tell us how Jefferson sought to achieve

1. Member of the Maryland Bar.

2. United States Senator from Maryland.

3. Ceremonies in Commemoration of the One Hundred and Fiftieth Anniversary of the Establishment of the Court of Appeals of Maryland, 157 Md. at xlii (1929).

4. H. H. WALKER LEWIS, THE UNITED STATES DISTRICT COURT OF MARYLAND 21 (1977).

his purpose, what opposition he encountered, if any, or what success he had. Similarly, Mr. Lewis reports in an aside that Solomon Etting, a prominent Jewish banker in the early nineteenth century, "took a leading part in the [successful] fight to repeal the ban that barred Jews from voting and from holding public office;"[5] but we never learn how he went about it or what the struggle entailed.

These occasional lapses no doubt result from the fact that Mr. Lewis had to curb his erudition to keep the book within manageable limits, and, in the way of scholars, could not forbear leaving behind a trace or two of what might have been. But while I am sympathetic to the exigencies of budgets, I would have preferred a bit more detail. I also wish pictures of the judges and the courthouses had been included. A few examples of the oratory of the men whom Mr. Lewis describes as among the most accomplished of their generation would have been welcome as well.

Mr. Lewis addresses a variety of topics, including the creation of the court, its expanding jurisdiction over the years, the courthouses, the judges and other key personnel, and concludes with a useful appendix and index. Obviously he has undertaken his task with seriousness and precision.

It is a pity that the high quality of the writing and research is not matched by the quality of the printing and binding. The book is riddled with typographical errors, and my edition has two identical forwards by Chief Judge Northrop — truly an abundance of riches.

But, technical details aside, the volume is a constant source of delight. For example, Mr. Lewis proves from a bit of mysteriously preserved doggerel what some Marylanders had heretofore taken on blind faith — that William Paca's surname, if properly pronounced, rhymes with "take a." I particularly relished Mr. Lewis's anecdotes about various judges. He tells us that Judge Soper, who served from 1923 to 1931, had a great distaste for trial work and occasionally betrayed his impatience. On the Supreme Bench of Baltimore, where he sat before his appointment to the United States District Court, he particularly loathed alimony hearings. On one occasion, Mr. Lewis relates, a woman complained that her husband had deliberately taken a job with the city as a garbageman in order to reduce his pay and his alimony payments. She belabored this point until Judge Soper could stand no more. "Madam," he interrupted, "I do not think you make sufficient allowance for the glamour of public office."

One anecdote in particular captures the essence of the court's involvement in the events of the day and shows the charm of Mr. Lewis's book. It is a particularly delicious account of the resistance of John Boynton Philip Clayton Hill, a Republican Congressman, to the provisions of the Volstead Act. Hill represented an urban district in the City of Baltimore, and considered it invidious discrimination against city dwellers that the Volstead Act allowed farmers to make homebrew, but prohibited it to everyone else. He declared that his row house, on Franklin Street in the heart of downtown Baltimore, was a farm, painted cows and cornstalks and

5. *Id.* at 41.

other rural embellishments on the walls of the surrounding tenements, and proceeded to make homebrew. Shortly thereafter, Hill was indicted on charges of violating the Volstead Act and tried in the United States District Court before Judge Soper. In its wisdom the jury returned a verdict of not guilty, and perhaps because his cause had been taken up by H. L. Mencken and widely publicized in the *Baltimore Sun Papers,* Hill was unexpectedly reelected several times in a Democratic congressional district.

Mr. Lewis's history also gives us a remarkable perspective on changes in society as they are reflected in the changes of the court. For instance, although eleven judges carried the court through almost 150 years of history and achievement, it will soon enjoy the services of eleven judges simultaneously. The court as Mr. Lewis describes it, was a personalized institution. In recent years, like most of our institutions, it has grown larger and more bureaucratic, and become more businesslike and efficient. Although I may cast a nostalgic glance toward our bucolic past and regret the loss of the symmetry and order implicit in a single judge presiding over the United States District Court for the District of Maryland, I must admit that the present court, with its vitality and diversity, probably comes much closer to fulfilling the ideals and expectations of our Founding Fathers than did the court as an institution for its first 175 years.

We have heard a great deal lately about the possibility of instituting a more formal selection process for district court judges. Mr. Lewis's book demonstrates that the present system has worked well for almost 200 years in Maryland, but the days Mr. Lewis describes so well, when all Maryland lawyers knew one another personally, have vanished. Perhaps in the next few years we will convene merit selection boards for district court judges similar to those now used for the circuit courts. I have long urged the use of such panels in Maryland, not because the present system has not worked well, but because I am concerned that in our increasingly complex and depersonalized world it will work less and less well.

If, indeed, the past is prologue, I commend Mr. Lewis's book to all who would savor the richness of Maryland's history and who respect the illustrious judges who have served so well on the United States District Court in Maryland. I regret that Mr. Lewis's history of the court ends abruptly with the death of Judge Chesnut. It is in this respect very much like a history of the Second World War that ends on December 7, 1941 — it leaves one wanting more. I only hope that Mr. Lewis (or an acolyte) is even now collecting anecdotes and newspaper clippings about the sitting judges, so that future generations can relish their strengths and foibles in the inevitable sequel to this stimulating volume.