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Book Review

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Reviewed by James B. Boskey*

CIVIL RIGHTS AND THE AMERICAN NEGRO, A DOCUMENTARY HISTORY. Eds., Albert P. Blaustein and Robert L. Zangrando. Trident Press, New York, N.Y. (1968). 671 pp. \$7.95. (Also available in Washington Square paperback edition, \$1.45.)

In *Civil Rights and the American Negro* Professor Blaustein and Dr. Zangrando have compiled an excellent and highly informative set of readings on a subject of importance to both attorneys and laymen who would understand the background of the Racial Crisis which afflicts the United States today. The title of the book is somewhat misleading, as the editors have seen fit to include not only materials directly related to civil rights in the classical sense (those derived from the first 10 amendments to the Constitution) but also materials on the attitudes of both Negro and non-Negro participants in the drama which they are sketching towards the development of these freedoms.

The work begins with a collection of documents on the status of the Negro during the pre-revolutionary period in the United States. In these documents we are shown not only the attitude of the first settlers of this country towards slavery, but are also exposed to the contrasting, and sometimes contradictory views of the English government towards the importation of slaves into the colonies. We are shown Blackstone arguing that no slavery can exist in England and then shown his defense of the continuation of this institution in the Americas. Similarly, the contrast between the attitudes of "freedom for whites" and "slavery for Negroes" is pointed up in the contrasting provisions for patroons and blacks in what appears to be the charter of the New Netherlands Company and in the contrast between the Massachusetts "Body of Liberties" and the New Jersey regulations concerning Negroes.

The book moves from this period into a discussion, by document, of seven more periods in the development of Negro rights in the United States. The materials in the later sections are more familiar to the lawyer, at least by name. However, many of them are items which have been more read about than read. Certain of the items are worthy of particular attention, such as the *Quock Walker* case, which will be unfamiliar to most lawyers, but which was probably the first case to overturn a state statute on the basis of the Constitution's commerce power, the *Dred Scott* case of which almost everyone has heard, but which opinion few have read, etc.

This book will be of great importance to both the lawyer and to the historian who wish to further investigate the causes of racial tension in the United States. It takes perhaps an overly optimistic viewpoint in its

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later chapters, in resting heavily on the viewpoint of the Supreme Court in matters of racial discrimination. However, it makes available to the interested reader, for the first time, a compendium of the basic materials from which research into the background of Negro-White relations in the United States must start.

*Reviewed by Carl D. Hamilton**

EMORY BUCKNER. By Martin Mayer. New York, N. Y.; Harper & Row, 1968. Pp. 293. \$7.95.

Who was Emory Buckner? It is a legitimate question. Many lawyers will not know the answer. But, he was one of the great trial lawyers of the 1920's, and had a prodigious influence on many of the men who later became leaders of the legal profession.

The author of Buckner's biography is Martin Mayer. Mr. Mayer demonstrated a remarkable insight into the practices and problems of the legal profession and a considerable understanding of the legal system in his earlier book, *The Lawyers*. He has combined this insight and knowledge with assiduous research in writing the biography of Emory Buckner. The result is a readable and worthwhile book.

What makes Emory Buckner a proper subject for a biography? Not primarily his career, even though it was unusually rewarding and filled with outstanding accomplishments. After working for a year in the office of Henry L. Stimson, United States Attorney for the Southern District of New York, and for two years as an Assistant District Attorney for New York County, he formed a partnership with Silas Wilder Howland, and, eventually, they joined with Elihu Root, Jr. and Grenville Clark, to become Root, Clark, Buckner & Howland. The partnership was his whole life from its formation until his death, except for two years, 1927-1929, when he was United States Attorney for the Southern District of New York. During the 1920's he was one of the highest paid trial lawyers in New York. This was a distinguished career, but Emory Buckner was interesting and important for a combination of other factors.

To begin with, he would be interesting, if for no other reason, as a result of his close friendships with men such as Felix Frankfurter, Roscoe Pound, and Learned Hand. And he would be important, if for no other reason, as a result of the profound influence he exerted on the men who began their careers in his office and later went on to become

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