

Supreme Justice

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by Jonathan Steele

WARREN: *The man, the court, the era*, by John D. Weaver (Gollancz, 45s).

As anyone who has driven through the Southern or South-western states of America knows, roadside hoardings saying "Impeach Earl Warren" recur about as frequently as others declaring that "Jesus saves." Earl Warren has been Chief Justice of the United States for 14 years: in that time the Supreme Court under his chairmanship has piled devilry on devilry by pronouncing that segregated schools are unconstitutional, that poor people are entitled to have a state-subsidised defence lawyer in criminal cases, that the principle of one-man, one-vote should apply in local elections, that compulsory

school prayers are illegal, and that Communists need not after all register their existence with the Federal Government. (It is an impressive record marred in liberal eyes only by the 1965 ruling that the State Department had acted constitutionally in refusing to endorse citizens' passports for travel to various Communist countries.)

Warren's career is one of those all-American legends. The son of a poor father who was a pioneer member of the first industrial union, the American Railway Union, Warren worked himself through college and law school to become public prosecutor first of his county, then of the state. Later as Republican Governor of California—poles apart ideologically from the present Governor, Ronald Reagan—he passed a series of



laws giving California one of the most advanced social security systems in the nation, and one to rival the Federal legislation passed by the New Deal.

But the summit of his career is his time as Chief Justice. In its early days before the Civil War, the Supreme Court's main concern was to define the relations between the central Government and the states: later in the robber baron days it was relations between Government and business; most recently it has been relations between Government and the individual, whether Negro, accused, Communist, atheist, or conscientious objector.

Mr Weaver is an undisguised admirer of his subject. At times this makes him a little cloying to read. His chapter on the Warren Commission into the assassination, for example, is mostly invective against the commission's many detractors, rather than an analysis of the awkward conflict between the commission's appointed rôle as a fact-finding body and Warren's urge to be a prosecutor instead. And in the chapters on the Court one would like a more definite answer to the main question—How far was Warren the guiding influence behind the Court's recent liberalism, rather than just the extra voice which gave the liberals their decisive majority of five to four?

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