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'The Warren Revolution'

By William Buckley Jr.

MR. LOUIS HARRIS reveals that a slim majority of the American people, but a majority just the same, disapproves the record of the Warren Court. The figures show that disapproval ranks highest among the least educated (56 per cent of those whose education ended in the eighth grade disapprove), and least among the best educated (only 47 per cent of college graduates disapprove). The inference is that the more you learn, the more likely you are to side with Earl Warren. That contention is, in my judgment, definitively shaken by the publication of a book at once brilliant, scholarly, and readable, my enthusiasm for which I shall not suppress because it was written by a former collaborator of mine, my brother-in-law L. Brent Bozell.

This is the book the community critical of the great postures of Mr. Earl Warren has been waiting for for years — the five years it took Mr. Bozell, a thoro scholar and a polished writer, to complete it. It will disappoint the vulgarians who believe that it is as simple as that Mr. Warren is a foreign agent who wishes treacherously to weaken the nation's institutions in order to profit the enemy. "The Warren Revolution" establishes that Mr. Warren's court is guilty of nothing much more than a fanatical extension of a doctrine of judicial supremacy which over a period of 150 years has been creeping up on us in resolute defiance of traditions implicit and explicit at the Constitutional Convention, and has now just about shattered the Federal ideal.

The remedy is hardly to impeach Earl Warren, the deterrent effect of which would be no greater than the hanging of Mao Tse-tung in effigy, and in any case would unjustly discriminate against a single member of the Court who after all speaks most of the time for the majority. The answer is to oppose the Court by means prescribed, in effect, by the Constitution in those of its passages that assert the rights of collateral bodies, like the state and the national legislatures.

The book is first of all exciting as research. It examines case after case — those cocky and forbidding little references we see in all those footnotes, which together compose the grand imposture which suddenly sees the Supreme Court telling a state: how it should administer its schools (whether its teachers may lead a class in prayer), how to construct its own democratic arrangements, whether it can prosecute sedition, on what basis it can deny membership to its legislature.

In the most exciting couple of chapters in the history of legal sleuthing, Mr. Bozell knocks the pins from under the prevailing notion that the supremacy of the central court was an evolving doctrine at the time of the Philadelphia Convention, or that such an idea had been defended by significant students of political theory. The book is next exciting in its discussions of the Philadelphia Convention, and the events that came right after it. As an evocation of the ideal of what America was meant to be, the book is, very simply, a masterpiece, the reading of which gives new life to an understanding of what Mr. Henry Luce calls the American proposition.

That vision of a Federal society was slowly crushed on the wheel of judicial supremacy. The political reasons why this came about are not relevant to Mr. Bozell's thesis, no more than the periodic partnership between the executive and the judiciary, and the more or less continuing abdication of power by the legislature are relevant. Supply your own motive, but permit Mr. Bozell to remind you how exciting is the furor of material that is both informative and readable. This — "The Warren Revolution," published by Arlington House — is the volume, a knowledge of the contents of which could breed the counter-revolution, the reification of the old ideal.

I am sending a copy to Mr. Justice Warren, not in a spirit of rancor or of sauciness. It is just that I cannot bear the thought that he might fail, by mechanical accident, to pass his eyes over it. I would otherwise feel like a Frenchman failing to send to Napoleon the meteorology of the Russian winter. We all stand to gain from His Honor's reading of this book, even as the bloody cardinals and bishops of the middle ages stood to gain from a reading of Dante's Inferno in which they figured so prominently.