

The problem of carrying out the declared United Nations policy of punishing war criminals efficiently but with consideration for legal principles and for sociological consequences is complex and controversial. While Professor Glueck's preconceptions on the subject must be taken into consideration, a careful reading of his book will contribute to understanding of the problem and its solution.

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Philadelphia Lawyer, an Autobiography. By George Wharton Pepper. Philadelphia: J. B. Lippincott Co., 1944. Pp. 407. \$3.75.

To the average reader George Wharton Pepper's autobiography, *Philadelphia Lawyer*, is interesting; to a lawyer, fascinating. He is undoubtedly a leader of the American bar. He is a great advocate, and he knows it as well as, if not better than, anyone else. This shines out everywhere, and I admire him for his forthright self-admiration. To show I mean this, I am willing to go on record that I am sure I was a good Senator! The people of Michigan cast some doubt on it in 1942, but I still think so. So Pepper is a better lawyer, and any man is a better man, because he thinks so.

Coming from a distinguished Philadelphia ancestry, he was born to be a leader, and he has been a leader in law, education, and religion in his home city and state. In politics, the Philadelphia Vares were evidently too much for him. In legal affairs he is a national figure.

He loves the outdoors. His vacations, long and full of vigorous enjoyment, were just what a man of sedentary occupation needed, and his zest for it all inspires in the reader the desire to do the same. I think his concluding chapter, in which he glorifies the outdoors, particularly the last two paragraphs, are written in beautiful English.

Naturally I am interested in his senatorial career. It was in the early twenties. The issues as he names them, except the one involving the World Court, seem a bit petty to me. For example, he dwells on the Isle of Pines treaty. Senator Pepper seems to view the Republican Presidents with favor, but turns thumbs down on F. D. R. It is strange, but a fact nevertheless, that the legal mind—perhaps I should say the advocate's mind—is such that he finds little difficulty in justifying what he approves, and in condemning what he does not like. It is not only difficult but impossible for Mr. Pepper to see even a glimmer of light in the Roosevelt administration. He admires President Coolidge greatly. We simply admire him. He courageously points out many good but forgotten actions of President Harding, and reminds me that while generally we, as a people, look with disfavor on that administration, there were redeeming features. But candor compels me to say "not enough."

In the chapter entitled "Cloud Banks and Thunderheads" he describes, I think better than I have seen it anywhere else, the evolution of American thought and opinion toward our participation in the war, toward our duty to civilization, and to our own future security. Pepper's mind moved with the nation's. He missed a rare opportunity to show good sportsmanship (nowhere does he exhibit bad sportsmanship, even where in the *Dupont* tax case he calls his own criticism, "close to a squeal") by commenting on the President's farsighted leadership of the country in this crisis. To my mind that was President Roosevelt's greatest contribution to the nation and to civilization. He saw clearer and earlier than any other important public figure in America the coming

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struggle and our inevitable involvement. He likewise started sooner than any other man in the government to get ready for it. In the first public works relief bill of 1933, the President was given wide powers of fund allotment, and he then started to build up the Navy. I then thought it was because he loved a ship. Well, it may have been that, and if so I am glad he loved ships. Men like Senators Walsh and Hale aided greatly, but the drive and force on a reluctant country and doubting Congress were from the President. My mind paced the country's mind and Mr. Pepper's. The President's leadership was not only magnificent, but with his foresight it was vital to our civilization. Mr. Pepper's opportunity to commend a political foe was lost. He did not see it, because he wears partisan blinkers. But perhaps we cannot expect, but should only hope for, the broader view. Anyway, the account of the development of his own views and his shift from isolation is the story of the American public's similar development to a logical conclusion. Mr. Pepper moved with the nation, not ahead of it.

I like a man who can enjoy the sublimity of the psalms, and the amusing doggerel of Ogden Nash. I imagine Mr. Pepper obediently attends the symphony orchestra, and that he enjoys "The Girl with the Hole in Her Stocking." I mean the song. He has a zest for life as it is. His own poetry, which he quotes generously, is readable, but his paraphrasing of Landor's beautiful lines, on page 333, shows he is not a Walter Savage Landor as a poet, although I do like his burning spirit. If poetry is truth, beauty, and music, Pepper's is at least truthful.

He does not exhibit interest in the great social struggle of the last three decades over the distribution of wealth. He does not mention it. He denies being a stand-patter. I would like it better if he admitted he was one; but he seems to think it a term of opprobrium because he defends against it. I expected a better defense than he gives: he states that he does not wear spats and never carried a cane. The only other reason he gives to prove he is not a stand-patter is that he has worked to modernize the law-school curriculums. In politics he frankly "goes along" with the party. It is obvious he never would emulate the courageous Senator Joseph H. Ball of Minnesota. This is not because he lacks courage, but rather because of his political philosophy. So the great social struggle passes by without recognition from George Wharton Pepper. It is beyond his ken.

He works with absorbing interest on this case and that, sometimes, in fact many times, in the public interest without fee, and tells the story of both his case winnings and his losses. But he argues that he was right when the court found him wrong, and, rather remarkably, makes me agree with him!

His simple, solid religious faith is soul satisfying. He does not reason it out. He accepts "the faith of our fathers, living still." It is an immovable rock. It is beyond question. He will argue any proposition but religion. He has an anchor safe and sure.

Reading *Philadelphia Lawyer* is no task. It is so good that I read many parts twice and will read them again. It is amazing that one who has been so busy a lawyer can have the wide time-consuming interests and undertake the vast public responsibilities which he does. Mr. Pepper's book, like his life (may it long continue), is full of vigor; zestful, interesting, and supremely useful. Both his living and his writing are real contributions to America.

Incidentally, if the need came, I would want him for my lawyer.

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