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Book Note

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BOOK NOTES

THE FORGOTTEN NINTH AMENDMENT. BY BENNETT B. PATTERSON. Indianapolis: Bobbs-Merrill, 1955. Pp. IX, 219.

The Ninth Amendment to the Federal Constitution has never been construed by the United States Supreme Court. This amendment, which in substance states that the enumeration of rights in the Constitution should not be construed to deny other rights retained by the people, is believed by the author to be potentially one of the most meaningful and forceful phrases in the Bill of Rights. Mr. Patterson feels that the courts should come to rely on the Ninth Amendment as a basis for the guarantee of individual rights and sovereignty, and to consider it as a supplement to the Fifth and Fourteenth Amendments in insuring a citizen's personal freedom. In the author's view, the very fact that the judiciary has chosen to ignore the Amendment will in the future add to its usefulness inasmuch as the courts will have free rein in attaching a concrete meaning to the words.

Mr. Patterson has done extensive research on the topic, delving into American history to find evidence sustaining his theme. He argues that the Ninth Amendment was designed to protect and safeguard inherent natural rights of the individual from government control, and that the government, whether local or national, is charged with the duty of protection of these rights. The great number of unenumerated privileges of individual freedom are purported to be the foundation of individualism and democracy, and as such are entitled to recognition. The author argues that the vague words used in the Amendment should not bar the courts from ruling on its meaning.

The book is stimulating reading, whether the reader be a lawyer or a layman. Its value does not seem to lie in its legal theories, but rather in the interesting and thought-provoking ideas which the theories espouse. The author necessarily was forced to deal in abstractions, but the abstract concepts do much to impress upon a reader the conviction that the individual has a duty to society, and society has a duty to the individual. The Ninth Amendment serves as a reminder that our government was founded on ideals of individual freedom and initiative. Mr. Patterson's treatise serves to call this fact to the reader's attention forcefully and well, and in addition it advances some interesting legal concepts.

Eugene L. Smith

THE RIGHT TO READ; THE BATTLE AGAINST CENSORSHIP. BY PAUL BLANSHARD. Boston: The Beacon Press, 1955. Pp. 339. \$3.50.

Paul Blanshard has written an interesting and well organized book boldly setting out his views on the history of censorship in this country. He discusses the use and abuse of censorship in the past and at the present time. He compares the freedom to read existing in this country with the censorship of certain foreign countries, particularly Spain, the Irish Republic, and the countries behind the Iron Curtain. Mr. Blanshard's interest in comparing socio-political systems is exhibited not only in this book, but also in his two recent best-sellers, *American Freedom and Catholic Power* and *Communism, Democracy and Catholic Power*.

His approach to the subject of censorship is that of an avowed "liberal," and he would minimize or eliminate virtually all restraints on the rights of adults to read. He does, however, recognize the value of certain restrictions with reference to literature designed primarily for youngsters, such as crime and horror comics and "cheap" pornographic booklets, so long as such restrictions can be so worded as not to interfere with adult literature. Approximately half of the book is devoted to political censorship, including the public school textbooks. Mr. Blanshard interprets the term "censorship" broadly enough to warrant his denunciation of "McCarthyism" for its efforts toward conformity of beliefs. The remainder of the book discusses censorship in relation to sex, blasphemy, crime and horror comics, and the legal restraints governing advertising and libel. The volume contains an excellent index and bibliography, together with a section of note references.

This informative volume has won high praise in all of the leading book reviews, but "conservatives" may well be irritated at Mr. Blanshard's scathing denunciation of "conservative" groups, including all committees of Congress investigating Communist infiltration, the D.A.R. and veterans' organizations, the Hearst chain of newspapers, the *Chicago Tribune-New York News* combination ("cranky and reactionary isolationism"), Fulton Lewis, Jr., and Westbrook Pegler ("crackpot literature of reaction"). His criticism may be justified, but this reviewer is of the opinion that the book would be improved if his descriptions of "conservative" groups and individuals were either toned down a bit or substantiated. His denunciation of "conservatives," when considered together with his fulsome praise of the American Civil Liberties Union, the *Nation*,

the *Washington Post*, and the Ford Foundation's Fund for the Republic, leaves the impression that the author views the subject in terms of black-hearted "conservative" reactionaries and lily-white "liberal" individualists. He does not seem to realize that his book engages in the same sort of bitter name calling and techniques of implication by association which Mr. Blanshard deplors in the speeches of certain controversial Senatorial and Congressional figures.

In brief, Mr. Blanshard has written his thought-provoking book with little or no attempt at impartiality. However, though persons whose political beliefs lie to the right of those of the author may find parts of the book controversial, all will be certain to find it interesting and informative. His statements outside the realm of politics should find the whole-hearted support of all those who believe in human freedom and in the proposition that the truth will win out in a free market of ideas. The author's approach is hopeful, for he believes that America is one of the most liberal countries in permitting adults to read as they please, and the future in his opinion holds promise of more and more progress toward the expansion of every individual's right to read.

Robert N. Best