

DORR PAMPHLET NO. 1. STATE HOUSE V. PENT HOUSE. By Zechariah Chafee, Jr. Providence: The Book Shop, 1937. Pp. 165. \$.50.

DORR PAMPHLET NO. 2. THE CONSTITUTIONAL CONVENTION THAT NEVER MET. FIRST PART, 1935. By Zechariah Chafee, Jr. Providence: The Book Shop, 1938. Pp. 88. \$.50.

DORR PAMPHLET NO. 3. THE CONSTITUTIONAL CONVENTION THAT NEVER MET. SECOND PART, 1936. By Zechariah Chafee, Jr. Providence: The Book Shop, 1939. Pp. 50. \$.50.

THE STORY of the famous Narragansett race track row of 1937 is taken as a point of departure for a series of essays on the principal legal problems growing out of it:

Was Mr. O'Hara guilty of a criminal libel on Governor Quinn?

Were the two orders of the racing board, removing Mr. O'Hara as manager and suspending the race track's license, properly quashed by the Rhode Island Supreme Court?

Was the governor's proclamation of martial law valid?

If it was invalid, what are the remedies of the Narragansett Racing Association, which owns and operates the track?

The essays are dignified, lucid, and scholarly; marked throughout by a fine quality of objectivity and restraint often lacking in the comments of historians and rarely found in a treatment of contemporary controversies. Not that Mr. Chafee fails to come to any conclusions—on the contrary he takes stands quite definitely arguing persuasively for each position.

I have never before seen serious legal writing—and this deserves to be so classed—which did not sacrifice some or all of the underlying human interest. The classic struggle between O'Hara, president and managing director of the Narragansett Racing Association, and Governor Quinn of Rhode Island, is colorful, dramatic, full of humorous incident. In *Dorr Pamphlet No. 1*, Mr. Chafee has made use of six well chosen photographs, a map of "The Territory in a State of Insurrection," and two cuts representing the front page of the famous edition of O'Hara's *Star-Tribune* which brought forth a criminal libel prosecution. In the front of the book is a full table of relevant Rhode Island dates, and in the back ten appendices setting forth statutes, court opinions, newspaper editorials, observations on gambling, and the like. Through the whole thing runs the author's light touch and a humor, entirely free from flippancy, adorned with a rare richness of anecdote and allusion. Thus, the footnotes on a single page give the origin of the phrase "a Philadelphia lawyer," an incident showing Wilkes' popularity in colonial America, and a shrewd guess as to the authorship of the diatribes of Junius against the ministers of George III (p. 24). The quotations are priceless. Yet all this is subordinate to the story, engagingly told, and the morals, pointed with no less clarity because of their pleasant setting.

There ought to be much more of this sort of thing in our legal literature. After all, the law touches life at so many points and the contact so often opens for a moment a door giving upon strange and wonderful vistas of human

experience. These pamphlets might have been made the subject of typical law review comments on criminal libel, safeguards in administrative procedure, martial law, the status of constitutional conventions in the absence of specific provision for them, methods of selecting delegates to constitutional conventions, and so forth. I am glad Mr. Chafee chose another vehicle of expression this time.

Dorr Pamphlet No. 2 consists of a series of letters written by the author and published in the *Providence Evening Bulletin* early in 1935 when the legislature had before it a proposal to hold a constitutional convention. Rhode Island has had a long and stormy constitutional history, but only two constitutions, the charter granted by King Charles II and the constitution adopted in 1842. Since the Revolution, the issue of a constitutional convention has been before the voters in one form or another thirteen times. The struggle is perennial. For some years now it has centered about the apportionment of one senator to every city and town (except that Providence has had four since 1928) regardless of size or population. This method of representation worked heavily against the Democrats; but the handicap was finally overcome for a time by events culminating in the *coup d'etat* of January 1, 1935, when the Democratic party was placed in virtual control of all three branches of the government.

The convention bill failed of adoption in 1935, but in 1936 the legislature passed an act calling for a popular vote on the question of holding a convention, and at the same time on a slate of delegates. *Dorr Pamphlet No. 3* contains articles written by Mr. Chafee in the *Providence Evening Bulletin* between the passage of the Convention Act and the date set for the popular vote on the issue. The people rejected the convention, so the immediate occasion for the articles had passed when they were reprinted in 1938 and 1939. But they have a permanent value which fully warrants their publication as the *Dorr Pamphlets*. In the first place there is here a thorough and scholarly appraisal of the many problems encountered in drafting a statute calling for a constitutional convention and in determining how delegates are to be selected. This has universal application. There is also a good short account of the constitutional history of Rhode Island with a more extended treatment of the present—and unsolved—issues which the people of that state, and other states, must some day face.

The *Dorr Pamphlets* present a very fine type of political writing. Cynics, I suppose, may question their persuasiveness in the arena in which political facts are actually established. I like to think that such people underestimate the long-run effectiveness of a disinterested point of view well expressed. Perhaps there is some evidence for my belief in the fact that Rhode Island, in her Administrative Act of 1939,¹ has revamped the old Horse Racing Division along the lines suggested in *Dorr Pamphlet No. 1*.

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1. Administrative Act of 1939, §§ 126, 127.

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