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## Americans on Guard (Book Review)

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AMERICANS ON GUARD. By Col. O. R. McGuire. Edited by Richard Harwood-Staderman. Introduction by Roscoe Pound. Washington, D. C.: The American Good Government Society; London, England: The Mitre Press, 1942, pp. xxx, 400.

This book is a collection of twenty-one most valuable and stimulating addresses, the majority being on the problems of Government today by one of the ablest practitioners and observers in that field.

Colonel McGuire has been Special Assistant to various Attorneys General of the United States, Counsel to the Comptroller General of the United States, Major in the Finance Corps, U. S. Army, and is a member of the Virginia, District of Columbia and Supreme Court Bars. He served for many years as Chairman of the Special Committee on Administrative Law of the American Bar Association which was organized in 1933 after he and the late James M. Beck, former Solicitor General of the United States, had written *Our Wonderland of Bureaucracy*. Colonel McGuire conducted what was tantamount to a "one man campaign" for federal administrative law reform. He is not only a lawyer of great distinction but of great scholarship in the law and in other fields, as shown in these addresses. The reader of them feels that in Colonel McGuire democracy has a great champion and that this country in its time of peril has a true patriot.

The author has served his public once again in allowing some of his best addresses to be published in this book. Although it cannot present his personal charm in manner and voice in delivery of his speeches, yet it presents a lucid picture, and reflects impressively the wide range of Colonel McGuire's interests and experiences, as well as the diversity of audiences and occasions on which he has spoken. Many of the addresses were delivered before various State Bar Associations on the subject of Administrative Law Reform but the collection includes addresses on other subjects before other noteworthy audiences, including a Convention of the National Association of Women Lawyers, a Women's Club, a University Commencement address, as well as patriotic, business, and learned organizations.

While many of the addresses have appeared in the *Congressional Record*, *Vital Speeches*, various law reviews and other periodicals, including a publication of the Carnegie Endowment for International Peace, they, being placed in permanent, available form, will add greatly to any library, whether public or private, particularly to the value of the section concerning government. This book should find a place on the book-shelves of all who are interested in the modern trend of governmental methods. No student of administrative law can afford to overlook this volume. The different addresses grouped together make a volume worthy of perusal by both lawyers and laymen.

As Dean Pound of the Harvard Law School has stated in his Introduction to the book, this collection is timely and important. It focuses attention in a very striking manner upon many basic uncertainties in the Federal Government. It is a valuable contribution to administrative law which in recent years has grown rapidly in importance.

Also, in his Introduction to the book, Dean Pound points out that Colonel McGuire "was among the first to perceive tendencies in procedure of administrative agencies in the exercise of quasi-judicial functions which contravene

what had been held fundamental in our government", and concludes it is most fitting that Colonel McGuire be the Virginian to "speak out, as Virginians have done before him, against the swing to absolutism, and for our traditional Anglo-American legal-political ideas".

This high praise is fully justified, for Colonel McGuire in these addresses did speak out strongly. We not only have here a collection of addresses made by a great lawyer and a man of high scholarship, but he expresses his opinions simply, frankly and courageously. It is indeed fitting and also heartening to find a lawyer with the ability to discuss clearly and intelligently the constitutional issues involved in such questions, the courage to express them without equivocation, and the loyalty to conviction. These addresses reveal not only his wide learning and exceptional culture but vigorous thought and action. They contain more of philosophy and research than is usually appropriated to the occasions for which they were prepared. Behind every discussion in which he indulges there is certainly a background of wide reading, a rich memory and great industry. There pervades the speeches a consistent philosophy of constitutional theory and unshaken faith in the soundness of our institutions, though alive to the dangers confronting these institutions. These addresses show that Colonel McGuire is a firm believer and defender of the Constitution but always on guard against the ever centralizing power in the Federal Government.

This book has the outstanding merit of being written in beautifully clear language. One must admire the labor and learning that have gone to make this book. It contains a mine of information which could not easily be found elsewhere. The references given in the text are very numerous. His addresses are emphasized by a multitude of apt historical and literary quotations. The amount of history narrated would be invaluable to a person desiring to understand the process whereby our government is fast becoming a government of men instead of a government by law. The discussions given of the debates which eventuated in the passage by Congress and veto by the President of the Logan-Walter Administrative Law Bill, present the nature of the difficulties which still remain to be resolved. The addresses are models of great preparation, loftiness of thought, fine analogy, and logic and construction of argument. One is impressed with the patience of the author in compiling so vast a mass of facts and so valuable a narration of history, and with the manner in which this master of ancient history and Greek mythology brought illustration after illustration out of the past to illuminate his various texts.

Whatever one's own views may be (and this reviewer agrees with these addresses), the important thing is that they are all worthy of careful consideration, especially by any reader who is a convinced adherent of the other school of thought which stems from the Civil Law. The fundamental thing is that everything is approached from the standpoint of a scholarly lawyer whose opinions are worth much consideration. What has made the views of Colonel McGuire so significant is not alone the fact that he is enlightened in his attitudes but rather that his opinions are resourced with technology of investigation and personal experiences not common among members of the profession. His power of analysis, his thorough research, the range of his findings and his familiarity with the sources upon which these conclusions are based, are accentuated by his exceptional lucidity of expression. The author's survey of the

various laws of ancient history and his account of the relevant legal theories pro and con on the present subject, will make better citizens of the readers.

Colonel McGuire has performed a service in championing so good a cause as the needed reforms in administrative procedure. His book is a challenge to all persons interested in the fair and just operation of law in times of public hysteria as well as normally. It should, moreover, encourage the student of our administrative law and procedure to explore every possibility of making the legal machinery more certain in its operation. In this book the scholar in the growing field of administrative law has at his command an admirable and exhaustive background upon which he can rely in working out the problem.

The American Good Government Society is to be congratulated in bringing this work to the attention of the host of admirers of Colonel McGuire, and for giving to those not so privileged to hear him speak, at least an opportunity to gain more wisdom from this printed record.

While it is to Colonel McGuire that the reader must feel the greatest of gratitude for this product of his brilliant mind, credit is due to the excellent work of the editor, Mr. Staderman, President of the Good Government Society. The editor has introduced us to Colonel McGuire with an appreciative sketch of his career and has preceded each address with concise headnotes which furnish the background of the various speeches. There is a model table of contents, in which each address is briefed, which will prove valuable, and the cursory index at the end is carefully drawn up. Sub-headings throughout the addresses add to the facility of the reading. In this style of arrangement the editor followed much of the style used by Colonel McGuire in the editing of the addresses of his friend, the late James M. Beck, formerly Solicitor General of the United States, which book, *May It Please the Court*, received very favorable reviews; the editor also followed the style used by Colonel McGuire as Chairman of a distinguished Committee which edited and published, under the title of *Notable Virginia Bar Addresses*, selections from the addresses before the Virginia State Bar Association over a period of fifty years. The print in the book is clearly laid out and embodies special characters resembling that used in the original printings of the Declaration of Independence and United States Constitution, the mats for such type having been specially cast for The American Good Government Society.

The book does not purport to include all of Colonel McGuire's addresses but only those which the editor has stated seemed to him for one reason or another to be desirable. Even if better ones have been omitted, those selected are sufficiently significant to merit inclusion. Many of the subjects treated are present areas of controversy and will continue so to be for years to come. It is impracticable to enumerate here all of the addresses, much less discuss them in detail. Some of them present material on subjects that it would be rather difficult to find treated elsewhere. It is significant that about half of the book is devoted to discussing various aspects of administrative relief, or judicial review of administrative action. Colonel McGuire shows us how the people have struggled with the problem but that the problem remains unsolved; and it must be solved if the growth of Government is not to extinguish a government of law and substitute a government of men. All of the addresses are directed to a constructive purpose and demand the attention of the reading public. Some

of them may well be labeled "masterpieces". It can easily be anticipated that Colonel McGuire's work will take its place as a valuable work of reference.

Would that the opinions of all great men who influence the formulation of public policy were as available for study and were as inspiring as are these addresses now published under the title of *Americans on Guard*, which phrase was taken from an Order of General Washington at Valley Forge!

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