



A Book Review Editor Learns on the Job

Bennett Boskey

LONG AGO, IN THE academic year 1937–1938, which was my second year at law school, I was fortunate enough – and I suppose also lucky enough – to be on the editorial board of the Harvard Law Review. We were Volume 51. The custom in those days was that a little after mid-year the officers for the next volume were selected and then assumed primary responsibility for putting out the remaining issues of Volume 51 as well as the first portion of Volume 52. Under that regime the president for Volume 52 became Philip L. Graham, who was later the law clerk successively to Justice Stanley Reed and then to Justice Felix Frankfurter and in due course the publisher of the Washington Post. And I became the book review editor – a job dedicated to, but by no means confined to, seeing that a respectable equilibrium be attained with respect to the emerging literature of presumed interest to the legal profession.

I liked books and I knew something about them. But I had no prior experience

in managing a project intended to evoke fair and penetrating assessments dressed in a style sufficiently interesting to attract and sustain the attention of sophisticated readers. My year-long tenure was to teach me much. But the most impressive lesson came with the very first episode.

Initially it was incumbent upon me to look over what my predecessor had outstanding – that is, the work in progress which I could be expecting to receive from reviewers in the reasonably near future. In this inventory was a volume by Dr. A.C. Millspaugh entitled *Crime Control by the National Government* which had just been published by the Brookings Institution. My predecessor had sent this for review to J. Edgar Hoover, the very formidable Director of the Federal Bureau of Investigation. I leave to one side whether this had been a wise decision or not, taking into account that the book contained some important conclusions with which Hoover was bound to disagree as well as a modicum of direct criticism of

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the FBI. Soon a moment of confrontation would arrive – not for Dr. Millspaugh but for us.

This was when the mail brought us Mr. Hoover's proposed review. It was an immaculately-typed document, which bristled with criticism of Dr. Millspaugh's positions and took the opportunity to respond in detail to real or imagined criticism of the FBI contained in the book; possibly Mr. Hoover had used a platoon of assistants to comb the book to be sure that no point however trivial was overlooked. From our standpoint the only obstacle to publication was that the Hoover manuscript was about 11,000 words long. This would require space intolerably far beyond what we were prepared to allot if the book review section was to be kept within bounds.

It was easy to decide we would not print the review in this form. It was hard to decide what exactly to do about it. Phil and I discussed a variety of possible courses of action. We might return the review to Mr. Hoover and ask if he would be willing to redo it in a serviceable size. We might try to edit it and send back a much-truncated manuscript for his consideration. But ultimately, and with more than a little misgiving, we

decided on a bolder strategy. I would edit the review down to about one-tenth its size. We would send this shortened version to the printer and then return to Mr. Hoover the galley proof, along with an explanatory letter from me. The letter would say that it was all our fault because in sending him the book for review my predecessor had not informed him of our space limitations, which were rigorous; that in compressing his review we had tried our best to retain his basic viewpoint, his tone and his language; and that we hoped he would permit us to publish the review in this abbreviated form. Needless to say, this communication was sent off to Mr. Hoover with a certain amount of trepidation and we agonized over what the consequences might be if it met with an unfavorable reception.

But it did not. Almost by return mail, the galley proof came back from Mr. Hoover. Marked prominently in the margin it said, "OK J.E.H." I think this happy outcome helped to instill in us the courage to exercise "editorial prerogative" where appropriate in a variety of future incidents arising during our custodianship of the *Harvard Law Review*. Meanwhile J. Edgar Hoover's review appeared peacefully in the May 1938 issue at 51 *Harvard Law Review* 1321. *JB*