

BOOK BRIEF

THE ANATOMY OF FREEDOM. By Harold R. Medina. Henry Holt and Company. New York. 1959. pp. 178. \$2.50.

The essentials of freedom, the battlecry and aegis of the democracies, are meticulously scrutinized in this book. The book consists of the lectures and addresses delivered by the eminent Judge Harold Medina to various civic groups, colleges and universities in the United States. A professed humanist, non-conformist, and a devoted Christian, Judge Medina gained prominence in the Bench for his responsible and intelligent handling of the famous trial of the eleven American Communist leaders in 1949.

Defining freedom as a state of mind, Judge Medina conceived of it as a way of life characterized by a lack of restraint though never amounting to unbridled license and attuned to justice and goodwill to others. He enumerates the basic elements of freedom: (a) the constitutional consecration of the basic freedoms in the Bill of Rights; (b) the "whole man" who has undergone the enlightening processes of a liberal education; and (c) the inherent relationship of freedom with the spiritual forces of justice, toleration and goodwill. Without these, freedom becomes an "unruly horse," a dangerous and oppressive rule of conduct. Thus, Judge Medina's concept of freedom is idealistic and is geared to the realization of that conduct of free men which is a "devotion to ideals and moral principles, a warm sympathy and a merciful and understanding heart, courage, integrity, steadfastness, spiritual strength and power."

Judge Medina observes that to give concrete and palpable form to freedom, the constitutions grant to the individual a bill of rights. To give them actuality in the myriad situations of human life counteracting in a society, it becomes incumbent on the courts and judges to uphold the rule of law, lest freedom be cast aside by tyrants and bigots with impunity and thus become an empty and hollow phrase, "full of sound and fury, signifying nothing."

In a language of Spartan simplicity, Judge Medina also analyzes the constitutional guarantees of freedom in a concrete form. For this he makes use of his experience from the cases which he tried. Complete enjoyment of the constitutional rights of enemies accused criminally is part and parcel of freedom. This is real to him in the trial in 1949 of the eleven top Communist leaders in America and the Anthony Cramer case. In the Cramer case, a German-born American citizen was indicted for treason due to alleged dealings with German saboteurs who came in submarines from Germany and

landed in Florida and Long Island. Despite the harassment indulged in by the communists wherein every strategy of turbulence, disruptive tactics, confusion, and threats, Judge Medina notes that he was able to remain calm, judicious and dispassionate in the administration of justice. While still a practitioner he defended Cramer. For this he had to undergo a series of humiliating acts by indiscreet Americans. He was labeled a "fellow traveler" and was spitten in the face. But his defense resulted in the acquittal of Cramer. This to him is an indicium of freedom in action in the American courts.

He counsels about the lasting beneficial effects of maintaining the constitutional guarantees for both friend or foe in this wise:

"These precious freedoms are not a one-way street running only in our direction, they involve correlative duties; and in just such times of excitement, which more often than we suspect are deliberately created for the occasion by the enemies of our institutions, we must insist, so far as it lies in our power as individuals to do so, that the freedoms of others and their rights be strictly maintained. We may forget that these freedoms and liberties are spiritual forces that are incredibly dynamic, they are motivations for actions, actions for the advancement of civilization, actions to enhance the dignity and usefulness of man and his capacity to live happily. In every citizen's heart lie the true sanctions, who must foster and cherish and nurture and preserve these freedoms. Rededication is imperative without any reservation or qualifications of any kind to the preservation of the rights of a free and independent people."

His perspective of a liberal man is that of a thinking man, one who has learned to evaluate his experience and the world about him independently and freely, using the ideas of others as starting points of his own analysis and creativity; he is always prepared to accept criticism and to try to understand opposing views; he constantly stands ready and is anxious to reappraise his own conclusions, ideas, and concepts of truth in the light of differing theories and new information available to him; he becomes a "whole man" with "superior imagination, superior communicativeness, and persuasion, and superior judgment."

Expounding the element of a liberal instruction, the *raison d'être* behind its imperative need appears to be that, the mind being rigidly and broadly trained, liberal education "fills its votaries with a burning zeal for the ascertainment of the truth, no matter where it leads or whom it hurts." Imbued with this spirit and determination, the seeker of truth has to go on and on, ever seeking to scale the challenging heights and open up new vistas. This ferment of curiosity and indomitable will to know is a must for freedom and

ordered liberty. Liberal education gives each of us perspectives; we peer back into the past as far as our gaze can penetrate it; we look ahead into the future as far as we can see into it; we have opportunity to make acquaintance with the aspirations, the dreams, the hopes and fears and doubts of all humanity. Surely a warm, sympathetic understanding of other people and a tolerance for the views of others, is a mark of good breeding and this enhances the development of kindness and goodwill. For Judge Medina courtesy to and consideration of others are the essence of a free and enlightened people.

To sever this concept of freedom from the equally cogent principles of justice and goodwill is to be incongruous if not altogether inconsistent.

As President Woodrow Wilson declared:

"The things of the spirit, including freedom, justice and tolerance, brought our beloved republic into being, and spiritual qualities will rule our destiny in the future."

Elucidating on this, the astute judge contends that,

"the mere pursuit of individual interest was the road to obscurity and frustration, that in a country of free citizen the welfare of the commonwealth springs out of the character and the informed purposes and the action of the private citizen; there is need for leaders who really believe in equality of opportunity and an understanding of other people irrespective of worldly wealth and social position; moral principles, ideals, actions, achievement, power, all spelled out in the words of Christ, with continual emphasis upon unselfishness and sacrifice, the peace and goodwill to men which went beyond one's own borders and reach out to all mankind, and the unending fight against the thralldom of evil, is the need of our times."

The book imbued as it is with the fresh, stimulating and inspiring touch of a humanist, teacher, and philosopher will be of vital use to lawyers, judges, and to everyone who desires to be the "whole man."

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