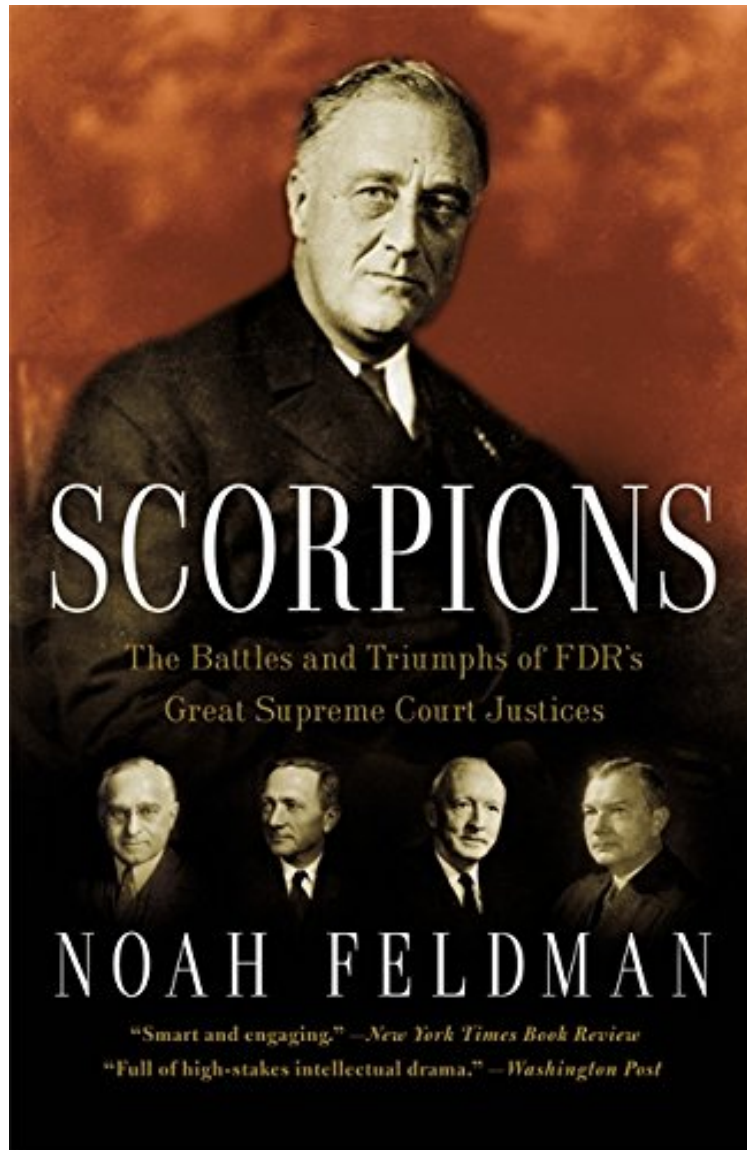


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Scorpions: The Battles and Triumphs of FDR's Great Supreme Court Justices

Noah Feldman

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Noah Feldman : Scorpions: The Battles and Triumphs of FDR's Great Supreme Court Justices before purchasing it in order to gage whether or not it would be worth my time, and all praised Scorpions: The Battles and Triumphs of FDR's Great Supreme Court Justices:

1 of 1 people found the following review helpful. Outstanding!By C. Ellen ConnallyNoah Feldman has done an

outstanding job of demonstrating FDR's legacy on the United States Supreme Court. I note that one reviewer - who gave the book a 2 star rating - said that he found it dry and it took him months to read. I, on the other hand found it exciting and interesting and finished it within a week. For those who have an interest in FDR and the Supreme Court, this book is extremely readable. It has an excellent bibliography that leads you to other books on the justices, which I intend to read eventually. Feldman's depictions of the justices make them come alive - warts and all. He explains their judicial philosophy in a way that lawyers and non lawyers - students of constitutional history and non students can understand. Feldman makes the point that the legacy of a president lives on in his Supreme Court appointments. He shows how the court changed for the decades of these justices and how their decisions changed America. I would point out one difference of opinion that I have with the author. He says on page 398 that Eisenhower promised Warren the position of Chief Justice in exchange for his support for the presidency. My research has shown that Warren anticipated a position on the ticket with Ike in 1952 but was out maneuvered by his fellow Californian Richard Nixon. In exchange for Warren's support, Ike promised him the first seat on the Supreme Court. In anticipation of an appointment to the Court, Ike had appointed Warren to the position of solicitor general. However, Warren had not had an opportunity to take office, before the untimely death of Chief Justice Vinson. Ike's only promise to Warren was the next seat on the court and fate made the next seat that of the Chief Justice. There is some authority that Ike offered the position of Chief Justice to John Foster Dulles, but Dulles turned him down, wanting to stay in the State Department. It's also interesting to note how political the justices were. Most had not been judges before their appointments and Jackson, Black and Douglas were on the fringes of presidential politics for most of their terms. By today standards, when candidates for the Supreme Court are judged on their judicial record and writings, justices who came directly from the senate or cabinet positions seem totally out of line. These justices were far more political figures at the time of their appointments than current candidates. For students of the history of the Supreme Court, this book is a must read!

0 of 0 people found the following review helpful. Big Personalities for Turbulent Times By Harry Walsh Good in depth analysis of the personalities and the politics involved as well as the evolving doctrines of constitutional philosophy amongst the justices. The title of the book comes from a quote attributed to a former clerk of Justice Frankfurter that the Supreme Court is "Nine scorpions in a bottle." Turns out to be very true. I am a trial court judge (which may skew my analysis), but I found it to be an excellent read, and in parts, absolutely fascinating. The four justices who are the focus of the book could be petty and mean spirited, but when the occasion demanded, they generally rose to needed heights.

0 of 0 people found the following review helpful. Nine scorpions in a bottle By Jean I loved the quote by one of Frankfurter's clerks, They are like nine scorpions in a bottle. FDR appointed more Supreme Court justices than any other President. He re-made the court through his appointees. Four of them Hugo Black, Felix Frankfurter, William Douglas, and Robert Jackson are among the most influential justices in the U. S. history. The author looks at how these men came to the court, how their ideas developed there, and how their interplay and rivalries reshaped constitutional thought and the balance of power in the country. They gradually came to understand just how radically different their judicial philosophies became over time. The climax of the book was how the new chief justice Earl Warren bought them together to reach a unanimous decision on Brown V Board of Education. Feldman did an excellent job weaving a compelling narrative out of an extremely complicated and abstract plot. The book offers a wealth of anecdotes. The author tells these stories in a graceful narrative, cutting back and forth between different characters, situating personal doings in the great events of the era. The book helps give one an understanding of how the court works even if justices have different philosophies. I read this as an e-book downloaded to the Kindle app on my Ipad.

A tiny, ebullient Jew who started as America's leading liberal and ended as its most famous judicial conservative. A Klansman who became an absolutist advocate of free speech and civil rights. A backcountry lawyer who started off trying cases about cows and went on to conduct the most important international trial ever. A self-invented, tall-tale Westerner who narrowly missed the presidency but expanded individual freedom beyond what anyone before had dreamed. Four more different men could hardly be imagined. Yet they had certain things in common. Each was a self-made man who came from humble beginnings on the edge of poverty. Each had driving ambition and a will to succeed. Each was, in his own way, a genius. They began as close allies and friends of FDR, but the quest to shape a new Constitution led them to competition and sometimes outright warfare. SCORPIONS tells the story of these four great justices: their relationship with Roosevelt, with each other, and with the turbulent world of the Great Depression, World War II, and the Cold War. It also serves as a history of the modern Constitution itself.

From Publishers Weekly As a conservative Supreme Court flexes its muscles against a Democratic president for the first time since the New Deal, a series of recent books has explored the constitutional battles of the Roosevelt era and their contemporary relevance. Harvard law professor Feldman's *Scorpions* focuses more on the battles of the 1940s and 1950s, and it is distinguished by its thesis that the "distinctive constitutional theories" of Roosevelt's four greatest justices, all of whom began as New Deal liberals--Hugo Black, William O. Douglas, Felix Frankfurter, and Robert Jackson--have continued to "cover the whole field of constitutional thought" up to the present day. Feldman argues

that Black, the liberal originalist; Douglas, the activist libertarian; Frankfurter, the advocate of strenuous judicial deference; and Jackson, the pragmatist; achieved greatness by developing four unique constitutional approaches, which reflected their own personalities and worldviews, although they were able to converge on common ground in *Brown v. Board of Education*, which Feldman calls the last and greatest act of the Roosevelt Court. The pleasure of this book comes from Feldman's skill as a narrator of intellectual history. With confidence and an eye for telling details, he relates the story of the backstage deliberations that contributed to the landmark decisions of the Roosevelt Court, including not only *Brown* but also cases involving the internment of Japanese-Americans, the trial of the German saboteurs, and President Truman's seizure of the steel mills to avoid a strike. Combining the critical judgments of a legal scholar with political and narrative insight, Feldman is especially good in describing how the clashing personalities and philosophies of his four protagonists were reflected in their negotiations and final opinions; his concise accounts of *Brown* and the steel seizure case, for example, are memorable. And he describes how the rivalries and personality clashes among the four liberal allies eventually drove them apart: Hugo Black's determination to take revenge on those who offended his Southern sense of honor led him to retaliate not only against Jackson and Chief Justice Harlan Fiske Stone but also against the racist Southerners who had disclosed his former Ku Klux Klan membership to the press. Not all readers will be convinced by Feldman's thesis that the judicial philosophies of the Roosevelt justices continue to define the Court's terms of debate today: on the left and the right, there are, for example, no advocates of Frankfurter's near-complete judicial abstinence or of Douglas's romantic libertarian activism. And in the political arena, the constitutional debates of the 1940s and '50s seem less relevant today than those of the Progressive era, when liberals first attacked the conservative Court as pro-business, and conservatives insisted that only the Court could defend liberty in the face of an out-of-control regulatory state. But Feldman does not try to make too much of the contemporary relevance of the battles he describes: this is a first-rate work of narrative history that succeeds in bringing the intellectual and political battles of the post-Roosevelt Court vividly to life.

ed by Jeffrey Rosen, a law professor at George Washington University, is the author of *The Supreme Court: The Personalities and Rivalries That Defined America*. Copyright Reed Business Information, a division of Reed Elsevier Inc. All rights reserved.

From Booklist After the court-packing fiasco of 1937 (*FDR v. the Constitution*, 2009, by Burt Solomon), Supreme Court vacancies gave FDR his opportunities to install liberals on the tribunal. What happened next propels Feldman's narrative, which centers on four of the president's picks: Hugo Black, Felix Frankfurter, William O. Douglas, and Robert Jackson. New Deal credentials each may have had, but once in robes, each adopted divergent approaches to judging. By so personifying competing modes of constitutional interpretation, Feldman, a law professor, elevates the story from specialty to general interest and, to boot, embroiders technicalities about original intent and the like with animosities that roiled the quartet. Jackson loathed Black; Frankfurter thought Black a legal incompetent; and Douglas's presidential ambition alienated his colleagues, as did Douglas's results-driven way of deciding cases. Taking readers into the conference room, Feldman shows this unpolished side of the Supreme Court in cases of the 1940s, culminating in his account about how Frankfurter achieved unanimity in the landmark desegregation case of *Brown v. Board of Education*. The interpersonal factor in court politics is knowledgeably displayed in Feldman's intriguing account.

--Gilbert Taylor "Scorpions is a deft and sophisticated panoramic history of a fascinating era, an important one of Supreme Court jurisprudence, told simply without losing substance . . . Through excellent storytelling and absorbing case histories about interesting, ambitious men grappling with profound and complicated issues--and with each other--Feldman's approach will satisfy constitutional scholars as well as inform readers in the general public. His broad canvas is both accessible and thoughtful."

"Washington Lawyer" By so personifying competing modes of constitutional interpretation, Feldman, a law professor, elevates the story from specialty to general interest and, to boot, embroiders technicalities about original intent and the like with animosities that roiled the quartet . . . Taking readers into the conference room, Feldman shows this unpolished side of the Supreme Court in cases of the 1940s, culminating in his account about how Frankfurter achieved unanimity in the landmark desegregation case of *Brown v. Board of Education*. The interpersonal factor in court politics is knowledgeably displayed in Feldman's intriguing account.

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"Publishers Weekly" Of Franklin Roosevelt's nine Supreme Court appointments, four have had lasting influence . . . Feldman neatly demonstrates how their careers and personal histories accounted for their mutual resentments and shaped their distinctive approaches to constitutional interpretation. Frankfurter's judicial restraint, Black's originalism, Jackson's pragmatism and Douglas's realism--four interpretive doctrines that continue to reverberate--are fleshed out in accessible discussions of important cases dealing with presidential power and civil rights. The process of how they put aside personal differences and individual philosophies to reach agreement in the historic *Brown v. Board of Education* is only part of the author's revealing exploration. An immensely readable history that goes behind the facade of our most august institution to reveal the flesh-and-blood characters who make our laws.

"Kirkus (Starred)" Noah Feldman's book is more than a fascinating group

biography of four complicated, brilliant, and ambitious men, and more than a precise and illuminating account of liberalism and Constitutional law. It's also a window on history-from Sacco and Vanzetti and the Great Depression to Pearl Harbor, the Nuremberg Trials, the Cold War, and the Civil Rights Movement. There is adventure on every page."Louis Menand, author of *The Metaphysical Club*"In this splendid biography, Noah Feldman sets out to tell the story of the making of the modern Constitution-and thus of modern America itself-through the lives of Franklin Roosevelt and four of his Supreme Court justices. The result is a terrific tale of politics and principle, personality and vision. The battles of these four 'scorpions' gave us our world, and Feldman's excellent book is a powerful and original contribution to our understanding of the 20th century-and of our own."Jon Meacham, Pulitzer Prize winning author of *American Lion*"FDR appointed larger-than-life characters to the Supreme Court, and *SCORPIONS* brings them vividly to life - and reminds us why, strangely enough, they matter today more than ever."Jeffrey Toobin, author of *The Nine: Inside the Secret World of the Supreme Court*