

# [PDF] Scorpions: The Battles And Triumphs Of FDR's Great Supreme Court Justices

Noah Feldman - pdf download free book

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**Books Details:**

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Author: Noah Feldman

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### Description:

**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. Reviewed by Jeffrey Rosen, a law professor at George Washington University, is the author of *The Supreme Court: The Personalities and Rivalries That Defined America*.

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**From** 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' presidential ambition alienated his colleagues, as did Douglas' 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

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