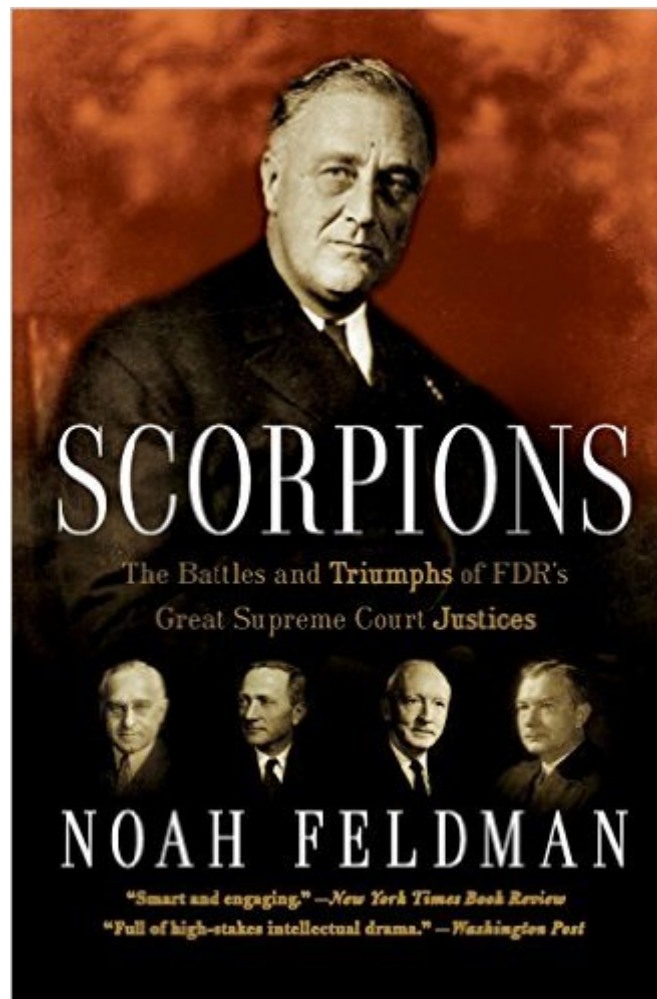


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# Scorpions: The Battles And Triumphs Of FDR's Great Supreme Court Justices



## Synopsis

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.

## Book Information

Paperback: 528 pages

Publisher: Twelve; Reprint edition (October 3, 2011)

Language: English

ISBN-10: 0446699284

ISBN-13: 978-0446699280

Product Dimensions: 5.2 x 1.5 x 8 inches

Shipping Weight: 1 pounds (View shipping rates and policies)

Average Customer Review: 4.4 out of 5 stars Â Â See all reviews Â (72 customer reviews)

Best Sellers Rank: #51,120 in Books (See Top 100 in Books) #16 in Â Books > Law > Rules & Procedures > Courts #47 in Â Books > Law > Legal History #49 in Â Books > Biographies & Memoirs > Professionals & Academics > Lawyers & Judges

## Customer Reviews

Scorpions - the title references a description of the Supreme Court Justices as "nine scorpions in a bottle" - is the story of four widely different justices all appointed by Franklin D. Roosevelt. These four, Hugo Black, Felix Frankfurter, Robert Jackson and William O. Douglas could not have been more dissimilar. Frankfurter, a Jew was perhaps the most liberal voice in the country when Roosevelt appointed him to the court. Black was a southern country lawyer former KKK member with an altogether unique interpretation of the constitution, Jackson, a plain spoken lawyer seeking

a pragmatic resolution to court cases and Douglas, a westerner who defined wide limits for individual freedom. I enjoyed the detail and back story the author presented on all of these men. The intellectual growth that allowed these men to listen, learn and change their minds from where they started was so appealing in this story. Black from a KKK member to perhaps the strongest civil rights supporter on the court. Frankfurter from the most liberal to arguably the most conservative member of the court. I was fascinated at how men of such widely divergent backgrounds could come together to decide some of the most important issues of the twentieth century. The background of the Japanese interment in WWII, Truman's seizure of the steel mills, civil rights and lastly the Brown v. the Board of Education decisions are all covered with the deliberations and interactions that led to the court decisions. Personalities are on full display. I admit much of the legal theories were lost on me and did for me (the clearly non legal reader) drag out the story a bit but I still enjoyed this book as a history of the Supreme Court and the justices who served there.

By way of disclosure I am a private scholar who has studied the interplay of power among different institutions and entities, whether it is government, corporations, or other power groups. I have been a member of the Supreme Court Historical Society for many of the last 30 years and I have been fortunate to have developed personal relationships with many associate justices and two Chief Justices. Having said that, I am simply amazed at the wonderfully expertly written, fascinating, and breathtaking book that Feldman has written. His anecdotes and historical references are both brilliant and factual. He has truly captured the essence of the Supreme Court and its stormy relationship with FDR during a critical period of American history. This was during the 1930's and for the next thirty years. This is a book about 5 egos, four of them justices, and one President, and the interplay between them during 3 decades. The first part of the book is devoted to a fast sweeping biography of 4 associate justices all of whom were appointed by the patrician Franklin Roosevelt. The Players in this book: Felix Frankfurter Brilliant beyond anyone's understanding, he was the product of a poor family living in the slums of New York. He went to the City College of New York, and although it is not mentioned in the book, City College at that time was considered better than Harvard because the Ivy League was limiting Jewish enrollment intentionally. This allowed City College at one point to have more Nobel Prize winners than Harvard. After graduation, Frankfurter put together some money and went on to Harvard Law where he excelled.

Noah Feldman's SCORPIONS is an important work of popular history. This group biography recounts the lives of four Supreme Court justices whose imprint on American history and law is

substantial. Justices Felix Frankfurter, William O. Douglas, Hugo Black and Robert Jackson were giants of the law whose contribution to modern constitutional jurisprudence cannot be ignored. Each brought a unique and diverse background to the High Court and shared only one trait when selected by President Franklin D. Roosevelt to serve: none had any prior judicial experience. The contemporary United States Supreme Court is noteworthy because eight of the nine justices arrived after years of experience as judges on the various federal appellate courts. Only President Obama's most recent appointment, Elena Kagan, lacked federal judicial experience. SCORPIONS reminds readers that this experience is no indication of judicial greatness and indeed may be a predictor of something far worse: judicial mediocrity. Three of the four men covered by Professor Feldman have been the subject of numerous biographies and, in the case of Douglas, a two-volume autobiography. Jackson, a small-town New York lawyer who rose to the Supreme Court and took a leave of absence to lead the Nuremberg prosecutions, has yet to be the focus of an exhaustive judicial biography. Feldman's coverage of his life, political rise and relationship with FDR is informative and rewarding. But SCORPIONS is only a general discussion of the four justices. This is not intended to be a criticism of the book, because its importance comes from what it tells readers about the interaction between the men and how their battles influenced the direction of the Supreme Court during an important era.

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