



Spring 3-1-1966

Justice Rutledge And The Bright Constellation.Fowler V. Harper.

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Recommended Citation

Justice Rutledge And The Bright Constellation.Fowler V. Harper., 23 Wash. & Lee L. Rev. 200 (1966).

Available at: <https://scholarlycommons.law.wlu.edu/wlulr/vol23/iss1/25>

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cases. Under this arrangement evidence as to damage would not be presented to the jury unless and until a verdict for the plaintiff has been rendered. Proponents of this device contend that such evidence is a moot point in forty percent of the personal injury cases, where a verdict for the defendant is returned.

In their entirety the several expositions present a succinct and thorough analysis of the problem with a minimum of theoretical abstraction. The presentation constitutes an extensive statement of the problem, but the examination of suggested remedies remains largely superficial. As a documentation of the crisis, the study is more than adequate. The value of the study is reduced to some degree in that the book merely articulates the problem and does not give serious consideration to the ramifications of suggested remedies, thus omitting an essential ingredient of any constructive analysis. Critical questions, such as the effect of certain proposals upon constitutional and substantive rights, are alluded to but not explored to any satisfactory degree. The question inherent in many of the suggested correctives, whether expeditious justice would be more unjust than delayed justice, is left substantially unanswered. The study does succeed in fulfilling its limited objective: to encourage an awareness of the crisis rapidly developing so that a concerned public will initiate the necessary reform. To this extent, the work is a valuable and informative source, providing depth without prolixity.

STEWART ROGER FINDER

JUSTICE RUTLEDGE AND THE BRIGHT CONSTELLATION.

Fowler V. Harper. New York: The Bobbs-Merrill Company, Inc., 1965. 406 pp., \$6.95.

In the summer of 1949 Justice Wiley Blount Rutledge died suddenly of a stroke after serving on the United States Supreme Court for only six years. Some of his critics believe that a brilliant career was thus cut short. The author feels this way and he clearly hopes to instill some of his admiration for Rutledge in the reader.

Professor Harper concentrates on Justice Rutledge's opinions on civil liberties, the area in which he is best remembered. Each of six chapters isolates an individual right guaranteed by the Constitution and traces it through the significant decisions of the New Deal Court of the '40s. All too often, though, the emphasis on Justice Rutledge loses its focus in the welter of references to the opinions of other

Justices and the comments of legal scholars. This abundance of supplementary material detracts from the book's value as a biographical study but enhances its value as a review of important Bill of Rights cases.

The New Deal Court is itself well remembered for its decisions concerning civil liberties. Justices Black, Douglas, Murphy, and Rutledge formed a strong and consistent nucleus in support of Thomas Jefferson's "bright constellation" of Bill of Rights freedoms, and the efforts of those four libertarians provided much of the groundwork necessary for the decisions of the Warren Court. These efforts are described in considerable detail. Along with discussion of the actual opinions there are excerpts from unpublished opinions and intracourt memoranda which reveal a great deal about the operation of the Court and the maneuvering for votes. The cases themselves are placed in a historical perspective by references to the relevant preceding and succeeding cases and to the contemporary criticism of the decisions.

While all of this material tends to obscure Justice Rutledge, it does give the reader a good opportunity for comparing him with his associates. Unfortunately for the author's implicit thesis, such comparison indicates that death did not keep him from a brilliant judicial career. But Rutledge certainly was a fine person and a man profoundly dedicated to his work: "Every case which came before him was a challenge but it was also a deep emotional experience. It was not abstract justice that he sought. He was not interested in a form of words. It was not justice in the air but in this very case, between man and man—between man and the state." (p. 336).

This book is most valuable for its exposition of the Supreme Court's activities during an important era in the history of Bill of Rights cases. There is also a chapter describing the events leading to Justice Rutledge's appointment to the Court which should be required reading for all aspiring Supreme Court Justices.

TALBOT SHELTON, JR.

LAWYERS AND JUDGES: THE ABA AND THE POLITICS OF JUDICIAL SELECTION. Joel B. Grossman. New York: John Wiley and Sons, Inc., 1965. 221 pp., \$6.75.

The manner in which Justices of the United States Supreme Court are placed on the bench also applies to lower federal court judges. The Constitution leaves untold the actual process by which one be-