

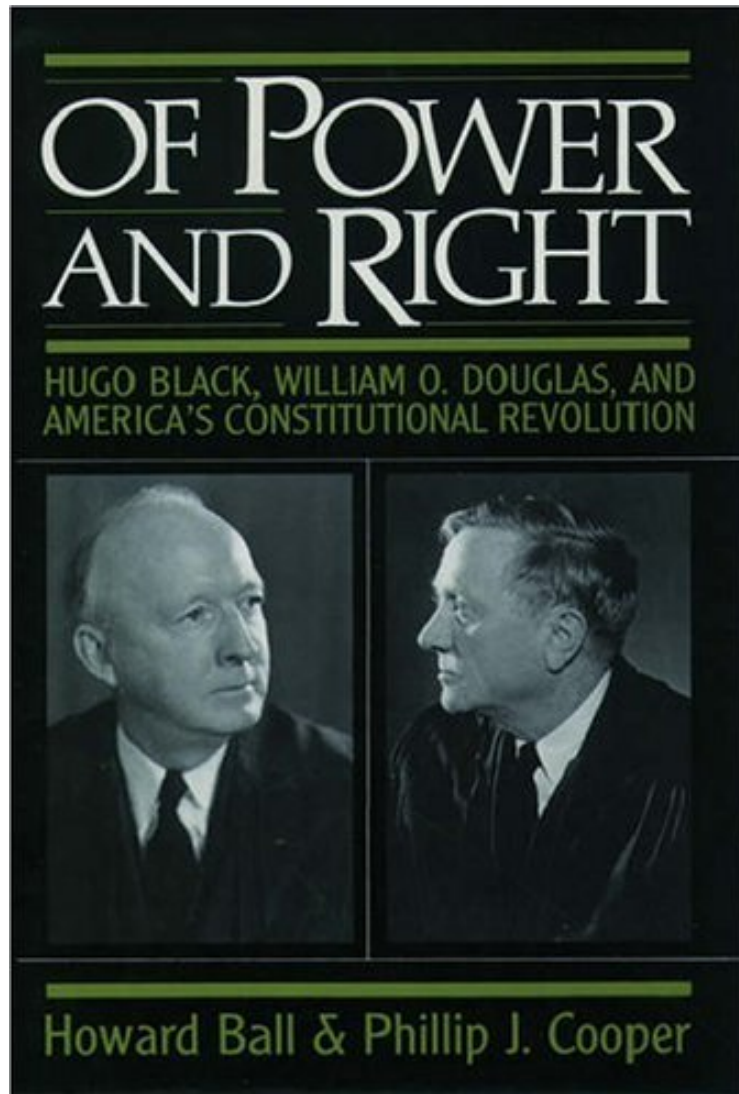
#892679 in Books 1992-01-30Original language:EnglishPDF # 1 9.56 x 1.35 x 6.44l, #File Name:

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Of Power and Right: Hugo Black, William O. Douglas, and America's Constitutional Revolution

Howard Ball, Phillip J. Cooper : Of Power and Right: Hugo Black, William O. Douglas, and America's Constitutional Revolution before purchasing it in order to gage whether or not it would be worth my time, and all praised Of Power and Right: Hugo Black, William O. Douglas, and America's Constitutional Revolution:

4 of 4 people found the following review helpful. A study of the careers of two great justicesBy SchmergulsThis 1992 book is a study of the Supreme Court careers of Black (on the Court from 1937 to 1971) and Douglas (on the Court from 1939 to 1975). The book only incidentally analyzes the cases themselves, but discusses the motivations for the

positions of Black and Douglas. While a casual observer knows that Black and Douglas were often on the same side in a case, it is the position of the authors of this book that their motivations were quite different. And in the final years of Black's service they often disagreed, this being usually ascribed to Black becoming more conservative in his old age. The authors disagree with this and say that the disagreement is attributable to Black's fixation as to the actual words of the Constitution and its Amendments whereas Douglas was more willing to read into the Constitution liberty for people--which Black was not as willing to do. I found the account of the decisions of the Court of much interest and the book was fun to read.

Hugo Black and William O. Douglas, two of the towering Supreme Court justices of this century, formed a fascinating personal and professional relationship that lasted for more than 30 years, from the 1930s to the 1970s. Together, they were embroiled in some of the most momentous social, political, and economic conflicts in American history. While many observers of the Supreme Court have regarded them as having a uniquely close alliance at the core of the Warren Court, they were quite different jurists, marching to very distinct drummers. *Of Power and Right* tells the story of this curious relationship and the turbulent era in which it took place. Hugo Black was a much admired, congenial man. A gracious Southerner, he could be as hard and immovable as granite once he'd made up his mind. An ardent advocate of free speech and press, he was a Puritan who had difficulty accepting behavior outside his own personal standard of morality. For him, the fundamental issue was the power of the people to govern, first through the Constitution, and then, where the Constitution was not clear, through their elected officials. William O. Douglas was a very different man. Tough and even petulant, he could also be extremely shy and sensitive. A staunch defender of the Court and its role, he was often willing to plunge it into the middle of society's most divisive debates. He believed first and foremost in individual rights, and believed that the Court's most important job was keeping government off the backs of the people. Though close on and off the job, the two men frequently clashed over this fundamental difference between power and right. The Black-Douglas years saw unprecedented social and political upheavals, from the New Deal and the civil rights movement to the Vietnam War, and the Supreme Court was called upon time and again to reexamine and often fundamentally alter definitions of equality and liberty in every area of American life. Howard Ball and Phillip Cooper chronicle each man's confrontation with the issues before the court and the often heated debates that resulted. They develop the central tension in American political life between democratically exercised power and individual freedom that so often occupied Black and Douglas and about which they so often differed. In so doing, the authors paint a full and compelling portrait not just of Black and Douglas, but of the institution of the Supreme Court during these years, showing us a Court that is more human, more politically aware, and more diverse than we have traditionally seen. The friendship of Hugo Black and William O. Douglas, and the differences that divided them, provide a unique window on the Supreme Court and the society it serves.

From *Library Journal* Ball and Cooper offer an excellent analysis of the U.S. Supreme Court and a comparison of two major justices: Black and Douglas. The authors view these justices through the changing issues before the Court from the New Deal to the mid-1970s. Black and Douglas had a close personal, symbiotic relationship; but they held different conceptions of society. Black's views were based on the democratic power of the people to govern while Douglas saw the primacy of liberty and individual rights as limiting the state's ability to impose restrictions upon personal freedoms. The justices' opinions merged and clashed on major issues such as due process and racial justice. Ball and Cooper give a thorough analysis of these justices' positions and behaviors. Highly recommended for academic and specialized law collections.--Steven Puro, St. Louis Univ. Copyright 1991 Reed Business Information, Inc. "A fascinating and powerful account of two great justices and their impact on the development of constitutional law. Drawing on the private papers of Black, Douglas, other justices, and three presidents, as well as numerous other sources, the authors bring to life the Supreme Court at a time of historical decisionmaking. This is a book that will be of great value to students, specialists, and laypersons alike. I highly recommend it."--Sheldon Goldman, University of Massachusetts at Amherst "A splendid, scholarly study of the competing New Deal visions of two great justices, their fascinating time on the Supreme Court during a turbulent period in the history of the country, and Justices Black's and Douglas's legacy for liberal legalism. Anyone interested in the Supreme Court will find this 'dual judicial biography' rewarding and well worth reading."--David M. O'Brien, University of Virginia About the Author About the Authors: Howard Ball is Dean of the College of Arts Sciences and Professor of Political Science at the University of Vermont. He is the author or co-author of sixteen books, including *Justice Downwind*. Phillip J. Cooper is Professor of Public Administration at the University of Kansas. His books include *Hard Judicial Choices: Federal District Judges and State and Local Officials*, and *Public Law and Public Administration*.