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Book Review of Mr. Justice Black and His Books

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MR. JUSTICE BLACK AND HIS BOOKS. By DANIEL J. MEADOR. Charlottesville, Va.: University Press of Virginia, 1974. Pp. 200. \$15.00.

WILLIAM F. SWINDLER*

Several studies based on the reading habits and subjects of the Founding Fathers have been written,¹ and Sowerby's famous inventory of Thomas Jefferson's library,² published a quarter of a century ago, is a major reference work in itself. Professor Meador's catalogue of the personal library of the late Justice Hugo Black would be a useful contribution to legal scholarship if only because few, if any, similar studies have been made of the readings of Supreme Court jurists. More important, however, is the book's contribution to the understanding of the Justice himself; for while much already has been written about Black and his place in Supreme Court history, this dimension has been considered only casually before.

The bulk of this volume, naturally, consists of the alphabetical listing of Black's books, both in his office at the Supreme Court and at his home in Alexandria, Virginia. In the 33-page essay which introduces the list and in the highly edifying illustrations of pages from selected books where the Justice made his own personal index or wrote marginal notes, the editor has brought home to the reader the significance of the list itself. Black, who began his judicial career as a political appointee gratuitously charged with minimal professional and intellectual preparation for the Supreme Court, is revealed as a serious student of history, philosophy, and biography, well fitting Learned Hand's familiar comment: "[I]t is as important to a judge called upon to pass on a question of constitutional law, to have at least a bowing acquaintance with Acton and Maitland, with Thucydides, Gibbon and Carlyle, with Homer, Dante, Shakespeare and Milton, with Machiavelli, Montaigne and Rabelais, with Plato, Bacon, Hume and Kant, as with the books which have been specifically written on the subject."³ Most of these titles,

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1. See, e.g., Eddy, *Dr. Franklin's Library*, 34 AM. ANTIQUARIAN SOC'Y 207 (1924); Toner, *Some Account of George Washington's Library and Manuscript Records and Their Dispersion from Mount Vernon, with an Excerpt of Three Months from His Diary in 1774 While Attending the First Continental Congress, with Notes*, 1892 ANN. REP. OF THE AM. HIST. ASS'N 73.

2. E. SOWERBY, *CATALOGUE OF THE LIBRARY OF THOMAS JEFFERSON* (1952).

3. L. HAND, *THE SPIRIT OF LIBERTY* 81 (3d ed. I. Dilliard 1963).

among many others, appear in Meador's list, along with indications of how Black used them. The following items are illustrative: Acton's *Essays on Freedom and Power* ("heavily marked, personally indexed")⁴; Carlyle's *Critical and Miscellaneous Essays* ("v. 1 marked, personally indexed")⁵; and Gibbon's *Decline and Fall of the Roman Empire* ("marked, personally indexed," with an extra copy of the first volume in the office at the Court).⁶

Professor Meador also has assembled a quick-reference list of seven authors whose works the Justice apparently valued most highly—Charles A. Beard, Claude G. Bowers, Edith Hamilton, Thomas Jefferson, Harold J. Laski, John Stuart Mill, and Thomas E. Watson. These seven authors illustrate the catholicity of Black's reading: from Miss Hamilton's classic analysis, *The Greek Way*, to Mr. Watson's now little-known biographies of Jackson, Jefferson, and Napoleon.⁷ Specialists would not consider the latter works to be the most authoritative studies of these three men, but Justice Black had read so comprehensively and understandingly that he was entitled to his own preference.

From the intellectual library of one particular Justice, Professor Meador has provided fresh information for evaluating Black himself and the perspective with which a high court judge should approach his task.

4. D. MEADOR, MR. JUSTICE BLACK AND HIS BOOKS 43 (1974).

5. *Id.* at 64.

6. *Id.* at 87.

7. T. WATSON, THE LIFE AND TIMES OF ANDREW JACKSON (1917); T. WATSON, THE LIFE AND TIMES OF THOMAS JEFFERSON (1918); T. WATSON, NAPOLEON: A SKETCH OF HIS LIFE, CHARACTER, STRUGGLES AND ACHIEVEMENTS (1920).