

Selected Bibliography of Works on the U.S. Supreme Court and Its Justices

The Mortal Court · Grouped & Annotated
www.themortalcourt.com

683 works · all 116 justices
Revised August 21, 2026

Note

This bibliography is generated from the master reading-list dataset behind The Mortal Court — every work cited on the justice-by-justice reading shelves and in the History of the Court reading room, in a consistent Chicago-style author–title format. Each work appears once. Alongside books it includes the significant articles, memoirs, correspondence, papers, dissertations and manuscript collections cited on the shelves. Court opinions, cited to the United States Reports on each justice’s page, are not listed here. Each entry carries a one-sentence note, taken from the assessment written for that work on the shelf it sits on. 42 of the 683 works have no such note and appear with their citation alone; nothing here was written to fill a gap.

I. The Court, the Constitution, and Landmark Cases

Atkinson, David N. *Leaving the Bench: Supreme Court Justices at the End*. Lawrence, KS: University Press of Kansas, 1999. [\[post-M&G\]](#)

The study of how justices leave — death, resignation, decline, denial — and the book that gives this site its mortal-court thread.

Bickel, Alexander M. & Benno C. Schmidt Jr. *The Judiciary and Responsible Government, 1910–1921* (Oliver Wendell Holmes Devise History of the Supreme Court, vol. 9). New York: Macmillan, 1984.

The Holmes Devise volume for the White Court, 1910–1921.

Bickel, Alexander M. *The Least Dangerous Branch: The Supreme Court at the Bar of Politics*. Indianapolis: Bobbs-Merrill, 1962.

The book that named the countermajoritarian difficulty, judicial review's standing quarrel with democratic government, and answered it with the passive virtues: the techniques by which a Court declines to decide.

Canellos, Peter S. *The Great Dissenter: The Story of John Marshall Harlan, America's Judicial Hero*. New York: Simon & Schuster, 2021. [\[post-M&G\]](#)

The readable modern life, and a bestseller for good reason.

Casto, William R. “Oliver Ellsworth's Calvinism: A Biographical Essay on Religion and Political Psychology in the Early Republic.” *Journal of Church and State* 36, no. 3 (1994): 507–526. [\[post-M&G\]](#)

The best single piece on what actually made Ellsworth run.

Cox, Archibald. *The Court and the Constitution*. Boston: Houghton Mifflin, 1987.

Judicial review traced as an evolving practice from English antecedents through desegregation and abortion, written from a frankly liberal standpoint by Watergate's special prosecutor.

Currie, David P. *The Constitution in the Supreme Court: The Second Century, 1888–1986*. Chicago: University of Chicago Press, 1986.

Case-by-case criticism of constitutional decisions from Fuller to Burger, judging each Court on the craft of its opinions — an approach one reviewer dismissed as “chronology without history.”

Epstein, Lee, and Eric A. Posner. *What Is Oral Argument For? University of Chicago Public Law and Legal Theory Research Paper No. 26-22* (2026). [\[post-M&G\]](#)

Twenty terms of transcripts and 368,369 speaking turns, asking what the hour is actually for: finds that a justice’s ideology and distance from the median predict how much they talk while the attorneys’ experience predicts almost nothing, and argues that a literature counting interruptions without conditioning on participation has been measuring the wrong thing.

- Epstein, Lee, Andrew D. Martin, Kevin M. Quinn, and Jeffrey A. Segal. "Ideology and the Study of Judicial Behavior." In *Ideology, Psychology, and Law*, ed. Jon Hanson (2012). [\[post-M&G\]](#)
The readable account of what an ideology score is and is not — why political scientists treat ideology as indispensable to explaining judging, how the measures are actually built, and which methodological and normative objections to them remain unanswered.
- Epstein, Lee, William M. Landes, and Richard A. Posner. *Inferring the Winning Party*. *Journal of Legal Studies* 39, no. 2 (2010): 433–467. [\[post-M&G\]](#)
Tests the courthouse folk wisdom that the side asked more questions loses, finds that it holds, and uses the pattern to separate two accounts of what the questioning is for: a legalistic search for truth, or a realistic strategy for influencing colleagues.
- Epstein, Lee, William M. Landes, and Richard A. Posner. *The Behavior of Federal Judges: A Theoretical and Empirical Study of Rational Choice*. Cambridge, MA: Harvard University Press, 2013. [\[post-M&G\]](#)
A political scientist, an economist and a sitting federal judge treat judges as labour-market actors with pecuniary and non-pecuniary motives, and test the consequences across district courts, circuit courts and the Supreme Court — not only votes and outcomes but opinion length, citations, dissents, and questions asked at oral argument.
- Fairman, Charles. *Reconstruction and Reunion, 1864–88, Part One (Oliver Wendell Holmes Devise History of the Supreme Court, vol. 6)*. New York: Macmillan, 1971.
The monumental Holmes Devise volumes for the Court from 1864 to 1888, and the standing institutional frame for this site across those decades.
- Farrand, Max, ed. *The Records of the Federal Convention of 1787 (4 vols., rev. ed.)*. New Haven, CT: Yale University Press, 1937.
The indispensable printed collection for what the Convention's future justices actually did at Philadelphia: the notes, the plans and their variants, and Madison's account of the speeches.
- Fehrenbacher, Don E. *The Dred Scott Case: Its Significance in American Law and Politics*. New York: Oxford University Press, 1978.
The Pulitzer-winning definitive history of the case, and still the standard against which all Dred Scott scholarship is measured.
- Finkelman, Paul. *Supreme Injustice: Slavery in the Nation's Highest Court*. Cambridge, MA: Harvard University Press, 2018. [\[post-M&G\]](#)
Three justices — Marshall, Story and Taney — tried for their records on slavery, with Story's chapter the most unsettling because expectations are highest.
- Fiss, Owen M. *Troubled Beginnings of the Modern State, 1888–1910 (Oliver Wendell Holmes Devise History of the Supreme Court, vol. 8)*. New York: Macmillan, 1993. [\[post-M&G\]](#)
The Holmes Devise volume for the early Fuller Court, 1888–1910.
- Friendly, Fred W. *Minnesota Rag: The Dramatic Story of the Landmark Supreme Court Case That Gave New Meaning to Freedom of the Press*. New York: Random House, 1981.
*How a bigoted Minnesota scandal sheet, shut down under the state's gag law and bankrolled on appeal by the Chicago Tribune's Colonel McCormick, produced *Near v. Minnesota* and the rule against prior restraint.*
- Garrow, David J. *Liberty and Sexuality: The Right to Privacy and the Making of *Roe v. Wade**. New York: Macmillan, 1994. [\[post-M&G\]](#)

Glen, Patrick J. “Harvard and Yale Ascendant: The Legal Education of the Justices From Holmes to Kagan.” *UCLA Law Review Discourse* 58 (2010): 129–154. [\[post-M&G\]](#)

Twenty-six pages in the UCLA Law Review's online companion, and the useful half is one dateable fact: the Ivy League's grip on the Court is recent, not ancient, and Kagan in 2010 was the first bench of nine to be entirely Ivy-trained. Frozen at that moment, though, and answered by events: Glen closes by urging the president to look outside Harvard and Yale, which is what happened in 2020. Its eight-page appendix relists the whole Court at every nomination since 1902, so Holmes appears in it dozens of times, and it counts only law-school graduates, which drops 64 of the 116 justices out of its own subject.

Goebel, Julius, Jr. *Antecedents and Beginnings to 1801 (Oliver Wendell Holmes Devise History of the Supreme Court, vol. 1)*. New York: Macmillan, 1971.

The opening volume of the Holmes Devise history, running from the traditions behind Article III through the Judiciary Act of 1789 to the Court's first decade, with a statistical appendix on its early business.

Gordan, John D., III. *The Fugitive Slave Rescue Trial of Robert Morris: Benjamin Robbins Curtis on the Road to Dred Scott*. Clark, NJ: Talbot Publishing, 2013. [\[post-M&G\]](#)

The only book-length Curtis study besides Streichler — his 1851 work enforcing the Fugitive Slave Act in Boston, prosecuting the rescuers of Shadrach Minkins.

Graber, Mark A. *Dred Scott and the Problem of Constitutional Evil*. Cambridge: Cambridge University Press, 2006. [\[post-M&G\]](#)

The major revisionist study — Graber's unsettling case that Taney's opinion was a plausible reading of a Constitution that really did protect slavery, which makes the evil constitutional rather than judicial.

Haines, Charles Grove. *The Role of the Supreme Court in American Government and Politics, 1789–1835*. Berkeley: University of California Press, 1944.

The Court's first half-century read from an avowedly Jeffersonian standpoint, treating Marshall's judicial review as one arm of a Federalist project to centralize national power.

Hall, Kermit L., et al., eds. *The Oxford Companion to the Supreme Court of the United States*. 2nd ed. New York: Oxford University Press, 2005. [\[post-M&G\]](#)

More than a thousand entries on cases, justices, doctrines, and concepts, the second edition taking in the 800-odd decisions handed down since the first — the one-volume desk reference to reach for first.

Harlan, John M. *What Part Does the Oral Argument Play*. *Cornell Law Quarterly* 41, no. 1 (1955): 6–11.

A sitting justice's answer, six pages long: there is no substitute for the Socratic exchange “in getting at the real heart of an issue,” argument is “perhaps the most effective weapon you have got,” and — from a diary Harlan kept of his own impressions — the view he held at the end of the argument day usually turned out to be the one he settled on.

Healy, Thomas. *The Great Dissent: How Oliver Wendell Holmes Changed His Mind — and Changed the History of Free Speech in America*. New York: Metropolitan Books, 2013. [\[post-M&G\]](#)

The finest book on Holmes's most consequential change of heart.

Holt, Michael F. *By One Vote: The Disputed Presidential Election of 1876*. Lawrence, KS: University Press of Kansas, 2008. [\[post-M&G\]](#)

The modern account of the disputed 1876 election: the improvised fifteen-member commission, five justices among them, and the party-line 8–7 that settled it.

Horwitz, Morton J. *The Warren Court and the Pursuit of Justice*. New York: Hill and Wang, 1998. [\[post-M&G\]](#)

The great legal historian Morton Horwitz's brief, incisive synthesis of the Warren Court's jurisprudence — the best short book on why its expansion of rights amounted to a second Reconstruction.

Jacobi, Tonja, and Dylan Schweers. *Justice, Interrupted*. *Virginia Law Review* 103, no. 7 (2017): 1379–1487. [\[post-M&G\]](#)

The study that established it: female justices speak less often and use fewer words than their male colleagues, and are nonetheless interrupted at a significantly higher rate — by the other justices, and by the advocates, against the Court's own rules.

Jacobi, Tonja, and Matthew Sag. *The New Oral Argument*. *Notre Dame Law Review* 94, no. 3 (2019): 1161–1253. [\[post-M&G\]](#)

Fifty-five years of transcripts, and the finding that the justices stopped asking questions and started making arguments — more words, longer speeches, more interruptions, more comments aimed at the side they will vote against — with the break dated to 1995 and tied to the polarization of the politics outside the Court.

Jensen, Merrill, ed. *The Documentary History of the Ratification of the Constitution, Vol. III: Connecticut* (the “Landholder” essays). Madison, WI: Wisconsin Historical Society Press, 1978.

Ellsworth's thirteen pseudonymous "Landholder" essays, published in the Connecticut Courant and American Mercury in 1787–88, were among the most effective ratification advocacy in New England — and the best sustained record of his constitutional thinking in his own voice.

Johnson, Timothy R. *Oral Arguments and Decision Making on the United States Supreme Court*. Albany: State University of New York Press, 2004. [\[post-M&G\]](#)

The book-length statement of the information-gathering account: justices use argument to learn the legal and policy options in a case, the preferences of the other institutions that will have to live with the result, and the institutional rules that constrain what they can do about it.

Jones, Howard. *Mutiny on the Amistad: The Saga of a Slave Revolt and Its Impact on American Abolition, Law, and Diplomacy*. New York: Oxford University Press, 1987.

The standard account of the Mende captives' revolt and the case it became: the Hartford circuit proceedings, John Quincy Adams's argument, and the 1841 opinion holding the captives free.

Kairys, David. *Law with Liberty and Justice for Some: A Critique of the Conservative Supreme Court*. New York: New Press, 1993. [\[post-M&G\]](#)

Thirty-one decisions on speech, voting, religion, equal protection, and privacy, read by a veteran civil rights lawyer as evidence that the liberal rulings of the 1960s were the aberration.

King, Gilbert. *Devil in the Grove: Thurgood Marshall, the Groveland Boys, and the Dawn of a New America*. New York: Harper, 2012. [\[post-M&G\]](#)

The Pulitzer Prize winner — King's gripping reconstruction of the 1949 Groveland case in Florida, where Marshall and the LDF defended four young Black men falsely accused of rape amid lynch mobs, a murderous sheriff, and Klan terror.

Labbé, Ronald M. & Jonathan Lurie. *The Slaughterhouse Cases: Regulation, Reconstruction, and the Fourteenth Amendment*. Lawrence, KS: University Press of Kansas, 2003. [\[post-M&G\]](#)

The standard history of the 1873 decision that first construed the Fourteenth Amendment and narrowed it for a century.

Lane, Charles. *The Day Freedom Died: The Colfax Massacre, the Supreme Court, and the Betrayal of Reconstruction*. New York: Henry Holt, 2008. [\[post-M&G\]](#)

The dark side of the same Court, told as narrative history.

Lazarus, Edward. *Closed Chambers: The First Eyewitness Account of the Epic Struggles Inside the Supreme Court*. New York: Times Books, 1998. [\[post-M&G\]](#)

A Blackmun clerk's account of October Term 1988 — capital punishment, race, abortion — attacked on publication for breaching the confidentiality of chambers.

- Leuchtenburg, William E. *The Supreme Court Reborn: The Constitutional Revolution in the Age of Roosevelt*. New York: Oxford University Press, 1995. [post-M&G]
The best account of the 1937 crisis — the collision between Roosevelt's New Deal and the Four Horsemen, the court-packing plan, and the shift of doctrine that made the plan unnecessary.
- Lewis, Anthony. *Gideon's Trumpet*. New York: Random House, 1964.
The classic account of Gideon v. Wainwright: Clarence Earl Gideon's petition from prison, Abe Fortas's court-appointed argument, and the 1963 holding that a poor defendant must be given a lawyer.
- Lewis, Anthony. *Make No Law: The Sullivan Case and the First Amendment*. New York: Random House, 1991. [post-M&G]
New York Times v. Sullivan told whole — the 1960 advertisement, the Montgomery commissioner's \$500,000 libel suit, the 1964 decision — set inside a broader history of American free speech.
- Litman, Leah. *Lawless: How the Supreme Court Runs on Conservative Grievance, Fringe Theories, and Bad Vibes*. New York: One Signal/Atria, 2025. [post-M&G]
Irreverent polemic from a Michigan law professor and Strict Scrutiny co-host, arguing that the six-justice majority runs on conservative grievance rather than the originalism it professes.
- Lofgren, Charles A. *The Plessy Case: A Legal-Historical Interpretation*. New York: Oxford University Press, 1987.
Lofgren's monograph is the standard account of Plessy as law — where 'separate but equal' came from (antebellum Massachusetts, of all places), how the doctrine traveled through railroad cases and state courts, and why Brown's opinion struck almost no one in 1896 as a thunderbolt.
- Lynch, David. *The Role of Circuit Courts in the Formation of United States Law in the Early Republic: Following Supreme Court Justices Washington, Livingston, Story and Thompson*. Portland, OR: Hart, 2018. [post-M&G]
The rare modern monograph on how justices actually made law on circuit, where the vast bulk of their judging happened — with Washington, Livingston, Story and Thompson as its principal subjects.
- Maltz, Earl M.; R. Owen Williams. "The Unlikely Hero of Dred Scott" (Cardozo L. Rev., 1996), "The Last Angry Man" & "Benjamin Curtis: Top of the List" (Chicago-Kent L. Rev. 82, 2007). [post-M&G]
- Marcus, Maeva, et al., eds. *The Documentary History of the Supreme Court of the United States, 1789–1800*. New York: Columbia University Press, 1985–2007. [post-M&G]
Eight volumes in nine: the essential documentary source for the Court's first decade — appointment records, correspondence, circuit materials, press accounts, and the Court's own rough and final minutes.
- Martin, Andrew D., and Kevin M. Quinn. *Dynamic Ideal Point Estimation*. *Political Analysis* 10, no. 2 (2002): 134–153. [post-M&G]
The paper that made judicial ideology a moving quantity: a Bayesian item-response model fitted to every vote from 1953 to 1999, yielding one ideal point per justice per term and showing that many justices' preferences do not stay still — the measure behind every claim of drift on this site.
- McCloskey, Robert G. *The American Supreme Court*. Chicago: University of Chicago Press, 1960.
In print and revised since 1960, the short interpretive survey built on the claim that the Court's strength lies in never straying far from public sentiment — later editions by Sanford Levinson.

- Menand, Louis. *The Metaphysical Club: A Story of Ideas in America*. New York: Farrar, Straus and Giroux, 2001. [\[post-M&G\]](#)
Not a biography but the great group portrait of the world that made Holmes — the Pulitzer-winning history of American pragmatism, tracing Holmes alongside William James, Charles Peirce, and John Dewey from the trauma of the Civil War to a new conception of ideas as instruments rather than truths.
- O'Connor, Sandra Day. *Out of Order: Stories from the History of the Supreme Court*. New York: Random House, 2013. [\[post-M&G\]](#)
The retired justice's affectionate tour of Supreme Court history and lore — the customs, personalities, and turning points of the institution, told with warmth by someone who reshaped it.
- O'Brien, David M. *Storm Center: The Supreme Court in American Politics*. New York: W. W. Norton, 1986.
Drawn from the papers of fifty-five justices and six presidents, an account of the Court as a political institution, arguing that rising caseloads have made it more bureaucratic and less collegial.
- Perry, Barbara A. *A "Representative" Supreme Court? The Impact of Race, Religion, and Gender on Appointments*. New York: Greenwood Press, 1991. [\[post-M&G\]](#)
A scholarly study of representation in appointments — the Catholic and Jewish "seats," the first Black justice and the first woman — arguing that religion's weight faded as those groups entered the mainstream.
- Perry, Barbara A. *The Priestly Tribe: The Supreme Court's Image in the American Mind*. Westport, CT: Praeger, 1999. [\[post-M&G\]](#)
Why the Court's prestige has held while Congress's and the presidency's eroded: the marble palace, the symbols of impartiality, the distance kept from reporters, and what the public actually knows.
- Polenberg, Richard. *Fighting Faiths: The Abrams Case, the Supreme Court, and Free Speech*. New York: Viking, 1987.
Abrams v. United States recovered in full: the Russian-Jewish anarchists jailed for leaflets against American intervention in Russia, their lives before and after, and the Holmes dissent that outlived the ruling.
- Post, Robert C. *The Taft Court: Making Law for a Divided Nation, 1921–1930 (Oliver Wendell Holmes Devise History of the Supreme Court, vol. 10)*. Cambridge: Cambridge University Press, 2024. [\[post-M&G\]](#)
The long-awaited Holmes Devise history of Taft's Court — three volumes, decades in the making, and now the definitive account of the era.
- Rehnquist, William H. *Grand Inquests: The Historic Impeachments of Justice Samuel Chase and President Andrew Johnson*. New York: William Morrow, 1992. [\[post-M&G\]](#)
A sitting Chief Justice's lucid narrative comparison of the two great early impeachments — of Justice Samuel Chase and of President Andrew Johnson.
- Renstrom, Peter G. *The Stone Court: Justices, Rulings, and Legacy*. Santa Barbara, CA: ABC-CLIO, 2001. [\[post-M&G\]](#)
The reference study of the brief, fractious Court Stone led as Chief (1941–46) — Renstrom on the wartime cases, the Japanese-American internment, and the bitter Black–Jackson feud that erupted on his watch.
- Savage, David G. *Turning Right: The Making of the Rehnquist Supreme Court*. New York: Wiley, 1992. [\[post-M&G\]](#)
The Los Angeles Times Supreme Court correspondent's reported narrative of the Court's rightward turn under Rehnquist, drawn from the opinions and from unattributed interviews with justices and clerks.

- Scalia, Antonin, and Bryan A. Garner. *Making Your Case: The Art of Persuading Judges*. St. Paul, MN: Thomson/West, 2008. [post-M&G]
Scalia and Garner on the art of persuading judges — the advocacy companion to their Reading Law, addressed to the lawyer at the lectern rather than to the reader of statutes.
- Schmidhauser, John R. *Stare Decisis, Dissent, and the Background of the Justices*. *University of Toronto Law Journal* 14, no. 2 (1962): 194–212.
The starting point for the claim that where a justice came from predicts how they vote, opening on the Senate’s own arguments about Hughes’s corporate practice and Black’s Klan membership, and asking whether background, selection method and prior judicial experience leave a trace in the votes.
- Schwartz, Bernard. *A History of the Supreme Court*. New York: Oxford University Press, 1993. [post-M&G]
A one-volume narrative history running from 1790 to 1992, justice by justice, with set-piece chapters on Dred Scott, Lochner, Brown, and Roe and a partial rehabilitation of Roger Taney.
- Schwartz, Bernard. *Decision: How the Supreme Court Decides Cases*. New York: Oxford University Press, 1996. [post-M&G]
How the Court actually reaches a decision — conference votes, switched votes, circulated drafts — reconstructed from interviews and unpublished papers, and frankly admiring of Earl Warren’s leadership.
- Schwartz, Bernard. *The New Right and the Constitution: Turning Back the Legal Clock*. Boston: Northeastern University Press, 1990.
A prolific constitutional-law scholar’s point-by-point answer to New Right jurisprudence: original intent as the impossible dream, revived economic liberties, takings, race, and administrative law.
- Schwartz, Bernard. *The Unpublished Opinions of the Warren Court*. New York: Oxford University Press, 1985.
- Schwartz, Herman, ed. *The Burger Years: Rights and Wrongs in the Supreme Court, 1969–1986*. New York: Viking, 1987.
A companion assessment from the other direction — Herman Schwartz’s collection weighing the Burger Court’s real retreats on rights across seventeen years.
- Scott, John Anthony. “Justice Bradley’s Evolving Concept of the Fourteenth Amendment from the Slaughterhouse Cases to the Civil Rights Cases.” *Rutgers Law Review* 25 (1971): 552.
The key study of the question every Bradley reader eventually asks: how the Slaughterhouse dissenter who read the Fourteenth Amendment broadly in 1873 became the author of the Civil Rights Cases that gutted it in 1883.
- Shesol, Jeff. *Supreme Power: Franklin Roosevelt vs. the Supreme Court*. New York: W. W. Norton, 2010. [post-M&G]
Roosevelt’s war with the Court told at full length: the New Deal decisions of 1935–36, the Court-packing plan of 1937, and a political defeat that remade constitutional law regardless.
- Simon, James F. *The Center Holds: The Power Struggle Inside the Rehnquist Court*. New York: Simon & Schuster, 1995. [post-M&G]
An argument that the Rehnquist revolution failed, tracking race, abortion, criminal law, and the First Amendment through the moderate center of O’Connor, Kennedy, and Souter.
- Stephenson, Donald Grier, Jr. *The Waite Court: Justices, Rulings, and Legacy*. Santa Barbara, CA: ABC-CLIO, 2003. [post-M&G]
The ABC-CLIO handbook to the Waite Court: profiles of all fifteen justices who sat between 1874 and 1888, the Court’s major rulings, and a documents section.

- Stewart, David O. *Impeached: The Trial of President Andrew Johnson and the Fight for Lincoln's Legacy*. New York: Simon & Schuster, 2009. [post-M&G]
The one duty the Constitution reserves for the Chief Justice alone: in 1868 Chase presided over the Senate trial of President Andrew Johnson, and Stewart's fast, fair-minded account is the best popular narrative of it.
- Swisher, Carl B. *The Taney Period, 1836–64* (Oliver Wendell Holmes Devise History of the Supreme Court, vol. 5). New York: Macmillan, 1974.
The Holmes Devise volume for the Taney Court — a thousand pages of institutional history covering the Court from 1836 to 1864.
- Tate, C. Neal. *Personal Attribute Models*. *American Political Science Review* 75, no. 2 (1981): 355–367.
The high-water mark of the personal-attributes literature: seven variables — party, appointing president, prelaw education, elective office, region, judicial experience and prosecutorial experience, two of them used in only one of the two models — accounting for 70 to 90 per cent of the variance in postwar justices' votes in split civil-liberties and economics cases.
- Thomas, William G., III. *A Question of Freedom: The Families Who Challenged Slavery from the Nation's Founding to the Civil War*. New Haven, CT: Yale University Press, 2020. [post-M&G]
The story of the Queen, Butler, and Bell families, who sued for their freedom in Maryland and Washington courts for three generations.
- Toobin, Jeffrey. *The Nine: Inside the Secret World of the Supreme Court*. New York: Doubleday, 2007. [post-M&G]
Narrative journalism on the Court from the mid-Rehnquist years to Alito's arrival, built on not-for-attribution interviews with the justices and more than seventy-five law clerks.
- Tribe, Laurence H. *God Save This Honorable Court: How the Choice of Supreme Court Justices Shapes Our History*. New York: Random House, 1985.
Made in 1985, the case that the Senate owes a president no deference on judicial philosophy — by the Harvard professor who testified against Bork and later acknowledged unattributed borrowing from Henry Abraham.
- Tushnet, Mark V. *The Hughes Court: From Progressivism to Pluralism, 1930 to 1941* (Oliver Wendell Holmes Devise History of the Supreme Court, vol. 11). Cambridge: Cambridge University Press, 2022. [post-M&G]
The Holmes Devise volume on Hughes's chief justiceship — the fullest scholarly account of the Court that faced down FDR, absorbed the constitutional revolution of 1937, and invented modern rights jurisprudence in footnote four.
- Ulmer, S. Sidney. *Social Background as an Indicator*. *American Journal of Political Science* 17, no. 3 (1973): 622–630.
- Urofsky, Melvin I. *A Conflict of Rights: The Supreme Court and Affirmative Action*. New York: Scribner, 1991. [post-M&G]
- Urofsky, Melvin I. *Dissent and the Supreme Court: Its Role in the Court's History and the Nation's Constitutional Dialogue*. New York: Pantheon Books, 2015. [post-M&G]
Traces dissent from an era when open disagreement was discouraged to a Court where separate opinions abound, arguing that yesterday's dissent — on speech, race, liberty — often becomes today's law.
- Vladeck, Stephen I. *The Shadow Docket: How the Supreme Court Uses Stealth Rulings to Amass Power and Undermine the Republic*. New York: Basic Books, 2023. [post-M&G]
The case against the Court's unsigned, unexplained emergency orders — travel ban, COVID rules, election cases — and their sharp rise after 2017, made by a federal courts scholar.

Wagman, Robert J. *The Supreme Court: A Citizen's Guide*. New York: Pharos Books, 1993. [post-M&G]
Written for the general reader, a guide pairing a narrative history of the Court as an institution with biographical treatment of the justices.

Warren, Charles. *The Supreme Court in United States History*. Boston: Little, Brown, 1922.
The three-volume history that won the 1923 Pulitzer Prize, carrying the Court from 1789 to 1918 and long foundational for American legal historians.

Wellington, Harry H. *Interpreting the Constitution: The Supreme Court and the Process of Adjudication*. New Haven, CT: Yale University Press, 1990.
Argues that the Court reads the Constitution much as judges make common law — language, precedent, structure, and history weighed together with public morality, disciplined by adversary argument and the written opinion.

White, G. Edward. *The Marshall Court and Cultural Change, 1815–1835* (Oliver Wendell Holmes Devise History of the Supreme Court, vols. 3–4). Abridged ed., 1991. [post-M&G]
The definitive institutional history of Marshall's mature Court — the boardinghouse deliberation, the single-opinion practice, the circuit work, and what dissent cost a justice who tried it.

II. Nominations, Confirmations, and Court Politics

Ainsworth, Scott H., and John Anthony Maltese. “National Grange Influence on the Supreme Court Confirmation of Stanley Matthews.” *Social Science History* 20, no. 1 (1996): 41–62. [post-M&G]
The dedicated study of the closest confirmation in Supreme Court history — 24 to 23, in 1881, after the Grange and anti-railroad forces nearly sank the corporate lawyer Matthews.

Angelillo, Joseph. “The ‘Unrepentant Secessionist’: The Nomination of L.Q.C. Lamar and the Retreat from Reconstruction.” *Journal of Supreme Court History* 46, no. 1 (2021): 42–61. [post-M&G]
The only substantial Lamar scholarship since Murphy's 1973 biography — and a sharper-eyed one: the 1888 confirmation of a Confederate drafter of Mississippi's secession ordinance read as a milestone in the North's retreat from Reconstruction, not merely the reconciliation JFK celebrated.

Biskupic, Joan. *Nine Black Robes: Inside the Supreme Court's Drive to the Right and Its Historic Consequences*. New York: William Morrow, 2023. [post-M&G]
The best single account of the conservative supermajority and how it was built.

Brock, David. *The Real Anita Hill: The Untold Story*. New York: Free Press, 1993. [post-M&G]
Bestselling 1993 attack on Hill's credibility, arguing she invented the charges — later repudiated by its own author, who said publicly in 2001 that he had lied in it.

Bronner, Ethan. *Battle for Justice: How the Bork Nomination Shook America*. New York: W. W. Norton, 1989.
A Boston Globe correspondent's blow-by-blow of the 1987 Bork fight, built on interviews across the White House, the Justice Department, and the senators who beat him.

Chrisman, Robert, and Robert L. Allen, eds. *Court of Appeal: The Black Community Speaks Out on the Racial and Sexual Politics of Clarence Thomas vs. Anita Hill*. New York: Ballantine, 1992. [post-M&G]
Forty-one essays gathered by the editors of The Black Scholar, ranging from conservative to radical, with the hearing chronology and organizational position papers, on how Black America argued over Thomas and Hill.

Danforth, John C. *Resurrection: The Confirmation of Clarence Thomas*. New York: Viking, 1994. [post-M&G]
The 1991 fight as run by Thomas's chief Senate champion — his former boss in Missouri, and an ordained Episcopal priest — who recounts doing whatever it took and nearly losing his soul to rage.

- Greenburg, Jan Crawford. *Supreme Conflict: The Inside Story of the Struggle for Control of the United States Supreme Court*. New York: Penguin Press, 2007. [\[post-M&G\]](#)
The inside story of the conservative campaign to remake the Court that produced Roberts's own appointment — Jan Crawford Greenburg's well-sourced account of the nominations from Reagan through Roberts and Alito.
- Haygood, Wil. *Showdown: Thurgood Marshall and the Supreme Court Nomination That Changed America*. New York: Alfred A. Knopf, 2015. [\[post-M&G\]](#)
A dual narrative built around the 1967 confirmation hearings — the Southern senators' days of interrogation intercut with the life that had led Marshall to that table.
- Hemingway, Mollie, and Carrie Severino. *Justice on Trial: The Kavanaugh Confirmation and the Future of the Supreme Court*. Washington, DC: Regnery, 2019. [\[post-M&G\]](#)
The conservative counter-narrative, by a journalist and a legal activist who defend Kavanaugh and portray the opposition to him as a coordinated campaign of character assassination.
- Hill, Anita. *Speaking Truth to Power*. New York: Doubleday, 1997. [\[post-M&G\]](#)
Hill's own telling, six years on: the Oklahoma farm childhood, the years working under Thomas at the Education Department and the EEOC, the 1991 testimony, and what it cost her afterward.
- Kagan, Elena. “Confirmation Messes, Old and New.” *University of Chicago Law Review* 62 (1995): 919. [\[post-M&G\]](#)
The essay that called confirmation hearings a ‘vapid and hollow charade’ — quoted back at her, endlessly, at her own vapid and hollow charade in 2010.
- Lovelace, Ryan. *Search and Destroy: Inside the Campaign against Brett Kavanaugh*. 2019. [\[post-M&G\]](#)
A legal reporter's case that the 2018 fight was an organized and funded campaign — Demand Justice and its allies — coupled with a challenge to the accusers' credibility and some seventy pages of notes.
- Mayer, Jane, and Jill Abramson. *Strange Justice: The Selling of Clarence Thomas*. Boston: Houghton Mifflin, 1994. [\[post-M&G\]](#)
The most thorough investigative account of the 1991 confirmation and the Anita Hill hearings, by two distinguished journalists.
- Morrison, Toni, ed. *Race-ing Justice, En-gendering Power: Essays on Anita Hill, Clarence Thomas, and the Construction of Social Reality*. New York: Pantheon Books, 1992. [\[post-M&G\]](#)
The landmark scholarly response to the 1991 hearings — essays edited by Toni Morrison on race, gender, and power in the Hill–Thomas confrontation, among the most-cited academic works on the episode.
- Phelps, Timothy M., and Helen Winteritz. *Capitol Games: Clarence Thomas, Anita Hill, and the Story of a Supreme Court Nomination*. New York: Hyperion, 1992. [\[post-M&G\]](#)
By the Newsday reporter who broke the Hill allegations alongside NPR's Nina Totenberg: the whole nomination from the pick to the vote, including Angela Wright, subpoenaed and never called.
- Pogrebin, Robin, and Kate Kelly. *The Education of Brett Kavanaugh: An Investigation*. New York: Portfolio/Penguin, 2019. [\[post-M&G\]](#)
An investigative account of Kavanaugh's life and confirmation by two New York Times journalists, sympathetic to the questions raised about his conduct and candor.
- Roberts, John G., Jr. Confirmation Opening Statement (“An Umpire Calls Balls and Strikes”). 2005. [\[post-M&G\]](#)
Roberts's brief, famous statement to the Senate Judiciary Committee, the credo by which his whole tenure has been measured.

Schwartz, Bernard, ed. *The Burger Court: Counter-Revolution or Confirmation?* New York: Oxford University Press, 1998. [\[post-M&G\]](#)

Often confused with the 1987 collection; it's a separate book, and the more considered of the two.

Shogan, Robert. *A Question of Judgment: The Fortas Case and the Struggle for the Supreme Court*. Indianapolis: Bobbs-Merrill, 1972.

The first full account of the scandal that brought Fortas down — Robert Shogan's contemporary narrative of the 1968 chief-justice filibuster and the financial arrangement that forced the only resignation-under-fire in the Court's modern history.

Simon, Paul. *Advice & Consent: Clarence Thomas, Robert Bork, and the Intriguing History of the Supreme Court's Nomination Battles*. Washington, DC: National Press Books, 1992. [\[post-M&G\]](#)

Written from the Judiciary Committee dais by the Illinois Democrat who voted against both Bork and Thomas: the two battles set against two centuries of confirmation history, plus proposed reforms.

III. Collective Biographies and Works on Multiple Justices

Baker, Leonard. *Brandeis and Frankfurter: A Dual Biography*. New York: Harper & Row, 1984.

The two intertwined lives told as one — the mentor and the protégé, the era's most prominent Jewish justices, bound by ideology, ambition, and a remarkable collaboration.

Ball, Howard, and Phillip J. Cooper. *Of Power and Right: Hugo Black, William O. Douglas, and America's Constitutional Revolution*. New York: Oxford University Press, 1992. [\[post-M&G\]](#)

The dual study of the two New Deal appointees who drove the rights revolution and then fell out — Douglas the restless individualist beside Black the disciplined textualist.

Burt, Robert A. *Two Jewish Justices: Outcasts in the Promised Land*. Berkeley: University of California Press, 1988.

A short, influential meditation on Brandeis and Frankfurter as Jewish outsiders — Burt reads their jurisprudence through assimilation and marginality, arguing that the immigrant's anxiety to belong helped shape Frankfurter's deference to the American majority.

Casto, William R. *The Supreme Court in the Early Republic: The Chief Justiceships of John Jay and Oliver Ellsworth*. Columbia, SC: University of South Carolina Press, 1995. [\[post-M&G\]](#)

The standard scholarly account of the pre-Marshall Court as an institution — circuit riding, the grand jury charges, Chisholm, the refusal of advisory opinions, and the move away from seriatim opinions.

Cotter, Daniel S. *The Chief Justices: The Seventeen Men of the Center Seat, Their Courts, and Their Times*. Twelve Tables Press, 2019. [\[post-M&G\]](#)

A chapter apiece for all seventeen chiefs from Jay to Roberts: how each reached the center seat, who sat beside him, and the decisions his Court is remembered for — a survey rather than a reference.

Coyle, Marcia. *The Roberts Court: The Struggle for the Constitution*. New York: Simon & Schuster, 2013. [\[post-M&G\]](#)

The best narrative of the Roberts Court's first decade, told through four blockbusters: guns, campaign finance, health care, voting rights.

Cushman, Clare, ed. *The Supreme Court Justices: Illustrated Biographies, 1789–2012*. 3rd ed. Thousand Oaks, CA: CQ Press, 2013. [\[post-M&G\]](#)

The Supreme Court Historical Society's illustrated capsule lives — the reliable standard for a justice with no biography, each with a portrait.

- Dalin, David G. *Jewish Justices of the Supreme Court: From Brandeis to Kagan*. Waltham, MA: Brandeis University Press, 2017. [\[post-M&G\]](#)
Collective portrait of the eight Jewish justices from Brandeis to Kagan — their nominations and the antisemitism that met them, the "Jewish seat" convention, and their relations with the presidents who chose them.
- Ely, James W., Jr. *The Chief Justiceship of Melville W. Fuller, 1888–1910*. Columbia, SC: University of South Carolina Press, 1995. [\[post-M&G\]](#)
The modern institutional reappraisal, in South Carolina's Chief Justiceships series.
- Feldman, Noah. *Scorpions: The Battles and Triumphs of FDR's Great Supreme Court Justices*. New York: Twelve, 2010. [\[post-M&G\]](#)
The best narrative group biography of the Roosevelt Court — Black, Douglas, Frankfurter and Jackson, "scorpions in a bottle," whose rivalries made and unmade doctrine.
- Flanders, Henry. *The Lives and Times of the Chief Justices: John Jay and John Rutledge (Vol. 1)*. Philadelphia: Lippincott, 1855. [\[M&G 5899\]](#)
A substantial nineteenth-century account of the first two Chief Justices.
- Flanders, Henry. *The Lives and Times of the Chief Justices: William Cushing, Oliver Ellsworth, John Marshall (Vol. 2)*. Philadelphia: Lippincott, 1858. [\[M&G 5899\]](#)
- Friedman, Leon, and Fred L. Israel, eds. *The Justices of the United States Supreme Court: Their Lives and Major Opinions*. New York: Chelsea House, 1969. [\[M&G 5904\]](#)
The standard reference set, and for many of the justices no one has written a book about, the fullest connected account of the life in print.
- Gerber, Scott Douglas, ed. *Seriatim: The Supreme Court Before John Marshall* (the Rutledge chapter). 1998. [\[post-M&G\]](#)
The most useful scholarly judicial context — an essay on each major pre-Marshall justice, reconstructing the constitutional ideas they brought to the early Court.
- Gutgold, Nichola D. *The Rhetoric of Supreme Court Women: From Obstacles to Options*. Lanham, MD: Lexington Books, 2012. [\[post-M&G\]](#)
A communication scholar's rhetorical study of the first four women on the Court, reading O'Connor, Ginsburg, Sotomayor and Kagan through confirmation testimony, opinions, public lectures and interviews.
- Hirshman, Linda. *Sisters in Law: How Sandra Day O'Connor and Ruth Bader Ginsburg Went to the Supreme Court and Changed the World*. New York: Harper, 2015. [\[post-M&G\]](#)
The intertwined story of the first two women on the Court — Hirshman on how the conservative O'Connor and the liberal Ginsburg, so different in method and temperament, together transformed the place of women in American law.
- Hockett, Jeffrey D. *New Deal Justice: The Constitutional Jurisprudence of Hugo L. Black, Felix Frankfurter, and Robert H. Jackson*. Lanham, MD: Rowman & Littlefield, 1996. [\[post-M&G\]](#)
A systematic comparison of three Roosevelt appointees — Black, Frankfurter and Jackson — who agreed about the New Deal and then split bitterly over rights and restraint.
- Jacobsen, John Gregory. *Jackson's Judges: Six Appointments Which Shaped a Nation*. Covenant Books, 2024. [\[post-M&G\]](#)
A recent group study of all six Jackson appointees, and the one work the Federal Judicial Center's bibliography lists for Baldwin.

- James, Rawn, Jr. *Root and Branch: Charles Hamilton Houston, Thurgood Marshall, and the Struggle to End Segregation*. New York: Bloomsbury Press, 2010. [\[post-M&G\]](#)
The intertwined story of Charles Hamilton Houston and his student Thurgood Marshall — the mentor who built the legal theory and the protégé who carried it to victory over Plessy.
- Johnson, Herbert A. *The Chief Justiceship of John Marshall, 1801–1835*. Columbia, SC: University of South Carolina Press, 1997. [\[post-M&G\]](#)
The accessible one-volume institutional history of the Marshall Court, by a coeditor of the Marshall Papers — how the Court actually worked, case by case and term by term.
- Jones, Michael E. "Five New Hampshire U.S. Supreme Court Justices: Woodbury, Clifford, Chase, Stone and Souter." *New Hampshire Bar Journal* 33, no. 4 (1992): 6–12. [\[post-M&G\]](#)
The home-state genre — New Hampshire's five justices surveyed together, from Woodbury to the newly seated David Souter.
- Kiel, Daniel. *The Transition: Interpreting Justice from Thurgood Marshall to Clarence Thomas*. Stanford, CA: Stanford University Press, 2023. [\[post-M&G\]](#)
Paired study of Thurgood Marshall and Clarence Thomas and the 1991 succession that joined them, tracing two opposed constitutional routes toward the same end of fuller Black citizenship.
- Lamb, Brian, Susan Swain, and Mark Farkas, eds. *The Supreme Court: A C-SPAN Book Featuring the Justices in Their Own Words*. New York: PublicAffairs, 2010. [\[post-M&G\]](#)
Interviews with all nine sitting justices plus retired Justice O'Connor, gathered for a C-SPAN documentary and rounded out by court reporters, advocates, and the Clerk of the Court.
- Lurie, Jonathan. *The Chief Justiceship of William Howard Taft, 1921–1930*. Columbia, SC: University of South Carolina Press, 2019. [\[post-M&G\]](#)
Lurie's focused study of what Taft actually built from the center chair: the Judiciary Act of 1925 and the certiorari revolution, the campaign for the Supreme Court building, the lobbying of presidents about appointments.
- McGinty, Brian. *Lincoln and the Court*. Cambridge, MA: Harvard University Press, 2008. [\[post-M&G\]](#)
The best single book on the wartime Court: Taney's dying resistance, habeas corpus, and the Prize Cases, where one changed vote would have declared the blockade unconstitutional.
- Mendelson, Wallace. *Justices Black and Frankfurter: Conflict in the Court*. Chicago: University of Chicago Press, 1961.
The classic statement of the mid-century divide, by a political scientist sympathetic to Frankfurter — the Black–Frankfurter feud over incorporation, restraint, and the meaning of the First Amendment framed as the defining argument of the modern Court.
- Mennel, Robert M., and Christine L. Compston, eds. *Holmes and Frankfurter: Their Correspondence, 1912–1934*. Hanover, NH: University Press of New England, 1996. [\[post-M&G\]](#)
The scholarly edition of the letters between the young professor and his idol — the relationship that shaped Frankfurter's whole conception of judging.
- Murphy, Bruce Allen. *The Brandeis/Frankfurter Connection: The Secret Political Activities of Two Supreme Court Justices*. New York: Oxford University Press, 1982.
The book that caused a scandal — Murphy's documentation of the two justices' extensive behind-the-scenes political maneuvering, including Brandeis's secret retainer funding Frankfurter's Washington activity while both sat on the Court.

Powe, Lucas A., Jr. *The Warren Court and American Politics*. Cambridge, MA: Belknap Press of Harvard University Press, 2000. [\[post-M&G\]](#)

The indispensable study of the Warren Court, read not as pure law but as national politics — the Court acting as a member of the governing coalition of its era.

Powell, Lewis F., Jr. "Supreme Court Justices from Virginia." *Virginia Magazine of History and Biography* 84, no. 2 (1976): 131–141.

A sitting justice, himself a Virginian, taking the measure of his state's contributions to the Court.

Silver, David M. *Lincoln's Supreme Court*. Urbana, IL: University of Illinois Press, 1956.

The definitive study of the five justices Lincoln named: the politics that put Swayne in John McLean's Ohio seat in 1862 (McLean had recommended him repeatedly before dying), Lincoln's criteria — Union loyalty, antislavery, geographic fit — and the wartime Court that upheld the blockade, the greenbacks, and martial law.

Simon, James F. *The Antagonists: Hugo Black, Felix Frankfurter and Civil Liberties in Modern America*. New York: Simon & Schuster, 1989. [\[not in M&G\]](#)

The standard narrative account of the feud that organized the mid-century Court — Black's populist absolutism against Frankfurter's professorial restraint, told as a double portrait.

Urofsky, Melvin I., ed. *Biographical Encyclopedia of the Supreme Court: The Lives and Legal Philosophies of the Justices*. Washington, DC: CQ Press, 2006. [\[post-M&G\]](#)

Alphabetical entries covering every justice past and present, each giving the appointment facts and then an essay on that justice's opinions and legal philosophy; Roberts and Alito added to a 1994 predecessor.

Woodward, Bob, and Scott Armstrong. *The Brethren: Inside the Supreme Court*. New York: Simon & Schuster, 1979.

The famous — and famously controversial — behind-the-scenes account of the early Burger Court, built from clerk interviews and leaked documents.

IV. Individual Justices

Samuel A. Alito Jr. [§110](#)

Dias, Elizabeth, and Lisa Lerer. *The Fall of Roe: The Rise of a New America*. New York: Flatiron Books, 2024. [\[post-M&G\]](#)

Two New York Times reporters' deeply sourced history of the movement that ended Roe — with Alito as the justice who wrote the opinion and weathered the leak.

Hemingway, Mollie. *Alito: The Justice Who Reshaped the Supreme Court and Restored the Constitution*. 2026. [\[post-M&G\]](#)

The first full-length Alito biography, published in April 2026 — written with clear sympathy (Hemingway is a Federalist editor and co-author of the Kavanaugh book on his colleague's shelf), which readers should weigh; a critical or scholarly life does not yet exist.

Henry Baldwin [§22](#)

Baldwin, Henry. *A General View of the Origin and Nature of the Constitution and Government of the United States*. Philadelphia: J. C. Clark, 1837.

The strangest book ever published by a sitting justice: a sprawling, self-financed treatise deducing the Constitution's nature from colonial history, written to justify his "middle course" between Marshall's nationalism and the compact theory of the nullifiers.

Taylor, Flavia M. "The Politician and Judicial Career of Henry Baldwin." *Western Pennsylvania Historical Magazine* 24 (1941).

The fullest scholarly article ever devoted to Baldwin — from the historical magazine of the city he dominated as lawyer, ironmaster, and Jackson organizer.

Philip P. Barbour §25

Belko, William S. *Philip Pendleton Barbour in Jacksonian America: An Old Republican in King Andrew's Court*. Tuscaloosa, AL: University of Alabama Press, 2016. [post-M&G]

Strict construction, states' rights, hostility to banks, tariffs, and internal improvements — the creed itself, carried by the Speaker who fought the Missouri Compromise restrictions, presided over Virginia's 1829–30 convention, and was Jackson's deliberate choice to plant the doctrine in Duvall's chair.

Amy Coney Barrett §115

Barrett, Amy Coney. *Listening to the Law: Reflections on the Court and the Constitution*. New York: Sentinel, 2025. [post-M&G]

Barrett's own reflective account of the Court, constitutional interpretation, and her path to the bench, published in 2025 — the closest thing to a self-portrait from the newest conservative justice.

Barrett, Amy Coney. "Originalism and Stare Decisis." *Notre Dame Law Review* 92, no. 5 (2017): 1921. [post-M&G]

Barrett's most cited academic article, from her years as a law professor, and essential for understanding the mind she brought to the bench.

Hugo L. Black §76

Ball, Howard. *Hugo L. Black: Cold Steel Warrior*. New York: Oxford University Press, 1996. [post-M&G]

The fullest modern scholarly biography after Newman's — Howard Ball is sharp on the contradictions: the former Klansman who became the Court's fiercest defender of civil liberties, the literal-minded textualist of ferocious will.

Black, Hugo L. *A Constitutional Faith*. New York: Alfred A. Knopf, 1968. [M&G 6273]

Black's own credo, drawn from his 1968 Carpentier Lectures at Columbia, and the clearest statement of the philosophy that drove him.

Black, Hugo L. Edited by Irving Dilliard. *One Man's Stand for Freedom: Mr. Justice Black and the Bill of Rights — A Collection of His Supreme Court Opinions*. New York: Alfred A. Knopf, 1963. [M&G 6281]

Martin and Goehlert list the book but omit Dilliard, which is the one fact about it that matters — an edited collection of opinions is an argument about which opinions count, and Dilliard made it.

Black, Hugo L. "Inside a Senate Investigation." *Harper's Magazine* 172 (February 1936): 275–286. [M&G 6275]

February 1936: Black is a sitting senator from Alabama running the lobbying investigation that made him nationally famous and feared, and he is writing about it himself, eighteen months before Roosevelt names him to the Court.

Black, Hugo L. "The Bill of Rights." *New York University Law Review* 35 (April 1960): 865–881. [M&G 6272]

Black's 1960 James Madison Lecture, and the closest thing to a manifesto he ever wrote: the argument that the Bill of Rights means what it says, that "no law" means no law, and that the Fourteenth Amendment carried the whole of it against the states.

Black, Hugo L. "There Is a South of Union and Freedom." *Georgia Law Review* 2, no. 1 (Fall 1967): 10–15. [M&G 6283]

Six pages, free from Georgia's repository, and sharper than its length suggests: the Klan-member-turned-incorporationist writing about the South in 1967, in a tribute issue for Judge Elbert Tuttle of the Fifth Circuit — the judge who enforced desegregation — alongside Earl Warren and John Minor Wisdom.

- Black, Hugo L., and Edmond Cahn. “Justice Black and First Amendment ‘Absolutes’: A Public Interview.” *New York University Law Review* 37 (June 1962): 549–563. [M&G 6285]
Edmond Cahn asks and Black answers, in public, in 1962 — and it produced the most-quoted exchange in the literature of the First Amendment: “Congress shall make no law ... abridging the freedom of speech,” and “that is what I believe it means.”
- Black, Hugo L., and Elizabeth Black. *Mr. Justice and Mrs. Black: The Memoirs of Hugo L. Black and Elizabeth Black*. New York: Random House, 1986. [not in M&G]
The intimate primary source — Black's own fragments of memoir joined to his wife Elizabeth's candid diaries of the later Court years, with a foreword by Justice Brennan.
- Dunne, Gerald T. *Hugo Black and the Judicial Revolution*. New York: Simon & Schuster, 1977. [not in M&G]
An early, admiring study of Black's remaking of constitutional law — the drive to 'incorporate' the Bill of Rights against the states and read the First Amendment as an absolute.
- Frank, John P. *Mr. Justice Black: The Man and His Opinions*. New York: Alfred A. Knopf, 1949. [not in M&G]
The first full-length study of Black, written by his own former law clerk with an introduction by Charles Beard — the book that started Black scholarship, published while the justice still had two decades to serve.
- Freyer, Tony. *Hugo L. Black and the Dilemma of American Liberalism*. Glenview, IL: Scott, Foresman, 1990. [not in M&G]
A compact interpretive biography (Library of American Biography) framing Black around the central tension of twentieth-century liberalism — majoritarian democracy against individual rights.
- Hamilton, Virginia Van der Veer. *Hugo Black: The Alabama Years*. Baton Rouge: Louisiana State University Press, 1972. [not in M&G]
The essential book on the formation — the Alabama boyhood, the police-court judge and prosecutor, the Klan membership, and the New Deal senator, all before the 1937 appointment that shocked the country.
- Library of Congress. *Hugo LaFayette Black Papers — Manuscript Division, Library of Congress*. Washington, DC: Library of Congress, 2011. [post-M&G]
130,000 items in 513 containers, spanning 1883 to 1976 and covering both careers: correspondence, notebooks, case files, speeches, and the Senate papers as well as the Court ones.
- Newman, Roger K. *Hugo Black: A Biography*. New York: Pantheon Books, 1994. [post-M&G]
The definitive biography, exhaustively researched and unflinching.
- Peppers, Todd C. “Justice Hugo Black and His Law Clerks: Match-Making and Match Point.” *Journal of Supreme Court History* 36, no. 1 (2011): 48–61. [post-M&G]
Peppers on how Black chose clerks and what he did with them — the most useful short piece written about him since the papers opened, and a corrective to a shelf otherwise dominated by doctrine and biography.
- Suits, Steve. *Hugo Black of Alabama: How His Roots and Early Career Shaped the Great Champion of the Constitution*. Montgomery, AL: NewSouth Books, 2005. [post-M&G]
A deeply researched account of the Alabama origins by a Southern civil-rights scholar — the fullest treatment of how the world of the rural New South produced the justice, Klan chapter and all.
- Yarbrough, Tinsley E. *Mr. Justice Black and His Critics*. Durham, NC: Duke University Press, 1988. [M&G 6268]
The book for the arguments — Yarbrough lays out the great scholarly debates over Black's jurisprudence: total incorporation, First Amendment absolutism, the literalism that could protect speech and, in his last years, refuse it to protesters.

Harry A. Blackmun §98

Arnold, Richard S., Harold H. Koh, Donald P. Lay and Karen N. Moore. "Dedication to Justice Harry A. Blackmun." *Hamline Law Review* 8, no. 1 (January 1985). [M&G 6286, 6291, 6293, 6295]

Chief Judge Donald Lay's survey of the eleven Eighth Circuit years is the reason to want it — that is the stretch Greenhouse treats thinnest — and Harold Koh's fifty-four pages on the equal protection of aliens is the longest thing in it.

Blackmun, Harry A. "The Marital Deduction and Its Use in Minnesota." *Minnesota Law Review* 36, no. 1 (December 1951): 50–64. [M&G 6299]

Blackmun on estate tax, written in Minneapolis in 1951 while he was a tax and estates lawyer eight years from the Mayo Clinic's general counsel office and twenty-two years from Roe v. Wade.

Gostin, Larry, ed. "Justice Harry A. Blackmun: The Supreme Court and the Limits of Medical Privacy." *American Journal of Law and Medicine* 13, nos. 2–3 (1987): 153–525. [M&G 6289, 6292, 6296]

Martin and Goehlert index three articles out of this issue as though they were unrelated; they are three of thirteen pieces in a symposium devoted to Blackmun, and the two they leave out are the two you would most want — a tribute by Brennan and Remarks by Blackmun himself.

Greenhouse, Linda. *Becoming Justice Blackmun: Harry Blackmun's Supreme Court Journey*. New York: Times Books, 2005. [post-M&G]

The first book written from Blackmun's newly opened papers, and still the best introduction to the man and his transformation.

Karlan, Pamela S., Diane P. Wood, Karen Nelson Moore and others. "The Jurisprudence of Justice Harry A. Blackmun." *Dickinson Law Review* 97, no. 3 (Spring 1993): 421–626. [post-M&G]

The final major reckoning written while Blackmun was still on the bench, and free in full.

Kobylka, Joseph F., Tony Mauro, Daniel Farber and others. "Reflections on Judging: A Discussion Following the Release of the Blackmun Papers." *Missouri Law Review* 70, no. 4 (Fall 2005): 965–1308. [post-M&G]

A symposium on what the Blackmun papers revealed, held as they opened.

Koh, Harold Hongju, Nan D. Hunter and others. "Justice Blackmun and Judicial Biography: A Conversation With Linda Greenhouse." *Brooklyn Law Review* 72, no. 1 (Fall 2006): 1–236. [post-M&G]

The reason to come is Harold Koh's "Unveiling Justice Blackmun" — Koh conducted the roughly five-hundred-page oral history over the eighteen months after the retirement, so this is the man who asked the questions writing about the man who answered them.

Yarbrough, Tinsley E. *Harry A. Blackmun: The Outsider Justice*. New York: Oxford University Press, 2008. [post-M&G]

The full scholarly biography, drawing on Blackmun's vast papers — Tinsley Yarbrough on the anxious, self-doubting 'outsider' who wrote Roe and drifted left across twenty-four years.

John Blair Jr. §5

Drinard, Elliott J. "John Blair, Jr., 1732–1800." *Proceedings of the Virginia State Bar Association* 39 (1926): 436–448. [M&G 6303]

Fernandez, Mark F. "John Blair (1731–1800)." In *Dictionary of Virginia Biography*. Richmond: Library of Virginia, 1998. [post-M&G]

The best concise account of Blair's whole public life — especially useful on his Virginia judgeships, the uncertain evidence surrounding Commonwealth v. Caton, the 1788 judicial remonstrance, the Convention, circuit riding, Chisholm, Penhallow, and his resignation for poor health.

Fish, Peter Graham. *Federal Justice in the Mid-Atlantic South: United States Courts from Maryland to the Carolinas, 1789–1835*. Washington, DC: Administrative Office of the United States Courts, 2002. [\[post-M&G\]](#)

An institutional history rather than a biography, but the most useful book for placing Blair's circuit service in the world of the early federal courts of the Mid-Atlantic South — the demanding circuit system that occupied far more of an early justice's time than the Court's small appellate docket.

Holt, Wythe. "John Blair: 'A Safe and Conscientious Judge.'" In *Seriatim: The Supreme Court Before John Marshall* (1998). [\[post-M&G\]](#)
The essential modern treatment.

Horner, Frederick. *The History of the Blair, Banister, and Braxton Families Before and After the Revolution*. Philadelphia: J. B. Lippincott, 1898. [\[M&G 6304\]](#)
Martin and Goehlert list this as one of only three Blair items, so it is worth saying what it is: a 257-page family genealogy in five parts, of which chapter three — pages 64 to 80, with a portrait plate captioned 'signer of the Constitution of the United States and associate justice United States Supreme Court' — is the Justice.

"Justice John Blair and the Letter of the Law." *Colonial Williamsburg Journal*. 2006. [\[post-M&G\]](#)

Samuel Blatchford §48

Blatchford, Harriet W., comp. *The Blatchford Memorial*. 1871. [\[M&G 6306\]](#)

Listed by Martin and Goehlert as one of three Blatchford items, and it is worth being blunt about what it is: a family memorial to the Justice's GRANDFATHER, the Reverend Samuel Blatchford, D.D. (1767–1828) — his autobiography, memoir, obituary and funeral sermon, followed by descendant tables.

Hall, A. Oakey. "Justice Samuel Blatchford." *The Green Bag* 5, no. 11 (November 1893): 489–492. [\[M&G 6307\]](#)
Four pages by a former mayor of New York who knew him, written four months after his death — the only near-contemporary magazine profile, and the single item the Federal Judicial Center's own scholarship bibliography lists for Blatchford.

McCurdy, Charles W. "Blatchford, Samuel (1820–1893)." In *Encyclopedia of the American Constitution*, edited by Leonard W. Levy et al. New York: Macmillan, 1986. [\[not in M&G\]](#)
Short, signed, and by a serious historian of Gilded Age law — the only piece of modern analysis of Blatchford that exists outside Arnold Paul's chapter, and the one it cites.

United States. Supreme Court. *In Memoriam: Samuel Blatchford — Proceedings of the Bar and Bench of the Supreme Court of the United States, October 13, 1893*. [\[not in M&G\]](#)
Sixty pages, free, and the only sustained contemporary account of Blatchford there is — which makes it, by default, the closest thing he has to a biography.

United States. Supreme Court. *In Memoriam: Samuel Blatchford, LL.D. — Appendix, 150 U.S. 707 (1893)*. [\[not in M&G\]](#)
Use this for the citation and the pamphlet for the detail.

Joseph P. Bradley §41

Bradley, Charles, ed. *Miscellaneous Writings of the Late Hon. Joseph P. Bradley, with a Sketch of His Life*. Newark, NJ: L. J. Hardham, 1902.
No biography of Bradley has ever been written — this memorial volume, assembled by his son with a life sketch and assessments of his judicial record and dissents, is the closest thing that exists.

Lurie, Jonathan. “Mr. Justice Bradley: A Reassessment.” *Seton Hall Law Review* 16 (1986): 343–376.

The standard modern scholarly assessment of Bradley — the Legal Tender appointment, the 1877 Electoral Commission vote, and the great Fourteenth Amendment opinions, weighed by a leading Court historian.

Louis D. Brandeis §67

Brandeis, Louis D. *Other People's Money and How the Bankers Use It*. New York: Frederick A. Stokes, 1914.

Brandeis's own manifesto against monopoly and 'the curse of bigness' — the muckraking classic on how investment bankers used other people's money to control American industry.

Gal, Allon. *Brandeis of Boston*. Cambridge, MA: Harvard University Press, 1980.

The study of the formative Boston decades — the corporate lawyer's transformation into the 'People's Lawyer,' the fights over insurance, railroads, and monopoly that made his name before Woodrow Wilson sent him to the Court.

Mason, Alpheus Thomas. *Brandeis: A Free Man's Life*. New York: Viking, 1946.

The authorized biography, written with access to Brandeis and his papers, and for sixty years the standard.

Paper, Lewis J. *Brandeis: An Intimate Biography*. Englewood Cliffs, NJ: Prentice-Hall, 1983.

A readable one-volume life for the general reader, drawing on the family and the papers — warmer and less analytical than Strum or Urofsky, and a good narrative entry point.

Purcell, Edward A., Jr. *Brandeis and the Progressive Constitution: Erie, the Judicial Power, and the Politics of the Federal Courts in Twentieth-Century America*. New Haven, CT: Yale University Press, 2000. [\[post-M&G\]](#)

The major scholarly study of Brandeis the judge rather than Brandeis the crusader — built around Erie, the most technical and most revealing of his great opinions, and what it shows about his theory of federal judicial power.

Rosen, Jeffrey. *Louis D. Brandeis: American Prophet*. New Haven, CT: Yale University Press, 2016. [\[post-M&G\]](#)

The best brief introduction — Jeffrey Rosen's compact life in Yale's Jewish Lives series, framing Brandeis as a moral prophet of privacy, free speech, and 'the curse of bigness' whose warnings read as freshly today as a century ago.

Strum, Philippa. *Brandeis: Beyond Progressivism*. Lawrence, KS: University Press of Kansas, 1993. [\[post-M&G\]](#)

Strum's second Brandeis book — not a retelling of the life but a distillation of the political and economic thought: the curse of bigness, industrial democracy, and the citizen's obligation to participate.

Strum, Philippa. *Louis D. Brandeis: Justice for the People*. Cambridge, MA: Harvard University Press, 1984.

The standard scholarly biography before Urofsky's, and still the sharpest on Brandeis the reformer-jurist — Strum is especially good on how the crusading 'People's Lawyer' translated his progressivism into constitutional method.

Urofsky, Melvin I. *Louis D. Brandeis and the Progressive Tradition*. Boston: Little, Brown, 1981.

Urofsky's earlier, shorter study — the concise argument for Brandeis as the pivotal figure of American progressivism, written a generation before his monumental 2009 life.

Urofsky, Melvin I. *Louis D. Brandeis: A Life*. New York: Pantheon Books, 2009. [\[post-M&G\]](#)

The definitive modern biography — nearly a thousand pages, three decades in the making, and the product of the leading Brandeis scholar of his generation.

Urofsky, Melvin I., and David W. Levy, eds. *Letters of Louis D. Brandeis* (5 vols.). Albany, NY: State University of New York Press, 1971.

The definitive edition of the correspondence (five volumes, 1971–1978), the documentary foundation for all modern Brandeis scholarship — and the place to watch the lawyer, Zionist, and justice think and organize across sixty years.

William J. Brennan Jr. §90

Brennan, William J., Jr. *The Constitution of the United States: Contemporary Ratification*. 1985.

Brennan's credo, delivered as a 1985 address at Georgetown and the most influential judicial answer to the originalism then ascendant under Attorney General Edwin Meese.

Clark, Hunter R. *Justice Brennan: The Great Conciliator*. Birch Lane Press, 1995. [post-M&G]

A portrait organized around the quality that made Brennan effective — the warmth and patience with which he built majorities, 'with five votes you can do anything.'

Eisler, Kim Isaac. *A Justice for All: William J. Brennan, Jr., and the Decisions That Transformed America*. New York: Simon & Schuster, 1993. [post-M&G]

The first full biography, written before the papers opened — Eisler is good on Brennan the vote-counter and coalition-builder, the Irish-Catholic New Jersey judge who became the liberal engine of two Courts.

Goldman, Roger L., and David Gallen. *Justice William J. Brennan, Jr.: Freedom First*. New York: Carroll & Graf, 1994. [post-M&G]

A short biographical study paired with generous selections from Brennan's major opinions — a convenient one-volume way to meet both the man and the work.

Michelman, Frank I. *Brennan and Democracy*. Princeton, NJ: Princeton University Press, 1999. [post-M&G]

The leading book-length treatment of Brennan's constitutional and democratic theory — the Harvard theorist Frank Michelman on Brennan's vision of a 'living' Constitution read anew by each generation, and its answer to the charge of judicial overreach.

Rosenkranz, E. Joshua, and Bernard Schwartz, eds. *Reason and Passion: Justice Brennan's Enduring Influence*. New York: W. W. Norton, 1997. [post-M&G]

A Brennan Center collection of essays by judges, scholars, and advocates assessing his influence across the whole span of constitutional law — the fullest measure of his reach, taken just after his retirement.

Stern, Seth & Stephen Wermiel. *Justice Brennan: Liberal Champion*. Boston: Houghton Mifflin Harcourt, 2010. [post-M&G]

The definitive biography, drawing on decades of interviews Wermiel conducted with Brennan himself and on the justice's private case histories.

David J. Brewer §51

Brewer, David J. *The United States: A Christian Nation*. Philadelphia: John C. Winston, 1905.

Brewer's famous Haverford lectures expanding on his Holy Trinity dictum — the canonical primary source for the 'Christian nation' idea from the justice who put the phrase into the U.S. Reports.

Brodhead, Michael J. *David J. Brewer: The Life of a Supreme Court Justice, 1837–1910*. Carbondale, IL: Southern Illinois University Press, 1994. [post-M&G]

The standard biography and the only full one, from Southern Illinois University Press.

Hylton, J. Gordon. "The Perils of Popularity: David Josiah Brewer and the Politics of Judicial Reputation." *Vanderbilt Law Review* 62, no. 2 (2009): 567. [post-M&G]

Hylton's mature reassessment, from the Vanderbilt symposium on forgotten justices: how the most famous judge in America circa 1900 — lecturer, essayist, public moralist — became a Lochner-era punchline, and what the collapse says about how judicial reputations are made.

Stephen G. Breyer §108

Breyer, Stephen. *Active Liberty: Interpreting Our Democratic Constitution*. New York: Alfred A. Knopf, 2005. [\[post-M&G\]](#)

Breyer's judicial manifesto, and the clearest statement of the pragmatic philosophy he offered as the alternative to originalism.

Breyer, Stephen. *Breaking the Vicious Circle: Toward Effective Risk Regulation*. Cambridge, MA: Harvard University Press, 1993. [\[post-M&G\]](#)

The pre-bench Breyer, the administrative-law scholar — his influential little book on how to make risk regulation rational, a window on the expert, consequences-minded cast of mind he would bring to the Court.

Breyer, Stephen. *Making Our Democracy Work: A Judge's View*. New York: Alfred A. Knopf, 2010. [\[post-M&G\]](#)

Breyer's fullest statement of his judicial philosophy — the argument that the Court earns its authority by making the Constitution work for a democratic society, weighing purposes and consequences rather than parsing text alone.

Breyer, Stephen. *Reading the Constitution: Why I Chose Pragmatism, Not Textualism*. New York: Simon & Schuster, 2024. [\[post-M&G\]](#)

Breyer's parting argument, written just after his retirement — a direct rebuttal to the textualism and originalism now ascendant on the Court, and the clearest statement of the pragmatic alternative he spent three decades defending.

Breyer, Stephen. *The Authority of the Court and the Peril of Politics*. Cambridge, MA: Harvard University Press, 2021. [\[post-M&G\]](#)

Breyer's last book before retiring, and his answer to a moment of crisis over the Court's legitimacy.

Breyer, Stephen. *The Court and the World: American Law and the New Global Realities*. New York: Alfred A. Knopf, 2015. [\[post-M&G\]](#)

Breyer's argument that American judges can no longer decide cases in isolation from the wider world — that commerce, security, treaties, and human rights increasingly require attention to foreign and international law.

Henry B. Brown §52

Glennon, Robert J., Jr. "Justice Henry Billings Brown: Values in Tension." *University of Colorado Law Review* 44 (1973): 553–606.

The one significant scholarly study of Brown as a whole jurist rather than as Plessy's author — the comfortable Yankee moderate whose 'values in tension' produced both the era's worst opinion and a surprisingly progressive record on labor and admiralty.

Kent, Charles A., ed. *Memoir of Henry Billings Brown, Late Justice of the Supreme Court of the United States*. New York: Duffield, 1915.

Brown left an autobiographical sketch, and after his death his Detroit friend Charles Kent published it with connecting material — and this slim volume remains, more than a century on, the closest thing to a biography Brown has.

Warren E. Burger §97

Blasi, Vincent, ed. *The Burger Court: The Counter-Revolution That Wasn't*. New Haven, CT: Yale University Press, 1983.

The influential verdict on the Burger Court — a Yale symposium arguing that the Court expected to undo the Warren revolution mostly consolidated it instead.

Graetz, Michael J., and Linda Greenhouse. *The Burger Court and the Rise of the Judicial Right*. New York: Simon & Schuster, 2016. [\[post-M&G\]](#)
The best single book for understanding the Burger years, and the natural entry point given the absence of a finished Burger biography.

Harold H. Burton §84

Berry, Mary Frances. *Stability, Security, and Continuity: Mr. Justice Burton and Decision-Making in the Supreme Court, 1945–1958*. Westport, CT: Greenwood Press, 1978.
The scholarly study of Burton's Court years by the historian Mary Frances Berry, built from his meticulous diaries — a close look at how a modest Ohio Republican actually made decisions across the Vinson and Warren Courts.

Pierce Butler §71

Brown, Francis Joseph. *The Social and Economic Philosophy of Pierce Butler*. Washington, DC: Catholic University of America Press, 1945.
The only book-length study of Butler — a Catholic University monograph on the conservative Minnesota Democrat's philosophy, and the fullest account of the most reticent of the Four Horsemen.

Danelski, David J. *A Supreme Court Justice Is Appointed*. New York: Random House, 1964.
A small classic of Court scholarship, and the closest thing to a Butler book.

Schroeder, David. "Joining the Court: Pierce Butler." *Journal of Supreme Court History* 35, no. 2 (2010): 144–165. [\[post-M&G\]](#)
The railroad lawyer, the Catholic seat, and the campaign that put him on the bench, revisited.

James F. Byrnes §81

Byrnes, James F. *All in One Lifetime*. New York: Harper & Brothers, 1958.
Byrnes's autobiography, and a revealing self-portrait of a man at the center of power for four decades.

Byrnes, James F. *Speaking Frankly*. New York: Harper & Brothers, 1947.
Byrnes's insider account of the early Cold War — his eighteen months as Truman's Secretary of State, the fraught Council of Foreign Ministers, and the hardening toward the Soviet Union.

Messer, Robert L. *The End of an Alliance: James F. Byrnes, Roosevelt, Truman, and the Origins of the Cold War*. Chapel Hill: University of North Carolina Press, 1982.
The scholarly study of Byrnes at State — Robert Messer on how the South Carolinian's diplomacy helped turn the wartime alliance into the Cold War.

Robertson, David. *Sly and Able: A Political Biography of James F. Byrnes*. New York: W. W. Norton, 1994. [\[post-M&G\]](#)
The definitive biography, and a gripping one about a consummate political operator.

John A. Campbell §33

Connor, Henry G. *John Archibald Campbell: Associate Justice of the United States Supreme Court, 1853–1861*. Boston: Houghton Mifflin, 1920.
The first biography, written by a sitting federal judge — Henry Groves Connor of North Carolina — with a judge's sympathy for the impossible position.

Conroy, James B. *Our One Common Country: Abraham Lincoln and the Hampton Roads Peace Conference of 1865*. Guilford, CT: Lyons Press, 2014. [\[post-M&G\]](#)
Campbell aboard the River Queen in February 1865, one of three Confederate commissioners facing Lincoln and Seward — the same Seward whose 1861 assurances he had carried.

Ross, Michael A. "Obstructing Reconstruction: John Archibald Campbell and the Legal Campaign against Louisiana's Republican Government, 1868–1873." *Civil War History* 49, no. 3 (2003). [\[post-M&G\]](#)
The definitive modern account of Campbell's post-war career — showing that Slaughterhouse was not a one-off argument but a front in his deliberate litigation war against Louisiana's Reconstruction government.

Saunders, Robert, Jr. *John Archibald Campbell: Southern Moderate, 1811–1889*. Tuscaloosa, AL: University of Alabama Press, 1997. [\[post-M&G\]](#)
The prodigy from Georgia (college at eleven, the Alabama bar at eighteen by special act) through the Mobile practice, the extraordinary 1853 appointment, the eight-year tenure, the desperate 1861 mediation, the resignation, the Confederate years, the imprisonment, and the astonishing third act as the Supreme Court's leading advocate.

Sklut, Ronald; Justine S. Mann; John R. Schmidhauser. "A Study in Divided Loyalties" (*Alabama Lawyer*, 1959), "The Political Thought of John Archibald Campbell" (*Alabama L. Rev.*, 1970) & "Jeremy Bentham, the Contract Clause and Justice Campbell" (*Vanderbilt L. Rev.*, 1958).
Three angles, as the FJC's bibliography lists them: Sklut's long study of the divided loyalties, Mann on the political thought of the young fire-breather turned moderate, and Schmidhauser's gem — the justice as Benthamite, reading utilitarian jurisprudence on an antebellum bench.

Benjamin N. Cardozo §75

Cardozo, Benjamin N. *Law and Literature and Other Essays and Addresses*. New York: Harcourt, Brace, 1931.
The collection whose title essay is a classic on judicial prose — Cardozo, himself one of the great stylists ever to sit on a bench, on the craft of the written opinion.

Cardozo, Benjamin N. *The Growth of the Law*. New Haven, CT: Yale University Press, 1924.
The sequel to The Nature of the Judicial Process — Cardozo's further meditation on how judges make law within the constraints of precedent and principle.

Cardozo, Benjamin N. *The Nature of the Judicial Process*. New Haven, CT: Yale University Press, 1921.
The most influential little book ever written about judging, drawn from Cardozo's 1921 Storrs Lectures at Yale.

Hellman, George S. *Benjamin N. Cardozo: American Judge*. New York: Whittlesey House, 1940.
The first biography, published two years after Cardozo's death by a friend and man of letters — affectionate and literary, thin on the law but rich on the shy, ascetic bachelor behind the opinions.

Kaufman, Andrew L. *Cardozo*. Cambridge, MA: Harvard University Press, 1998. [\[post-M&G\]](#)
The definitive biography, thirty years in the making, by a Harvard law professor who once clerked at the Court.

Polenberg, Richard. *The World of Benjamin Cardozo: Personal Values and the Judicial Process*. Cambridge, MA: Harvard University Press, 1997. [\[post-M&G\]](#)
A rich study of Cardozo's mind and the New York opinions that made his name, and the best companion to the great common-law cases.

Posner, Richard A. *Cardozo: A Study in Reputation*. Chicago: University of Chicago Press, 1990.
Judge Richard Posner's provocative little book asks not whether Cardozo was great but why his reputation is — a cool, faintly deflating analysis of how a judge becomes a legend.

John Catron §26

Allen, Austin. "Jacksonian Jurisprudence and the Obscurity of John Catron." *Vanderbilt Law Review* 62, no. 2 (2009): 491–518. [\[post-M&G\]](#)
From the 2009 Vanderbilt symposium — printed immediately ahead of Finkelman's McLean piece — the clearest short account of the man, the career, and the reasons for the obscurity.

Catron, John. "Biographical Letter from Justice Catron." *United States Monthly Law Magazine* 5, no. 2 (1852): 145–151.

The self-made man tells his own story: the poverty, the missing schooling, the war service under Jackson, the mountain practice.

Chandler, Walter. "The Centenary of Associate Justice John Catron." *Tennessee Law Review* 15, no. 1 (1937): 32–51.

The home-state tradition's fullest tribute, marking a hundred years from the 1837 appointment — commemorative in the manner of the genre (compare O'Rear on Todd and Schneider on Trimble), with Tennessee detail the national literature skips.

Gass, Edmond C. "The Constitutional Opinions of Justice John Catron." *East Tennessee Historical Society's Publications* 8 (1936): 54–73.

Huebner, Timothy S. *The Southern Judicial Tradition: State Judges and Sectional Distinctiveness, 1790–1890*. Athens, GA: University of Georgia Press, 1999. [post-M&G]

The fullest scholarly treatment of Catron in print — a chapter-length portrait inside Huebner's group study of the South's great state judges.

Salmon P. Chase §39

Blue, Frederick J. *Salmon P. Chase: A Life in Politics*. Kent, OH: Kent State University Press, 1987.

The other modern scholarly biography, and the fullest account of the political Chase.

Donald, David, ed. *Inside Lincoln's Cabinet: The Civil War Diaries of Salmon P. Chase*. New York: Longmans, Green, 1954.

Chase's Civil War diaries, edited by the great Lincoln scholar David Herbert Donald — the Treasury secretary's candid, often self-serving record of the Cabinet's inner life, from war finance to the feuds with Seward and the maneuvering against Lincoln.

Hart, Albert Bushnell. *Salmon Portland Chase*. Boston: Houghton Mifflin, 1899.

The classic life, from Houghton Mifflin's American Statesmen series, by the eminent Harvard historian Albert Bushnell Hart.

Niven, John, ed. *The Salmon P. Chase Papers* (5 vols.). Kent, OH: Kent State University Press, 1993. [post-M&G]

The scholarly edition — five volumes of Chase's journals and correspondence (1993–1998), edited by his biographer John Niven, and the documentary foundation for all modern work.

Niven, John. *Salmon P. Chase: A Biography*. New York: Oxford University Press, 1995. [post-M&G]

The standard scholarly biography, and the fruit of the same historian's years editing the Chase papers.

Schuckers, J. W. *The Life and Public Services of Salmon Portland Chase*. New York: D. Appleton, 1874.

The contemporary authorized life, by Chase's private secretary at the Treasury and published the year after his death — partisan and adulatory, but close to the documents and the man, and a primary source in its own right.

Stahr, Walter. *Salmon P. Chase: Lincoln's Vital Rival*. New York: Simon & Schuster, 2021. [post-M&G]

The readable modern life, and the natural first read.

Samuel Chase §9

Bair, Robert R. & Robin D. Coblenz. "The Trials of Mr. Justice Samuel Chase." *Maryland Law Review* 27, no. 4 (1967).

A compact legal history of the proceedings that produced the impeachment — the Fries and Callender trials, Chase's treatment of counsel and juries, the Baltimore grand-jury charge, and the Senate case.

Ellis, Richard E. *The Jeffersonian Crisis: Courts and Politics in the Young Republic*. New York: Oxford University Press, 1971.

The classic political history of the Jeffersonian assault on the Federalist judiciary — the strongest broad context for the impeachment, placing the trial alongside the repeal of the Judiciary Act of 1801, Stuart v. Laird, and the struggle over the federal courts' place in the constitutional order.

Elsmere, Jane Shaffer. *Justice Samuel Chase*. Muncie, IN: Janevar, 1980.

The only other full-length life of Chase besides Stormy Patriot — published the same year, from a small Indiana press, and fuller on the judicial career and the impeachment trial.

Haw, James, Francis F. Beirne, Rosamond R. Beirne & R. Samuel Jett. *Stormy Patriot: The Life of Samuel Chase*. Baltimore: Maryland Historical Society, 1980.

Written by four Maryland historians, Stormy Patriot follows Chase from provincial Annapolis and Revolutionary politics through the Continental Congress, state judgeships, Supreme Court service, and impeachment.

Hoffer, Peter Charles, and N. E. H. Hull. *Impeachment in America, 1635–1805*. New Haven, CT: Yale University Press, 1984.

The standard scholarly history of early American impeachment — colonial precedents, state practice, and the federal experiments — culminating in the Chase trial.

Perlin, Adam A. "The Impeachment of Samuel Chase: Redefining Judicial Independence." *Rutgers Law Review* 62, no. 3 (2010). [\[post-M&G\]](#)

The most detailed modern legal study of the impeachment: the eight articles, the competing constitutional theories, the Senate votes, and the uncertain meaning of judicial independence in the early republic.

Presser, Stephen B. "Samuel Chase: In Defense of the Rule of Law and Against the Jeffersonians." *Vanderbilt Law Review* 62, no. 2 (2009). [\[post-M&G\]](#)

The strongest sustained modern reassessment of Chase as a jurist, contending that the impeachment has obscured his legal ability — his positions on judicial review, natural law, jury trials, treason, sedition, and federal judicial power.

Presser, Stephen B. "The Verdict on Samuel Chase and His 'Apologist'." In *Seriatim: The Supreme Court Before John Marshall* (1998). [\[post-M&G\]](#)

The best concise, Court-centered introduction — Chase's Federalist understanding of judicial duty, his opinions in Hylton and Calder v. Bull, his circuit work, and the conduct that culminated in impeachment.

Presser, Stephen B. *The Original Misunderstanding: The English, the Americans, and the Dialectic of Federalist Jurisprudence*. Durham, NC: Carolina Academic Press, 1991. [\[post-M&G\]](#)

Smith, Samuel Harrison & Thomas Lloyd, reporters. *Trial of Samuel Chase... Before the Senate of the United States* (2 vols.). Washington City: Samuel H. Smith, 1805.

The central contemporary record of the Senate trial, taken in shorthand by two reporters: the articles of impeachment, Chase's extensive answer, witness testimony, and the arguments of John Randolph, Luther Martin, and the other advocates.

Whittington, Keith E. "Reconstructing the Federal Judiciary: The Chase Impeachment and the Constitution." *Studies in American Political Development* 9, no. 1 (1995). [\[post-M&G\]](#)

The leading political-science account of the impeachment — what the Jeffersonians were actually trying to build, and how the acquittal fixed the boundaries of judicial independence that have held since.

Tom C. Clark §86

Gronlund, Mimi Clark. *Supreme Court Justice Tom C. Clark: A Life of Service*. Austin: University of Texas Press, 2010. [post-M&G]

An affectionate, well-researched biography by Clark's daughter, drawing on family papers and personal memory.

Wohl, Alexander. *Father, Son, and Constitution: How Justice Tom Clark and Attorney General Ramsey Clark Shaped American Democracy*. Lawrence, KS: University Press of Kansas, 2013. [post-M&G]

The fullest modern study, and an ingenious one — a dual biography of Tom Clark and his son Ramsey, the attorney general whose appointment prompted his father's retirement.

John H. Clarke §68

Levitan, David M. "The Jurisprudence of Mr. Justice Clarke." *Miami Law Quarterly* 7, no. 1 (1952).

The one dedicated study of Clarke's six years of opinions — the Wilson appointee whose liberal dissents alongside Brandeis and Holmes hinted at the justice he might have become had he stayed.

Warner, Hoyt Landon. *The Life of Mr. Justice Clarke: A Testament to the Power of Liberal Dissent in America*. Cleveland: Western Reserve University Press, 1959.

The one full biography, and a sympathetic one.

Wittke, Carl. "Mr. Justice Clarke. A Supreme Court Judge in Retirement" — *Mississippi Valley Historical Review* 36, no. 1 (1949): 27–50.

The study of the most remarkable thing Clarke did: resigning the Supreme Court at sixty-five, with a decade of service possible, to campaign for the League of Nations and world peace.

Nathan Clifford §34

Bradbury, James Ware; Walter Chandler. "Memoir of Nathan Clifford" (*Maine Historical Society*, 1887) & "Nathan Clifford: A Triumph of Untiring Effort" (*ABA Journal* 11, 1925).

The memorial tradition, as the FJC's bibliography lists it: Bradbury — a former senator who knew him — for the Maine Historical Society, and Chandler (who also wrote the Catron centenary) with the bar's self-made-man framing.

Clifford, Philip Greely. *Nathan Clifford, Democrat (1803–1881)*. New York: G. P. Putnam's Sons, 1922.

The grandson is loyal but not blind, and the book preserves correspondence and Maine detail found nowhere else: the party man's climb — Jacksonian legislator, Polk's Attorney General, the minister who carried the ratified Treaty of Guadalupe Hidalgo, Buchanan's doughface appointee.

Benjamin R. Curtis §32

Benedict, Michael Les. *The Impeachment and Trial of Andrew Johnson*. New York: W. W. Norton, 1973.

The standard scholarly account of the 1868 trial, where the ex-justice delivered his second historic performance: Curtis's opening for the defense framed impeachment as a legal proceeding requiring an indictable offense — the theory on which Johnson survived by one vote.

Curtis, Benjamin R., Jr., ed., with George Ticknor Curtis. *A Memoir of Benjamin Robbins Curtis, LL.D., with Some of His Professional and Miscellaneous Writings* (2 vols.). Boston: Little, Brown, 1879.

The Victorian monument, assembled by his son with his brother George Ticknor Curtis, the constitutional historian — and the indispensable primary trove: correspondence, the poisonous resignation exchange with Taney, the impeachment argument, and the professional writings.

Leach, Richard H.; Frank J. Williams & William D. Bader. "A Model for a Successful Legal Career" (*ABA Journal*, 1955) & "Maverick Lawyer and Independent Jurist" (*Roger Williams U. L. Rev.*, 2012). [post-M&G]

That the bar keeps reaching for Curtis as its exemplar is itself the finding.

Streichler, Stuart. *Justice Curtis in the Civil War Era: At the Crossroads of American Constitutionalism*. Charlottesville, VA: University of Virginia Press, 2005. [post-M&G]
The 'crossroads' of the subtitle is the argument: Curtis embodied a legalist middle constitutionalism that the 1850s destroyed, and his career is the best single lens on what was lost.

William Cushing §3

Cushing, John D. "A Revolutionary Conservative: The Public Life of William Cushing, 1732–1810." unpublished Ph.D. dissertation, Clark University, 1960.

No biography of Cushing has ever been published — and this dissertation is the only full-length life ever written, by the scholar who owned the subject.

Cushing, John D. "The Cushing Court and the Abolition of Slavery in Massachusetts: More Notes on the 'Quock Walker Case.'" *American Journal of Legal History* 5, no. 2 (1961): 118–144.

The foundational modern examination of the 1783 Jennison ruling that tradition credits with ending slavery in Massachusetts — and of how much (or little) Cushing's jury charge actually decided.

Davies, Ross E. "William Cushing, Chief Justice of the United States." *University of Toledo Law Review* 37, no. 3 (2006). [post-M&G]

A detailed revisionist study of the strange 1796 episode.

Downs, Harry. "Unlikely Abolitionist: William Cushing and the Struggle Against Slavery." *Journal of Supreme Court History* 29, no. 2 (2004). [post-M&G]

The strongest focused treatment of Cushing's role in the Quock Walker cases and the effective end of slavery as a legally protected institution in Massachusetts — and it confronts the tension between Cushing's constitutional ruling and his own social and family connections to slaveholding New England.

Gerber, Scott Douglas. "Deconstructing William Cushing." In *Seriatim: The Supreme Court Before John Marshall* (1998). [post-M&G]

The best modern starting point.

O'Brien, F. William. "Justice Cushing's Undelivered Speech on the Federal Constitution." *William and Mary Quarterly*, 3rd ser., 15 (1958): 74.

O'Brien's publication of a speech Cushing drafted for the Massachusetts ratifying convention but never delivered — one of the few windows into the constitutional thinking of a justice who left almost nothing on paper.

O'Brien, F. William. "Justice Cushing and the Treaty-Making Power." *Vanderbilt Law Review* 10, no. 2 (1957): 351–68; "Justice Cushing and State Sovereignty." *South Carolina Law Quarterly* 9, no. 4 (1957): 572–90; "The Pre-Marshall Court and the Role of William Cushing." *Massachusetts Law Quarterly* 43, no. 1 (1958): 52–63.

Rugg, Arthur P. "William Cushing," *Yale Law Journal* 30, no. 2 (1920).

Written by the sitting Chief Justice of Massachusetts, who had access to family papers and contemporaneous accounts no longer easily available — the manuscript sketch by Charles Cushing Paine, the New England Palladium obituary of 1810, and Josiah Quincy's personal assessment.

Peter V. Daniel §28

Brown, H. B. "The Dissenting Opinions of Justice Daniel." *American Law Review* 21, no. 6 (1887): 869–900.

A thirty-page audit of Daniel's dissents, by an author generally identified as Henry Billings Brown — who would join the Court himself in 1891.

Frank, John P. *Justice Daniel Dissenting: A Biography of Peter V. Daniel, 1784–1860*. Cambridge, MA: Harvard University Press, 1964.

Daniel dissented against corporations, banks, admiralty, federal roads — against the nineteenth century itself — with a consistency no colleague matched.

Maltz, Earl M. "Biography is Destiny: The Case of Justice Peter V. Daniel." *Brooklyn Law Review* 72, no. 1 (2006): 199–210. [post-M&G]

The limiting case of how far ideology can substitute for judging, and a caution about what a life appointment preserves.

David Davis §37

King, Willard L. *Lincoln's Manager, David Davis*. Cambridge, MA: Harvard University Press, 1960.

The one full biography, and still the standard life six decades on.

McKoski, Raymond J. *David Davis, Abraham Lincoln's Favorite Judge*. Urbana, IL: University of Illinois Press, 2025. [post-M&G]

Only the second full biography of Davis ever written — and the first since 1960.

Winger, Stewart L. & Jonathan W. White, eds. *Ex parte Milligan Reconsidered: Race and Civil Liberties from the Lincoln Administration to the War on Terror*. Lawrence, KS: University Press of Kansas, 2020. [post-M&G]

The modern scholarly reckoning with Davis's most famous opinion — a collection that carries Milligan from its Civil War origins through Reconstruction, the World War II Japanese-internment cases, and the post-9/11 detention debates.

William R. Day §59

Cushman, Clare. "Father on the Bench: Justice William R. Day and Kinship Recusal." *Journal of Supreme Court History* 46, no. 1 (2021): 62–80. [post-M&G]

The only substantial Day scholarship since the 1946 biography — a study of a problem Day lived daily: his sons practiced before the Court, and his recusal practice became an early case study in judicial-family ethics.

McLean, Joseph E. *William Rufus Day: Supreme Court Justice from Ohio*. Baltimore: Johns Hopkins Press, 1946.

The only book-length life, from a Johns Hopkins study — a slim, careful account of a genuinely modest man.

Willis Van Devanter §63

Cushman, Barry. "The Secret Lives of the Four Horsemen." *Virginia Law Review* 83 (1997): 559. [post-M&G]

The most-cited essay ever written about the Court's conservative bloc — Cushman's demolition of the cartoon Four Horsemen, drawing on their private papers to recover four working judges rather than four villains.

Post, Robert. "Willis Van Devanter: Chancellor of the Taft Court." *Journal of Supreme Court History* 45 (2020). [post-M&G]

Post's companion piece explains the paradox: the justice who wrote the fewest opinions may have wielded the most influence, as Taft's indispensable inside counselor on certiorari, legislation, and Court management.

Tushnet, Mark. "Willis Van Devanter: The Person." *Journal of Supreme Court History* 45 (2020). [post-M&G]

The only modern biographical study of Van Devanter — the Wyoming railroad lawyer whose 'pen paralysis' left almost no written legacy, reconstructed from his letters.

William O. Douglas §79

Countryman, Vern. *The Judicial Record of Justice William O. Douglas*. Cambridge, MA: Harvard University Press, 1974.

The scholarly counterweight to the biographies' color — Countryman's systematic survey of what Douglas actually did on the bench across thirty-six years, the longest tenure in the Court's history.

Douglas, William O. *Go East, Young Man: The Early Years*. New York: Random House, 1974.

Douglas's own account of the rise — the hardscrabble Yakima boyhood, the bout with polio, Columbia Law, Wall Street, Yale, and the New Deal SEC that carried him to the Court at forty.

Douglas, William O. *Of Men and Mountains*. New York: Harper & Brothers, 1950.

His best-loved book — a lyrical memoir of the Cascades that made Douglas a hero to the conservation movement and shaped the environmental jurisprudence he would later write from the bench.

Douglas, William O. *Points of Rebellion*. New York: Random House, 1970.

The incendiary little book that nearly got him impeached — Douglas's defense of dissent and the youth revolt of 1969, published as Gerald Ford was building a House case to remove him.

Douglas, William O. *The Court Years, 1939–1975: The Autobiography of William O. Douglas*. New York: Random House, 1980.

The second volume — Douglas on his thirty-six years as a justice, settling scores with colleagues and recounting the great cases, the impeachment attempts, and the four marriages.

McKeown, M. Margaret. *Citizen Justice: The Environmental Legacy of William O. Douglas*. Lincoln, NE: Potomac Books, 2022. [\[post-M&G\]](#)

A federal judge's study of the conservationist justice — Douglas's decades of activism for wilderness, his famous hikes and protest marches, and the tangled ethics of a sitting justice who lobbied and litigated for the causes he loved.

Murphy, Bruce Allen. *Wild Bill: The Legend and Life of William O. Douglas*. New York: Random House, 2003. [\[post-M&G\]](#)

The major modern biography, and a bracing, warts-and-all account.

O'Fallon, James M., ed. *Nature's Justice: Writings of William O. Douglas*. Corvallis, OR: Oregon State University Press, 2000. [\[post-M&G\]](#)

The standard one-volume Douglas reader — judicial opinions and mountain prose side by side, which is the only honest way to present him.

Simon, James F. *Independent Journey: The Life of William O. Douglas*. New York: Harper & Row, 1980.

The first major biography, written soon after Douglas's death by a respected legal journalist.

Sowards, Adam M. *The Environmental Justice: William O. Douglas and American Conservation*. Corvallis, OR: Oregon State University Press, 2009. [\[post-M&G\]](#)

The only scholarly monograph on Douglas's second identity — the justice as conservation crusader, from the C&O Canal protest hike to the 'trees have standing' dissent.

Urofsky, Melvin I., and Philip E. Urofsky, eds. *The Douglas Letters: Selections from the Private Papers of Justice William O. Douglas*. Bethesda, MD: Adler & Adler, 1987.

Selections from the vast private papers — Douglas in correspondence with presidents, colleagues, and admirers, the candid record behind the public performances.

Gabriel Duvall §17

Davies, Ross E. "Recognition and Volition: Remembering the Retirement of Justice Gabriel Duvall." *The Journal of Law* 4, no. 1 (2014): 1–10. [post-M&G]

The strangest endgame of any early justice: profoundly deaf, Duvall would not resign until he understood that Roger Taney, a fellow Marylander, would be nominated for his seat.

Easterbrook, Frank H. "The Most Insignificant Justice: Further Evidence." *University of Chicago Law Review* 50, no. 2 (1983): 481–503.

The reply brief in the funniest exchange in American legal scholarship.

Fede, Andrew T. "Not the Most Insignificant Justice: Reconsidering Justice Gabriel Duvall's Slavery Law Opinions Favoring Liberty." *Journal of Supreme Court History* 42, no. 1 (2017): 8–27. [post-M&G]

The key Duvall study between Easterbrook's 1983 needle and Thomas's 2020 book.

Oliver Ellsworth §10

Brown, William Garrott. *The Life of Oliver Ellsworth*. New York: Macmillan, 1905.

For a century the only full biography, and still valuable: Brown wrote gracefully, worked from materials some of which are no longer easily traced, and fixed the standard narrative of Ellsworth's life.

Casto, William R. "Oliver Ellsworth: 'I have sought the felicity and glory of your Administration.'". In *Seriatim: The Supreme Court Before John Marshall* (1998). [post-M&G]

The best concise, Court-centered introduction — Ellsworth's judicial service in thirty pages (pp. 292–321), with particular attention to his deference to the executive in foreign affairs and his practical, Connecticut-bred jurisprudence.

Casto, William R. *Oliver Ellsworth and the Creation of the Federal Republic*. Second Circuit Committee on History and Commemorative Events, 1997. [post-M&G]

The essential scholarly study of Ellsworth's constitutional work, by the historian who has done more than anyone to recover him — authoritative on the Judiciary Act's drafting, Ellsworth's Calvinist intellectual formation, and his statecraft.

Lettieri, Ronald John. *Connecticut's Young Man of the Revolution: Oliver Ellsworth*. Hartford: American Revolution Bicentennial Commission of Connecticut, 1978.

Toth, Michael C. *Founding Federalist: The Life of Oliver Ellsworth*. Wilmington, DE: ISI Books, 2011. [post-M&G]

The most accessible modern biography — from Windsor and Princeton through the Connecticut Compromise, the "Landholder" ratification essays, the drafting of the Judiciary Act of 1789, the Chief Justiceship, and the peace mission to Napoleon's France.

Stephen J. Field §38

Field, Stephen J. *Personal Reminiscences of Early Days in California, with Other Sketches*. 1893.

Field's own memoir of the Gold Rush frontier — the vigilante justice, the mining-camp law, and the feuds that forged the most combative justice of the Gilded Age.

Kens, Paul. *Justice Stephen Field: Shaping Liberty from the Gold Rush to the Gilded Age*. Lawrence, KS: University Press of Kansas, 1997. [post-M&G]

The modern biography and the natural first read.

Kroninger, Robert H. *Sarah and the Senator*. Berkeley, CA: Howell-North Books, 1964.

*The book-length account of the maddest story in Supreme Court history — the Sharon divorce scandal, Sarah Althea Hill, and David Terry's vendetta against Field, which ended with a U.S. marshal shooting Terry dead at a railroad lunchroom in 1889 and the Court blessing it in *In re Neagle*.*

McCurdy, Charles W. “Justice Field and the Jurisprudence of Government-Business Relations: Some Parameters of Laissez-Faire Constitutionalism, 1863–1897.” *Journal of American History* 61, no. 4 (1975): 970–1005.

The most influential Field article ever written — McCurdy's demolition of the caricature of Field as a corporate tool, recasting him as a principled Jacksonian drawing a line between public power and private right.

Swisher, Carl Brent. *Stephen J. Field: Craftsman of the Law*. Washington, DC: Brookings Institution, 1930.

The classic biography, and still the fullest account of Field as a working judge — the circuit-riding, the opinions, the feuds, the marathon tenure.

Abe Fortas §95

Fortas, Abe. *Concerning Dissent and Civil Disobedience*. New York: New American Library, 1968.

The 1968 mass-market bestseller — a sitting Supreme Court justice telling a nation on fire when law-breaking protest is defensible and when it isn't.

Kalman, Laura. *Abe Fortas: A Biography*. New Haven, CT: Yale University Press, 1990.

The definitive biography, exhaustively researched and judicious.

Kalman, Laura. *The Long Reach of the Sixties: LBJ, Nixon, and the Making of the Contemporary Supreme Court*. New York: Oxford University Press, 2017. [post-M&G]

Murphy, Bruce Allen. *Fortas: The Rise and Ruin of a Supreme Court Justice*. New York: William Morrow, 1988.

The fuller account of the scandal, by the biographer of William O. Douglas.

Felix Frankfurter §78

Baker, Liva. *Felix Frankfurter: A Biography*. New York: Coward-McCann, 1969.

The first full narrative life, written for a general reader four years after Frankfurter's death — brisk, sympathetic, and still a good story, though it predates the opening of the papers and the modern scholarship.

Frankfurter, Felix, and James M. Landis. *The Business of the Supreme Court: A Study in the Federal Judicial System*. New York: Macmillan, 1928.

The foundational study of the federal judicial system, written with his protégé James Landis — a dense institutional history of the Court's jurisdiction and workload that launched a whole field and is still a starting point in it.

Frankfurter, Felix. *The Case of Sacco and Vanzetti: A Critical Analysis for Lawyers and Laymen*. Boston: Little, Brown, 1927.

Frankfurter's own famous intervention — the Harvard professor's coolly devastating dissection of the trial, first an Atlantic Monthly article and then this book, which made him a national figure and a marked man to the Boston establishment.

Freedman, Max, ed. *Roosevelt and Frankfurter: Their Correspondence, 1928–1945*. Boston: Little, Brown, 1967.

The extraordinary FDR–Frankfurter letters — the professor as presidential adviser, talent scout, and sounding board, documenting an intimacy with power almost unimaginable for a soon-to-be and then sitting justice.

Hirsch, H. N. *The Enigma of Felix Frankfurter*. New York: Basic Books, 1981.

The controversial psychobiography — a Freudian reading that traces Frankfurter's judicial rigidity and his hunger for approval to the wounds of personality, and argues the great liberal professor curdled into a defensive, embittered justice.

Kurland, Philip B., ed. *Felix Frankfurter on the Supreme Court: Extrajudicial Essays on the Court and the Constitution*. Cambridge, MA: Harvard University Press, 1970.

Kurland's collection of Frankfurter's non-judicial writing on the Court and Constitution — the single best volume of the justice in his own analytical voice.

Lash, Joseph P., ed. *From the Diaries of Felix Frankfurter*. New York: W. W. Norton, 1975.

Frankfurter's own diaries, with a long biographical introduction by Joseph Lash — gossipy, self-justifying, and indispensable, the justice's unguarded running commentary on colleagues, presidents, and cases.

Parrish, Michael E. *Felix Frankfurter and His Times: The Reform Years*. New York: Free Press, 1982.

The standard scholarly biography of the making of the man — Vienna, the Lower East Side, Harvard Law, the 'House of Truth,' Sacco and Vanzetti, and the New Deal brain trust.

Phillips, Harlan B., ed. *Felix Frankfurter Reminisces*. New York: Reynal, 1960.

Frankfurter talking — an oral-history memoir drawn from recorded conversations, ranging over his whole life in his own vivid, name-dropping voice.

Snyder, Brad. *Democratic Justice: Felix Frankfurter, the Supreme Court, and the Making of the Liberal Establishment*. New York: W. W. Norton, 2022. [\[post-M&G\]](#)

The major modern biography, and a sweeping reappraisal of a justice long out of fashion.

Thomas, Helen Shirley. *Felix Frankfurter: Scholar on the Bench*. Baltimore: Johns Hopkins Press, 1960.

An early academic study of Frankfurter's jurisprudence, published while he still sat — the first serious attempt to systematize his philosophy of self-limitation and deference to the elected branches.

Urofsky, Melvin I. *Felix Frankfurter: Judicial Restraint and Individual Liberties*. Boston: Twayne, 1991. [\[post-M&G\]](#)

A compact, balanced assessment of the central puzzle: how the fiery civil-libertarian of the 1920s became the bench's great apostle of deference.

Melville W. Fuller §50

King, Willard L. *Melville Weston Fuller: Chief Justice of the United States, 1888–1910*. New York: Macmillan, 1950.

King recovers the improbable rise: the Augusta, Maine, boy and Bowdoin graduate who became a Chicago railroad and commercial lawyer and active Democrat, never held federal office, and was Grover Cleveland's out-of-nowhere pick for the center chair after Waite died.

Ruth Bader Ginsburg §107

Carmon, Irin, and Shana Knizhnik. *Notorious RBG: The Life and Times of Ruth Bader Ginsburg*. New York: Dey Street Books, 2015. [\[post-M&G\]](#)

The book that crystallized the phenomenon — an affectionate, illustrated life built from the Tumblr that made an octogenarian justice a pop-culture hero, blending the biography with her landmark dissents.

De Hart, Jane Sherron. *Ruth Bader Ginsburg: A Life*. New York: Alfred A. Knopf, 2018. [\[post-M&G\]](#)

The definitive biography, the product of years of research and interviews with Ginsburg herself.

Dodson, Scott, ed. *The Legacy of Ruth Bader Ginsburg* (2nd ed.). Cambridge: Cambridge University Press, 2022. [post-M&G]

The major posthumous scholarly volume — Totenberg, Herma Hill Kay, Linda Kerber, the Siegels, and others assessing the advocate and the justice, updated after her death with a foreword by Justice Breyer.

Ginsburg, Ruth Bader, with Amanda L. Tyler. *Justice, Justice Thou Shalt Pursue: A Life's Work Fighting for a More Perfect Union*. Berkeley: University of California Press, 2021. [post-M&G]

The posthumously completed capstone — her writings, speeches, and a landmark 2019 conversation with the Berkeley law professor Amanda Tyler on the equal-protection campaign she built as an advocate.

Ginsburg, Ruth Bader. *My Own Words*. New York: Simon & Schuster, 2016. [post-M&G]

A collection of Ginsburg's own writings and speeches, spanning from childhood editorials to major opinions and dissents, with introductions by her authorized biographers.

Rosen, Jeffrey. *Conversations with RBG: Ruth Bader Ginsburg on Life, Love, Liberty, and Law*. New York: Henry Holt, 2019. [post-M&G]

Two decades of interviews with Jeffrey Rosen, edited into a warm, wide-ranging portrait of her thinking on the Constitution, marriage, opera, and the craft of dissent — Ginsburg in her own measured voice.

Arthur J. Goldberg §94

Goldberg, Arthur J. *Equal Justice: The Warren Era of the Supreme Court*. Evanston, IL: Northwestern University Press, 1971.

*Goldberg's Rosenthal Lectures — the ex-justice's own defense of the Warren Court he served, including the argument against the death penalty he had pressed from the bench in *Rudolph v. Alabama*.*

Goldberg, Arthur J.; Daniel Patrick Moynihan, ed. *The Defenses of Freedom: The Public Papers of Arthur J. Goldberg*. New York: Harper & Row, 1966.

Goldberg's public papers — labor lawyer, Secretary of Labor, justice, UN ambassador — edited, remarkably, by Daniel Patrick Moynihan.

Stebenne, David L. *Arthur J. Goldberg: New Deal Liberal*. New York: Oxford University Press, 1996. [post-M&G]

The definitive biography, and a rich account of twentieth-century American liberalism through one career.

Neil M. Gorsuch §113

Gorsuch, Neil M. *A Republic, If You Can Keep It*. New York: Crown Forum, 2019. [post-M&G]

Gorsuch in his own words — on textualism, the role of courts, and the constitutional order.

Gorsuch, Neil M. *The Future of Assisted Suicide and Euthanasia*. Princeton, NJ: Princeton University Press, 2006. [post-M&G]

Gorsuch's only academic monograph — the book of his Oxford doctorate, arguing against legalization from the intrinsic value of human life.

Gorsuch, Neil M., with Janie Nitze. *Over Ruled: The Human Toll of Too Much Law*. New York: Harper, 2024. [post-M&G]

His second book, and the fullest statement of his broader worldview: an argument, through human stories, that a country buried under too many laws and regulations loses liberty and dignity in the process.

Greenya, John, and Mark Paoletta. *Gorsuch: The Judge Who Speaks for Himself*. New York: Threshold Editions, 2018. [post-M&G]

The closest thing to a biography currently available, published shortly after his confirmation.

Horace Gray §47

Dunne, Gerald T. *Monetary Decisions of the Supreme Court*. New Brunswick, NJ: Rutgers University Press, 1961.

A compact classic — barely a hundred pages — that gives the greenback saga its ending.

Nackenoff, Carol & Julie Novkov. *American by Birth: Wong Kim Ark and the Battle for Citizenship*. Lawrence, KS: University Press of Kansas, 2021. [post-M&G]

The best book on Gray's most consequential hour.

Peppers, Todd C. "Birth of an Institution: Horace Gray and the Lost Law Clerks." *Journal of Supreme Court History* 32, no. 3 (2007). [post-M&G]

Gray's most durable legacy isn't an opinion — he invented the Supreme Court law clerk, hiring Harvard graduates at his own expense starting in 1882.

Spector, Robert M. "Legal Historian on the United States Supreme Court: Justice Horace Gray, Jr., and the Historical Method." *American Journal of Legal History* 12 (1968): 181.

The foundational study of Gray's method — the scholar-justice who decided cases by exhaustive historical excavation, from legal-tender history to birthright citizenship in Wong Kim Ark.

Robert C. Grier §31

Grier, Robert C. Letter to President-elect James Buchanan, February 23, 1857. James Buchanan Papers, Historical Society of Pennsylvania.

Days later the president-elect piously promised at his inauguration to submit to a decision he already knew.

Neff, Stephen C. *Justice in Blue and Gray: A Legal History of the Civil War*. Cambridge, MA: Harvard University Press, 2010. [post-M&G]

The standard legal history of the Civil War, with blockade law and the Prize Cases — Grier's one great opinion, upholding Lincoln's blockade by a 5–4 vote in 1863 — at its center.

Slaughter, Thomas P. *Bloody Dawn: The Christiana Riot and Racial Violence in the Antebellum North*. New York: Oxford University Press, 1991. [post-M&G]

The standard account of the 1851 Christiana resistance and its astonishing aftermath: the largest treason prosecution in American history, aimed at Quaker bystanders and free Black defendants.

Unsigned; Francis R. Jones. "Robert C. Grier" (*U.S. Monthly Law Journal*, 1852) & "Robert Cooper Grier" (*Green Bag* 16, 1904).

Two period portraits, as the FJC's bibliography lists them: the 1852 profile from the same magazine series that covered Wayne and Catron on earlier pages — the antebellum bar surveying the sitting Court, justice by justice — and the Green Bag's retrospective a generation later.

Wisniewski, Daniel J. "Heating Up a Case Gone Cold: Revisiting the Charges of Bribery and Official Misconduct Made against Supreme Court Justice Robert Cooper Grier in 1854–55." *Journal of Supreme Court History* 38, no. 1 (2013). [post-M&G]

The only modern archival study centered on Grier himself — the Wheeling Bridge bribery allegations that nearly ended his career, reopened with the documents.

John Marshall Harlan §44

Beth, Loren P. *John Marshall Harlan: The Last Whig Justice*. Lexington, KY: University Press of Kentucky, 1992. [post-M&G]

The standard scholarly life — Loren Beth reads Harlan as an old-fashioned Kentucky Whig whose nationalism and moral absolutism made him the Court's lonely conscience on race.

Chin, Gabriel J. “The Plessy Myth: Justice Harlan and the Chinese Cases.” *Iowa Law Review* 82 (1996): 151.

[post-M&G]

The canonical corrective to Harlan hagiography — the great color-blind dissenter was reliably hostile to Chinese litigants, in Plessy's own text ('a race so different from our own') and beyond.

Clark, Floyd Barzilia. *The Constitutional Doctrines of Justice Harlan*. Baltimore: Johns Hopkins Press, 1915.

The first scholarly study of Harlan's jurisprudence — a Johns Hopkins monograph published four years after his death, dated in method but foundational, and still cited for its early map of the great dissents.

Harlan, Malvina Shanklin. *Some Memories of a Long Life, 1854–1911*. New York: Modern Library, 2002.

[post-M&G]

The justice's wife's memoir, written in 1915 and lost for nearly a century until it surfaced in the Supreme Court Historical Society's journal and was published as a book with an introduction by Ruth Bader Ginsburg.

Przybyszewski, Linda. *The Republic According to John Marshall Harlan*. Chapel Hill: University of North Carolina Press, 1999. [post-M&G]

The finest intellectual biography — the book to read once Canellos has hooked you.

Yarbrough, Tinsley E. *Judicial Enigma: The First Justice Harlan*. New York: Oxford University Press, 1995.

[post-M&G]

Tinsley Yarbrough's biography wrestles with the central puzzle: how a former slaveholder and Kentucky Unionist became the Supreme Court's greatest nineteenth-century champion of Black civil rights.

John Marshall Harlan II §89

Ackerman, Bruce, Charles Fried, Norman Dorsen, et al. “Centennial Conference in Honor of Justice John Marshall Harlan.” *New York Law School Law Review* 36, no. 1. 1991. [post-M&G]

The major collective assessment of Harlan — Ackerman's 'Common Law Constitution of John Marshall Harlan' and Fried's 'Conservatism of Justice Harlan' are the landmark essays, with contributions from his clerks and critics.

Dorsen, Norman. “The Second Mr. Justice Harlan: A Constitutional Conservative.” *New York University Law Review* 44 (1969): 249.

The single most-cited Harlan article — his former clerk's portrait of the 'constitutional conservative,' the phrase that has framed every discussion of Harlan since.

Shapiro, David L., ed. *The Evolution of a Judicial Philosophy: Selected Opinions and Papers of Justice John M. Harlan*. Cambridge, MA: Harvard University Press, 1969.

Harlan curated by his own former clerk — the opinions and papers that fixed his reputation as the conservative conscience of the Warren Court, published while he still sat.

Yarbrough, Tinsley E. *John Marshall Harlan: Great Dissenter of the Warren Court*. New York: Oxford University Press, 1992. [post-M&G]

The definitive biography, and a thorough one, by a leading scholar of the modern Court.

Oliver Wendell Holmes Jr. §58

Alschuler, Albert W. *Law Without Values: The Life, Work, and Legacy of Justice Holmes*. Chicago: University of Chicago Press, 2000. [post-M&G]

The case against Holmes, argued in full.

Baker, Liva. *The Justice from Beacon Hill: The Life and Times of Oliver Wendell Holmes*. New York: HarperCollins, 1991. [post-M&G]

A big, readable one-volume life and times, strong on the Boston world that produced Holmes and on his long marriage to Fanny Dixwell.

Bowen, Catherine Drinker. *Yankee from Olympus: Justice Holmes and His Family*. Boston: Little, Brown, 1944.

The famous popular life — Catherine Drinker Bowen's romantic, best-selling biography of Holmes and his family that fixed his image for a generation.

Budiansky, Stephen. *Oliver Wendell Holmes: A Life in War, Law, and Ideas*. New York: W. W. Norton, 2019.

[post-M&G]

The best modern single-volume life — narrative, humane, and unillusioned.

Holmes, Oliver Wendell, Jr. *The Common Law*. Boston: Little, Brown, 1881.

The book that made him, and still the most famous sentence in American jurisprudence: 'The life of the law has not been logic: it has been experience.'

Howe, Mark DeWolfe, ed. *Holmes–Laski Letters: The Correspondence of Mr. Justice Holmes and Harold J. Laski, 1916–1935*. Cambridge, MA: Harvard University Press, 1953.

The great correspondence — nearly twenty years of letters between the aging Holmes and the young English socialist Harold Laski, ranging over law, books, politics, and life with unmatched wit and candor.

Howe, Mark DeWolfe, ed. *Holmes–Pollock Letters: The Correspondence of Mr. Justice Holmes and Sir Frederick Pollock, 1874–1932 (2 vols.)*. Cambridge, MA: Harvard University Press, 1941.

Less political fireworks than Laski, more law and more candor; many Holmes readers prefer it.

Howe, Mark DeWolfe, ed. *Touched with Fire: Civil War Letters and Diary of Oliver Wendell Holmes, Jr., 1861–1864*. Cambridge, MA: Harvard University Press, 1946.

Holmes's Civil War letters and diary — the young officer of the Twentieth Massachusetts, thrice wounded, in his own voice at the source of everything.

Howe, Mark DeWolfe. *Justice Oliver Wendell Holmes (2 vols.: The Shaping Years, 1841–1870; The Proving Years, 1870–1882)*. Cambridge, MA: Harvard University Press, 1957.

The authorized biography, by Holmes's own secretary and literary executor — two magisterial volumes that carry him from Brahmin boyhood through the Civil War to the eve of the bench.

Novick, Sheldon M. *Honorable Justice: The Life of Oliver Wendell Holmes*. Boston: Little, Brown, 1989.

The first full modern biography, and the first to work through the complete papers — Novick is unsentimental about the coldness and the vanity, and definitive on the Civil War wounds that shaped Holmes's skepticism.

Posner, Richard A., ed. *The Essential Holmes: Selections from the Letters, Speeches, Judicial Opinions, and Other Writings*. Chicago: University of Chicago Press, 1992. [post-M&G]

The best single-volume Holmes reader — Judge Richard Posner's selection from the letters, speeches, and opinions, with an incisive introduction that argues for Holmes as a great writer first.

Snyder, Brad. *The House of Truth: A Washington Political Salon and the Foundations of American Liberalism*. New York: Oxford University Press, 2017. [post-M&G]

The story of the Dupont Circle row house where Frankfurter, Lippmann, and the young progressives made the aging Holmes their prophet — and made his dissents the foundation of American liberalism.

Wells, Catharine Pierce. *Oliver Wendell Holmes: A Willing Servant to an Unknown God*. Cambridge: Cambridge University Press, 2020. [post-M&G]

White, G. Edward. *Justice Oliver Wendell Holmes: Law and the Inner Self*. New York: Oxford University Press, 1993. [post-M&G]

The standard scholarly biography and the deepest reckoning with Holmes's mind — six hundred pages from the University of Virginia's great legal historian.

Charles Evans Hughes §62

Glad, Betty. *Charles Evans Hughes and the Illusions of Innocence: A Study in American Diplomacy*. Urbana, IL: University of Illinois Press, 1966.

The study of Hughes the diplomat — his years as Harding and Coolidge's Secretary of State, the Washington Naval Conference, and the 'illusions' Glad argues shaped an idealistic American approach to a dangerous world.

Hendel, Samuel. *Charles Evans Hughes and the Supreme Court*. New York: King's Crown Press, 1951.

The standard study of Hughes the jurist — Samuel Hendel's analysis of the constitutional record across both tenures, from the Progressive-era associate justice to the Chief who steered the Court through 1937.

Hughes, Charles Evans. *The Autobiographical Notes of Charles Evans Hughes*. Edited by David J. Danelski and Joseph S. Tulchin. Cambridge, MA: Harvard University Press, 1973.

Hughes in his own words — the candid notes he wrote for his family, edited by David Danelski and Joseph Tulchin, covering the whole career with the reticence and precision that were his hallmark.

Hughes, Charles Evans. *The Supreme Court of the United States: Its Foundation, Methods and Achievements*. New York: Columbia University Press, 1928.

Hughes's own book on the institution he would soon lead again — the Columbia lectures he gave in the interval between his two tenures, a lucid insider's account of the Court's history, methods, and self-inflicted wounds (Dred Scott, the Legal Tender reversal).

Perkins, Dexter. *Charles Evans Hughes and American Democratic Statesmanship*. Boston: Little, Brown, 1956.

The compact one-volume life, in Little, Brown's Library of American Biography, by the diplomatic historian Dexter Perkins.

Pusey, Merlo J. *Charles Evans Hughes* (2 vols.). New York: Macmillan, 1951.

The standard biography, and a deserving winner of the 1952 Pulitzer Prize.

Reitano, Joanne. *Charles Evans Hughes and the Dawning of Modern America*. Lawrence, KS: University Press of Kansas, 2025. [post-M&G]

The first comprehensive Hughes biography in over seventy years — since Pusey won the Pulitzer in 1952.

Simon, James F. *FDR and Chief Justice Hughes: The President, the Supreme Court, and the Epic Battle over the New Deal*. New York: Simon & Schuster, 2012. [post-M&G]

The best book on the epic of 1937, told as a dual biography of the two men at its center.

Wesser, Robert F. *Charles Evans Hughes: Politics and Reform in New York, 1905–1910*. Ithaca, NY: Cornell University Press, 1967.

The scholarly study of the launching pad — Hughes's rise from the gas and insurance investigations that made his name to two terms as a progressive Republican governor of New York, battling his own party's machine.

Ward Hunt §42

Gordon, Ann D. *The Trial of Susan B. Anthony*. Washington, DC: Federal Judicial Center, 2005. [post-M&G]

Hunt's one appearance on history's stage — on the wrong side of it — told authoritatively and free.

James Iredell §6

Casto, William R. "James Iredell and the American Origins of Judicial Review." *Connecticut Law Review* 27, no. 2 (1995). [post-M&G]

An influential specialized study arguing that Iredell grounded judicial review in popular sovereignty and the authority of a written constitution, rather than in judicial enforcement of free-floating natural law.

Higginbotham, Don, Donna E. Kelly, and Lang Baradell, eds. *The Papers of James Iredell*. 3 vols. Raleigh, NC: Division of Archives and History, North Carolina Department of Cultural Resources, 1976–2003. [\[post-M&G\]](#)
The foundational modern primary-source edition, covering 1767–1789 with scholarly annotation.

McRee, Griffith J., ed. *Life and Correspondence of James Iredell*. 2 vols. New York: D. Appleton, 1857–58.
A major nineteenth-century life built around extensive correspondence — family, political, and judicial letters that made it indispensable to later biographers and still reward consultation.

Whichard, Willis P. "James Iredell: Revolutionist, Constitutionalist, Jurist." In *Seriatim: The Supreme Court Before John Marshall* (1998). [\[post-M&G\]](#)
The best concise treatment of Iredell as a jurist — by his biographer.

Whichard, Willis P. *Justice James Iredell*. Durham, NC: Carolina Academic Press, 2000. [\[post-M&G\]](#)
The standard modern biography and the clear place to begin.

Howell E. Jackson §54

Calvani, Terry. "The Early Legal Career of Howell Jackson." *Vanderbilt Law Review* 30 (1977): 39–72.
The one substantial scholarly study of Jackson — the Tennessee Whig's rise through the wreckage of the postwar South to the federal bench.

Hudspeth, Harvey G. "Howell Edmunds Jackson and the Making of Tennessee's First Native-born Supreme Court Justice." *Tennessee Historical Quarterly* 58 (1999): 140–155. [\[post-M&G\]](#)
The main modern account of Jackson's improbable appointment — a Democrat named by Republican Benjamin Harrison — and of the two-year tenure that ended with his dying return for the income-tax rehearing in Pollock.

Ketanji Brown Jackson §116

Jackson, Ketanji Brown. *Lovely One: A Memoir*. New York: Random House, 2024. [\[post-M&G\]](#)
Jackson's bestselling memoir, and the natural introduction to the newest justice — its title the English meaning of her West African name, Ketanji Onyika.

Robert H. Jackson §82

Gerhart, Eugene C. *America's Advocate: Robert H. Jackson*. Indianapolis: Bobbs-Merrill, 1958.
The standard biography, written soon after Jackson's death by a lawyer who admired him.

Jackson, Robert H. *That Man: An Insider's Portrait of Franklin D. Roosevelt*. Edited by John Q. Barrett. New York: Oxford University Press, 2003. [\[post-M&G\]](#)
Jackson's unpublished memoir of Franklin Roosevelt, written in the 1950s and edited a half-century later by the Jackson scholar John Q. Barrett — an intimate, shrewd portrait of the president Jackson served as Attorney General and admired as a friend.

Jackson, Robert H. *The Nürnberg Case*. New York: Alfred A. Knopf, 1947.
Jackson's own account of the case he built against the Nazi leadership, including the opening statement that many regard as the greatest courtroom address of the century — 'the wrongs which we seek to condemn and punish have been so calculated, so malignant, and so devastating, that civilization cannot tolerate their being ignored, because it cannot survive their being repeated.'

Jackson, Robert H. *The Struggle for Judicial Supremacy: A Study of a Crisis in American Power Politics*. New York: Alfred A. Knopf, 1941.
Jackson's own account of the court-packing crisis, written as Attorney General on the eve of his appointment — a New Dealer's brief against the old Court's war on Roosevelt's program, and a classic of political constitutionalism in its own right.

Jackson, Robert H. *The Supreme Court in the American System of Government*. Cambridge, MA: Harvard University Press, 1955.

Jackson's valedictory — the Godkin Lectures, published just after his sudden death — a lucid, modest reflection on the Court's real and proper power by the finest writer ever to sit on it.

Taylor, Telford. *The Anatomy of the Nuremberg Trials: A Personal Memoir*. New York: Alfred A. Knopf, 1992.

[post-M&G]

The standard insider history of the trial Jackson led, by his successor as chief counsel — unsparing about Jackson's disastrous cross-examination of Göring and generous about the achievement anyway.

White, G. Edward. *Robert H. Jackson: A Life in Judgment*. New York: Oxford University Press, 2025.

[post-M&G]

White gives the whole arc its full weight: the country lawyer who never finished law school, FDR's advocate, the Nuremberg prosecutor, and the author of the finest prose the Court has produced.

John Jay §1

Dillon, Mark C. *The First Chief Justice: John Jay and the Struggle of a New Nation*. Albany, NY: State University of New York Press, 2022. [post-M&G]

A focused, thoughtful study of Jay's formative role in establishing the early Supreme Court and federal judiciary.

Gellman, David N. *Liberty's Chain: Slavery, Abolition, and the Jay Family of New York*. Ithaca, NY: Cornell University Press, 2022. [post-M&G]

A valuable modern study of the most complicated part of Jay's legacy: his involvement in antislavery activity while he and his family remained connected to slavery.

Jay, William. *The Life of John Jay: With Selections from His Correspondence and Miscellaneous Papers* (2 vols.). New York: J. & J. Harper, 1833.

The first Jay biography — written by his son, with generous selections from the correspondence, and the source every later life builds on.

Johnston, Henry P., ed. *The Correspondence and Public Papers of John Jay* (4 vols.). New York: G. P. Putnam's Sons, 1890–93.

For the reader who wants Jay in his own words tonight.

Kaminski, John P., and Jennifer Lawton. “Duty and Justice at ‘Every Man’s Door’: The Grand Jury Charges of Chief Justice John Jay, 1790–1794.” *Journal of Supreme Court History* 31, no. 3 (2006): 235–251.

[post-M&G]

The fullest study of the charges that were the early federal judiciary's real public voice — Jay's courtroom civic sermons, reprinted in newspapers up and down the seaboard.

Monaghan, Frank. *John Jay: Defender of Liberty Against Kings & Peoples*. New York: Bobbs-Merrill, 1935.

For decades this was the major full biography of Jay.

Morris, Richard B. *John Jay, the Nation, and the Court*. Boston: Boston University Press, 1967.

A shorter, more academic treatment organized around interpretive essays — especially useful for understanding Jay's nationalism, his conception of government, and his view of the judiciary, though older and less biographically complete than Stahr.

Morris, Richard B. *The Peacemakers: The Great Powers and American Independence*. New York: Harper & Row, 1965.

The Bancroft Prize-winning history of the peace negotiations that ended the Revolution — with Jay's defiant decision to negotiate directly with Britain at its center.

Morris, Richard B., ed. *The Papers of John Jay* (2 vols.). New York: Harper & Row, 1975, 1980.
A deeply scholarly and documentary-rich portrait of Jay's years through the Revolution and peace negotiations.

Nuxoll, Elizabeth M., et al., eds. *The Selected Papers of John Jay* (7 vols.). Charlottesville, VA: University of Virginia Press, 2010–2020. [post-M&G]
The essential resource for serious research — the modern annotated edition from the University of Virginia Press, superseding the Morris volumes.

Pellew, George. *John Jay* (American Statesmen series). Boston: Houghton Mifflin, 1890.
The standard nineteenth-century life, from the American Statesmen series — the biography that fixed Jay's reputation for two generations before Monaghan.

Stahr, Walter. *John Jay: Founding Father*. New York: Hambledon and London, 2005. [post-M&G]
A crisp, intelligent biography that rescues John Jay from the margins of history and shows him as central to the American project — diplomat, co-author of The Federalist Papers, first Chief Justice, and Governor of New York.

Thomas Johnson §7

Delaplaine, Edward S. *The Life of Thomas Johnson*. New York: F. H. Hitchcock, 1927.
The only full-length biography devoted to Johnson and therefore the natural starting point — detailed on the Maryland politics, Revolutionary service, friendship with Washington, governorship, constitutional work, Federal City commission, and brief Court tenure.

O'Hara, James. "Reluctant Justice: Thomas Johnson of Maryland." *Supreme Court Historical Society Quarterly* 12, no. 4 (1991). [post-M&G]
The best focused narrative of Johnson's judicial service: his hesitation about accepting, the Southern Circuit assignment, his work in Ware v. Hylton (on circuit) and Georgia v. Brailsford, and the resignation letter describing circuit riding as excessively fatiguing.

Offutt, T. Scott. "Thomas Johnson and Constitutional Government." *Constitutional Review* 13 (1929).

Papenfuse, Edward C., et al., eds. *A Biographical Dictionary of the Maryland Legislature, 1635–1789* (2 vols.). Baltimore: Johns Hopkins University Press, 1979–85.
The strongest reference source for Johnson's long Maryland career: offices, legislative activity, family connections, business interests, and property, reconstructed from unusually rich state records.

William Johnson §14

Johnson, William. *Sketches of the Life and Correspondence of Nathanael Greene* (2 vols.). Charleston, SC: A. E. Miller, 1822.
The only sitting justice ever to publish a major two-volume biography — his life of the Revolutionary general, researched and written between circuits.

Killenbeck, Mark R. "William Johnson, the Dog That Did Not Bark?" *Vanderbilt Law Review* 62, no. 2 (2009): 407–445. [post-M&G]
The essential modern re-examination — from the same 2009 Vanderbilt symposium that reassessed Samuel Chase and Bushrod Washington.

Lewis, Meredith Kolsky. "Justice William Johnson and the History of Supreme Court Dissent." *Georgetown Law Journal* 83 (1995): 2069. [post-M&G]

Morgan, Donald G. *Justice William Johnson, The First Dissenter: The Career and Constitutional Philosophy of a Jeffersonian Judge*. Columbia, SC: University of South Carolina Press, 1954.

Morgan reconstructs Johnson's Charleston world, his rise from a blacksmith's household to Jefferson's first Supreme Court appointment at thirty-two, and — the book's lasting contribution — his lonely campaign to keep independent judgment alive inside Marshall's single-opinion Court.

“The Jefferson–Johnson Correspondence, 1822–1823.” *Founders Online*, National Archives.

The great primary-source seam: the retired Jefferson urging Johnson to revive seriatim opinions and break Marshall's unanimity, and Johnson's replies candidly describing the Court's internal practice — including how opinions really got assigned and swallowed.

VanBurkleo, Sandra F. “In Defense of ‘Public Reason’: Supreme Court Justice William Johnson.” *Journal of Supreme Court History* 32, no. 2 (2007): 116–130. [post-M&G]

The major modern reinterpretation: Johnson's separate opinions weren't proto-modern dissents but an older, Anti-Federalist conviction that judges must speak for themselves rather than hide behind one institutional voice.

“William Johnson, Jr.” *South Carolina Encyclopedia*. 2006. [post-M&G]

Elena Kagan §112

Greene, Meg. *Elena Kagan: A Biography*. Santa Barbara, CA: Greenwood, 2013. [post-M&G]

Kagan, Elena. “Presidential Administration.” *Harvard Law Review* 114 (2001): 2245. [post-M&G]

Kagan's most influential scholarship — the canonical modern account of presidential control over the administrative state, drawn from her Clinton White House years.

Brett M. Kavanaugh §114

Spindelman, Marc. “Kavanaugh, Rahimi, and the Effort to Legitimate Originalism.” *University of Pennsylvania Law Review Online* 173 (2025). [post-M&G]

The most substantial scholarly treatment of Kavanaugh's jurisprudence to date — reading his Rahimi concurrence as a programmatic defense of originalism's legitimacy.

Anthony M. Kennedy §104

Colucci, Frank J. *Justice Kennedy's Jurisprudence: The Full and Necessary Meaning of Liberty*. Lawrence, KS: University Press of Kansas, 2009. [post-M&G]

The best single study of how Kennedy thought, and the natural starting point given the absence of a full biography.

Frank, David A., and Francis J. Mootz III, eds. *The Rhetoric of Judging Well: The Conflicted Legacy of Justice Anthony M. Kennedy*. University Park, PA: Pennsylvania State University Press, 2023. [post-M&G]

The major post-retirement scholarly volume — fifteen scholars on Romer, Casey, and Obergefell, on 'the sweet mystery of life,' and on the blind spots.

Kennedy, Anthony M. *Life, Law & Liberty: A Memoir*. New York: Simon & Schuster, 2025. [post-M&G]

Kennedy's own account, published in October 2025 — Sacramento, the 1987 nomination after Bork, and unusually candid reflections on Casey, Obergefell, and the swing-seat decades.

Knowles, Helen J. *The Tie Goes to Freedom: Justice Anthony M. Kennedy on Liberty*. Lanham, MD: Rowman & Littlefield, 2009. [post-M&G]

The best study of Kennedy's constitutional thought — Helen Knowles's argument that a coherent conception of liberty, not mere difference-splitting, runs through his opinions on speech, dignity, and gay rights.

Joseph R. Lamar §64

Lamar, Clarinda Pendleton. *The Life of Joseph Rucker Lamar, 1857–1916*. 1926.

The one full life, written by the justice's widow ten years after his death.

Lucius Q.C. Lamar §49

Cate, Wirt Armistead. *Lucius Q.C. Lamar: Secession and Reunion*. Chapel Hill: University of North Carolina Press, 1935.

The big one — nearly six hundred pages from the University of North Carolina Press, written when men who had known Lamar were barely a generation gone.

Kennedy, John F. *Profiles in Courage* (the Lamar chapter). 1956.

The reason most readers have heard of Lamar at all.

Mayes, Edward. *Lucius Q.C. Lamar: His Life, Times, and Speeches, 1825–1893*. Nashville: Publishing House of the Methodist Episcopal Church, South, 1896.

The monumental contemporary life-and-letters, by Lamar's son-in-law — nearly nine hundred pages of biography and speeches published three years after his death.

Meador, Daniel J. “Lamar to the Court: Last Step to National Reunion.” *Supreme Court Historical Society Yearbook* 1986: 27–47.

The standard article-length account of the nomination fight itself — the first ex-Confederate named to the Court, confirmed 32–28 after a battle that previewed the modern ideological confirmation war.

Murphy, James B. *L.Q.C. Lamar: Pragmatic Patriot*. Baton Rouge: Louisiana State University Press, 1973.

The standard modern life, in LSU Press's Southern Biography Series.

Henry Brockholst Livingston §15

Abraham, Henry J. “President Jefferson's Three Appointments to the Supreme Court of the United States: 1804, 1807, and 1807.” *Journal of Supreme Court History* 31, no. 2 (2006): 141–154. [post-M&G]

The fullest modern account of Jefferson's three appointments — Johnson, Livingston, Todd — and what the president hoped each would do to Marshall's Court.

Dunne, Gerald T. “The Story-Livingston Correspondence (1812–1822).” *American Journal of Legal History* 10 (1966): 224–236.

The only dedicated scholarly article on Livingston as a justice — his private letters to Joseph Story, which are among the few windows into the Marshall Court's internal life from a justice who left almost no judicial paper trail.

Kierner, Cynthia A. *Traders and Gentlefolk: The Livingstons of New York, 1675–1790*. Ithaca, NY: Cornell University Press, 1992. [post-M&G]

The scholarly study of the Livingston dynasty of New York, in which Brockholst Livingston is a minor figure.

Horace H. Lurton §61

Tucker, David M. “Justice Horace Harmon Lurton: The Shaping of a National Progressive.” *American Journal of Legal History* 13 (1969): 223–232.

The one scholarly article ever dedicated to Lurton — the teenage Confederate cavalryman, imprisoned twice, who rose to the Supreme Court appointed by a Republican president.

John Marshall §13

Baker, Leonard. *John Marshall: A Life in Law*. New York: Macmillan, 1974.

- Beveridge, Albert J. *The Life of John Marshall* (4 vols.). Boston: Houghton Mifflin, 1916–1919.
Magnificent and dated in equal measure: a senator's epic that fixed Marshall's heroic image for the twentieth century, built on prodigious research and an open loathing of Jefferson.
- Brookhiser, Richard. *John Marshall: The Man Who Made the Supreme Court*. New York: Basic Books, 2018.
[\[post-M&G\]](#)
The most concise and quotable of the modern popular lives — Marshall in a week rather than a month.
- Hobson, Charles F. *The Great Chief Justice: John Marshall and the Rule of Law*. Lawrence, KS: University Press of Kansas, 1996. [\[post-M&G\]](#)
The best short study of what Marshall actually did as a judge — written by the longtime editor of the Papers of John Marshall, who knew the working jurist from the inside of his own files.
- Johnson, Herbert A., Charles T. Cullen, and Charles F. Hobson, eds. *The Papers of John Marshall*. 12 vols. Chapel Hill: University of North Carolina Press, 1974–2006. [\[post-M&G\]](#)
The scholarly foundation: correspondence, legal papers, and judicial materials, splendidly annotated — with Hobson's introductions amounting to a biography in themselves.
- Konefsky, Samuel J. *John Marshall and Alexander Hamilton: Architects of the American Constitution*. New York: Macmillan, 1964.
The classic paired study tracing how Hamilton's constitutional vision — implied powers, national supremacy, the sanctity of contract — became law through Marshall's opinions.
- Marshall, John. *An Autobiographical Sketch*. Edited by John Stokes Adams. Ann Arbor, MI: University of Michigan Press, 1937.
Marshall telling his own story to his closest colleague — modest, wry, and revealing in what it lingers on (Valley Forge, his father) and what it hurries past.
- Newmyer, R. Kent. *John Marshall and the Heroic Age of the Supreme Court*. Baton Rouge: Louisiana State University Press, 2001. [\[post-M&G\]](#)
The leading scholarly judicial biography — law and politics interwoven at full depth, strongest on the great constitutional cases and Marshall's decades-long duel with the Jeffersonians.
- Newmyer, R. Kent. *The Treason Trial of Aaron Burr: Law, Politics, and the Character Wars of the New Nation*. Cambridge: Cambridge University Press, 2012. [\[post-M&G\]](#)
Marshall presiding over the most sensational trial of the century — Burr in the dock, Jefferson pressing for a conviction, and the Chief Justice defining constitutional treason so narrowly that the case collapsed.
- Paul, Joel Richard. *Without Precedent: Chief Justice John Marshall and His Times*. New York: Riverhead Books, 2018. [\[post-M&G\]](#)
The most vivid of the recent trade lives, especially on the diplomatic years.
- Rotunda, Ronald. *John Marshall and the Cases That United the States of America*. Twelve Tables Press, 2018.
[\[post-M&G\]](#)
- Simon, James F. *What Kind of Nation: Thomas Jefferson, John Marshall, and the Epic Struggle to Create a United States*. New York: Simon & Schuster, 2002. [\[post-M&G\]](#)
The standard popular account of the defining rivalry — Marshall and his cousin Jefferson fighting over what the Constitution actually created, from Marbury through Burr.
- Sloan, Cliff, and David McKean. *The Great Decision: Jefferson, Adams, Marshall, and the Battle for the Supreme Court*. New York: PublicAffairs, 2009. [\[post-M&G\]](#)
The best general-reader narrative of Marbury v. Madison — the midnight judges, the withheld commission, and how Marshall turned a political trap into the foundation of judicial review.

Smith, Jean Edward. *John Marshall: Definer of a Nation*. New York: Henry Holt, 1996. [\[post-M&G\]](#)
The definitive single-volume life: comprehensive, authoritative, and beautifully written.

Strauss, Robert. *John Marshall: The Final Founder, a Biography and Thoughts on the Issues of American History He Inspired*. Guilford, CT: Lyons Press, 2021. [\[post-M&G\]](#)

Unger, Harlow Giles. *John Marshall: The Chief Justice Who Saved the Nation*. Boston: Da Capo Press, 2016. [\[post-M&G\]](#)

Thurgood Marshall §96

Ball, Howard. *A Defiant Life: Thurgood Marshall and the Persistence of Racism in America*. New York: Crown Publishers, 1998. [\[post-M&G\]](#)
A full scholarly biography by a political scientist, published the same year as Williams's and more focused on the law.

Crew, Spencer R. *Thurgood Marshall: A Life in American History*. Santa Barbara, CA: ABC-CLIO, 2019. [\[post-M&G\]](#)

Davis, Michael D., and Hunter R. Clark. *Thurgood Marshall: Warrior at the Bar, Rebel on the Bench*. Secaucus, NJ: Carol Publishing Group, 1992. [\[post-M&G\]](#)

Gibson, Larry S. *Young Thurgood: The Making of a Supreme Court Justice*. Amherst, NY: Prometheus Books, 2012. [\[post-M&G\]](#)
The definitive account of the formation — the Baltimore boyhood, Lincoln University, and the Howard Law years under Charles Hamilton Houston that turned Marshall into a lawyer.

Long, Michael G., ed. *Marshalling Justice: The Early Civil Rights Letters of Thurgood Marshall*. New York: Amistad, 2011. [\[post-M&G\]](#)
Hundreds of Marshall's letters from the 1930s and 1940s — the years of dangerous fieldwork building the cases that became Brown.

Marshall, Thurgood. *The Constitution's Bicentennial: 'The Government They Devised Was Defective from the Start'*. 1987.
Marshall's most famous speech, delivered as the nation prepared to celebrate the Constitution's two-hundredth anniversary — and a bracing refusal to celebrate uncritically.

Rowan, Carl T. *Dream Makers, Dream Breakers: The World of Justice Thurgood Marshall*. Boston: Little, Brown, 1993. [\[post-M&G\]](#)
An intimate close-up by the pioneering Black journalist Carl Rowan, who knew Marshall for decades and drew on long, candid interviews.

Tushnet, Mark V. *Making Civil Rights Law: Thurgood Marshall and the Supreme Court, 1936–1961*. New York: Oxford University Press, 1994. [\[post-M&G\]](#)
The definitive study of Marshall's work as a lawyer — the long campaign that culminated in Brown.

Tushnet, Mark V. *Making Constitutional Law: Thurgood Marshall and the Supreme Court, 1961–1991*. New York: Oxford University Press, 1997. [\[post-M&G\]](#)
The companion to Making Civil Rights Law, and the essential study of Marshall the justice — the twenty-four years on the Court, the alliance with Brennan, and the great dissents on race, poverty, and the death penalty as the Court moved right around him.

Tushnet, Mark V. *The NAACP's Legal Strategy against Segregated Education, 1925–1950*. Chapel Hill: University of North Carolina Press, 1987.

The scholarly foundation for Making Civil Rights Law — a close study of how the NAACP, under Houston and then Marshall, built the campaign against school segregation from the ground up, choosing plaintiffs, courts, and arguments with strategic patience across a quarter-century.

Tushnet, Mark V., ed. *Thurgood Marshall: His Speeches, Writings, Arguments, Opinions, and Reminiscences*. Chicago: Lawrence Hill Books, 2001. [\[post-M&G\]](#)

The essential documentary reader — Marshall across the whole life in his own words: NAACP arguments, the candid oral history he gave Columbia, speeches, and major opinions, gathered and framed by his biographer.

Williams, Juan. *Thurgood Marshall: American Revolutionary*. New York: Times Books, 1998. [\[post-M&G\]](#)

The best one-volume life, by a journalist who interviewed Marshall extensively in his final years.

Stanley Matthews §46

Lurie, Jonathan. “Stanley Matthews: A Case Portrait of Gilded Age High Court Jurisprudence.” *Journal of Supreme Court History* 33, no. 2 (2008). [\[post-M&G\]](#)

The best single treatment of what Matthews actually did with his eight years — above all Yick Wo and Hurtado, the pair of 1880s opinions that still anchor equal-protection and due-process law.

McClain, Charles J. *In Search of Equality: The Chinese Struggle against Discrimination in Nineteenth-Century America*. Berkeley: University of California Press, 1994. [\[post-M&G\]](#)

The essential context for Yick Wo.

Joseph McKenna §57

McDevitt, Matthew. *Joseph McKenna: Associate Justice of the United States*. Washington, DC: Catholic University of America Press, 1946.

The only full biography, from a Catholic University of America dissertation — and frankly protective of its subject, but the sole sustained account of a genuinely unlikely justice.

John McKinley §27

Brown, Steven P. *John McKinley and the Antebellum Supreme Court: Circuit Riding in the Old Southwest*. Tuscaloosa, AL: University of Alabama Press, 2012. [\[post-M&G\]](#)

The subtitle is the thesis: a study of circuit riding in the Old Southwest, with McKinley as its exhausted exemplar.

Fiebelman, Herbert U.; James L. Noles Jr. “John McKinley of Alabama” (*Alabama Lawyer* 22, 1961) & “Alabama’s Forgotten Justices: John McKinley and John A. Campbell” (*Alabama Lawyer* 63, 2002).

[\[post-M&G\]](#)

The home-state bar’s two remembrances, forty years apart, as the FJC’s bibliography lists them — Fiebelman’s the fuller career sketch, Noles’s a double portrait pairing McKinley with Alabama’s other justice, John Archibald Campbell.

John McLean §21

Carney, Thomas E. “The Political Judge: Justice John McLean’s Pursuit of the Presidency.” *Ohio History* 111 (2002): 121–144. [\[post-M&G\]](#)

The dedicated study of McLean’s perennial candidacies — courted by the Anti-Masons, Whigs, Free Soilers, and Republicans across nearly forty years while sitting as a justice.

Finkelman, Paul. "John McLean: Moderate Abolitionist and Supreme Court Politician." *Vanderbilt Law Review* 62, no. 2 (2009): 519–566. [post-M&G]

Finkelman, elsewhere the Court's sternest prosecutor on slavery, gives McLean real credit: the lone Prigg dissenter, the Dred Scott dissenter, the one justice antislavery America trusted.

Shelden, Rachel A. "Anatomy of a Presidential Campaign from the Supreme Court Bench: John McLean, Levi Woodbury, and the Election of 1848." *Journal of Supreme Court History* 47, no. 3 (2022). [post-M&G]

The major modern study of the thing McLean is famous for — running for president from the bench, without apology, in an era that considered it normal.

Weisenburger, Francis P. "John McLean, Postmaster-General." *Mississippi Valley Historical Review* 18, no. 1 (1931): 23–33.

The pre-Court career that explains the man: under Monroe and Adams, McLean built the Post Office into the largest department in the government and ran its thousands of appointments with a nonpartisan skill that made him indispensable to every administration and trusted by none.

Weisenburger, Francis P. *The Life of John McLean: A Politician on the United States Supreme Court*. Columbus, OH: Ohio State University Press, 1937.

The whole improbable ascent: the New Jersey-born printer's apprentice who founded a Lebanon, Ohio newspaper, read law, reached Congress at twenty-seven, and built the Post Office into the government's largest machine before Jackson kicked him upstairs in 1829 — then thirty-two years on the bench spent, in no small part, running for president.

James C. McReynolds §66

Bond, James E. *I Dissent: The Legacy of Justice James Clark McReynolds*. Fairfax, VA: George Mason University Press, 1992. [post-M&G]

The only book-length study, and a fair-minded one about a man easy to caricature.

Knox, John. *The Forgotten Memoir of John Knox: A Year in the Life of a Supreme Court Clerk in FDR's Washington*. Edited by Dennis J. Hutchinson and David J. Garrow. Chicago: University of Chicago Press, 2002. [post-M&G]

The most vivid inside account of any justice's chambers ever published — McReynolds's 1936–37 clerk recorded his employer's cruelty, his bigotry, and the strange loneliness of the household, against the backdrop of the Court-packing fight.

Lawrence, Albert. "Biased Justice: James C. McReynolds of the Supreme Court of the United States." *Journal of Supreme Court History* 30, no. 3 (2005): 244–270. [post-M&G]

The standard scholarly treatment of what makes McReynolds unique in the Court's history: an antisemitism so open he refused to speak to Brandeis, sit for photographs with him, or attend Cardozo's memorial.

Samuel F. Miller §36

Fairman, Charles. *Mr. Justice Miller and the Supreme Court, 1862–1890*. Cambridge, MA: Harvard University Press, 1939.

The monument, and still unsurpassed.

Ross, Michael A. *Justice of Shattered Dreams: Samuel Freeman Miller and the Supreme Court during the Civil War Era*. Baton Rouge: Louisiana State University Press, 2003. [post-M&G]

The modern biography and the natural first read — the first full life of Miller in over sixty years.

Sherman Minton §87

Gugin, Linda C. & James E. St. Clair. *Sherman Minton: New Deal Senator, Cold War Justice*. Indianapolis: Indiana Historical Society Press, 1997. [\[post-M&G\]](#)

The definitive biography, by the authors who also wrote the standard life of Fred Vinson.

William H. Moody §60

Heffron, Paul T. "The Early Years of Justice Moody." *Essex Institute Historical Collections* 123, no. 4 (1987): 309–330.

The study of Moody before Washington — the Essex County prosecutor (of Lizzie Borden, among others) who became Roosevelt's favorite reformer.

Heffron, Paul T. "Theodore Roosevelt and the Appointment of Mr. Justice Moody." *Vanderbilt Law Review* 18, no. 2 (1965): 545–568.

The standard account of the closest presidential-justice relationship of the era — TR's Navy Secretary and trust-busting Attorney General, sent to the Court in 1906 to carry the Square Deal inside.

Alfred Moore §12

Ashe, Samuel A., ed. *Biographical History of North Carolina from Colonial Times to the Present*. Greensboro, NC: C. L. Van Noppen, 1905–17.

Clifton, James M. "Alfred Moore." *Dictionary of North Carolina Biography* (William S. Powell, ed.) (1991). [\[post-M&G\]](#)

The best available account of Moore's whole life: the Cape Fear planter dynasty, Revolutionary service at Moore's Creek Bridge and Charleston, the resignation from the army after his father's death, the British destruction of his Buchoi rice plantation, nine years as North Carolina's attorney general, the appointment to Iredell's seat, and the quiet exit.

Davis, Junius. *Alfred Moore and James Iredell, Revolutionary Patriots*. Address to the Supreme Court of North Carolina. Raleigh: North Carolina Society of the Sons of the Revolution, 1899.

Frank Murphy §80

Fine, Sidney. *Frank Murphy* (3 vols.: *The Detroit Years*; *The New Deal Years*; *The Washington Years*). Ann Arbor, MI: University of Michigan Press, 1984.

The monumental scholarly biography, three volumes and nearly two decades in the making, and one of the fullest lives ever written of any justice.

Howard, J. Woodford, Jr. *Mr. Justice Murphy: A Political Biography*. Princeton, NJ: Princeton University Press, 1968.

The best one-volume life, and a fair-minded one.

Zipes, Greg. *Justice and Faith: The Frank Murphy Story*. Ann Arbor, MI: University of Michigan Press, 2021. [\[post-M&G\]](#)

The first Murphy biography since Fine's trilogy — a single-volume modern life of the Court's great bleeding heart, the justice who put 'legalized racism' into the U.S. Reports dissenting in Korematsu.

Samuel Nelson §29

Cook, Adrian. *The Alabama Claims: American Politics and Anglo-American Relations, 1865–1872*. Ithaca, NY: Cornell University Press, 1975.

The standard monograph on the Alabama Claims settlement — the great Anglo-American arbitration Nelson helped negotiate as a member of the Joint High Commission in 1871, at age seventy-eight, in the most consequential public service of his late career.

Countryman, Edwin. "Samuel Nelson." *The Green Bag* 19, no. 6 (1907): 329–334.

The Gilded Age legal magazine's affectionate profile — the New York bar's memory of its greatest chief justice a generation after his death.

Leach, Richard H. "Rediscovery of Samuel Nelson." *New York History* 34, no. 1 (1953): 64–71.

The one modern scholarly attempt to pull Nelson out of the footnotes, and its title concedes the situation: a half-century judge obscured precisely because he generated no scandals and joined no crusades.

Sandra Day O'Connor §102

Biskupic, Joan. *Sandra Day O'Connor: How the First Woman on the Supreme Court Became Its Most Influential Justice*. New York: Ecco, 2005. [post-M&G]

The first major biography, by the veteran Court journalist Joan Biskupic — written while O'Connor still sat, and definitive on how the pragmatic Arizonan became the swing vote who decided abortion, affirmative action, and religion for a generation.

Maveety, Nancy. *Justice Sandra Day O'Connor: Strategist on the Supreme Court*. Lanham, MD: Rowman & Littlefield, 1996. [post-M&G]

The political scientist's study of O'Connor's method — the deliberate, accommodationist, case-by-case strategy that made her the Court's median vote and, for years, its most powerful member.

McFeatters, Ann Carey. *Sandra Day O'Connor: Justice in the Balance*. Albuquerque, NM: University of New Mexico Press, 2005. [post-M&G]

A concise, readable life for the general reader, tracing the ranch-girl-to-swing-vote arc with a journalist's eye.

O'Connor, Sandra Day, and H. Alan Day. *Lazy B: Growing Up on a Cattle Ranch in the American Southwest*. New York: Random House, 2002. [post-M&G]

O'Connor's memoir of the Arizona ranch where she grew up, written with her brother — not a book about the Court, but the key to the character who ran it from the center.

O'Connor, Sandra Day. *The Majesty of the Law: Reflections of a Supreme Court Justice*. New York: Random House, 2003. [post-M&G]

O'Connor's reflections on the Court, its history, and the rule of law — accessible essays on the institution she helped steer, written in the middle of her decisive final decade.

Thomas, Evan. *First: Sandra Day O'Connor*. New York: Random House, 2019. [post-M&G]

The definitive biography, and a superb one.

William Paterson §8

Degnan, Daniel A. "William Paterson: Small States' Nationalist." In *Seriatim: The Supreme Court Before John Marshall*. 1998. [post-M&G]

The best concise, Court-centered treatment.

Haskett, Richard C. "William Paterson, Attorney General of New Jersey: Public Office and Private Profit in the American Revolution." *William and Mary Quarterly*, 3rd ser., 7 (1950).

A focused archival study of Paterson's years as New Jersey's first attorney general — how public prosecution, private practice, wartime confiscation, and professional advancement overlapped in the Revolutionary state.

Hickox, Charles F., III, and Andrew C. Laviano. "William Paterson," *Journal of Supreme Court History*. 1992. [\[post-M&G\]](#)

Hoffer, William James Hull. "William Paterson and the National Jurisprudence: Two Draft Opinions on the Sedition Law of 1798 and the Federal Common Law." *Journal of Supreme Court History* 22, no. 2 (1997): 36–50. [\[post-M&G\]](#)

The only substantial modern study of Paterson's actual work as a justice — built on two draft opinions on the Sedition Act and the federal common law of crimes.

O'Connor, John E. *William Paterson: Lawyer and Statesman, 1745–1806*. New Brunswick, NJ: Rutgers University Press, 1979.

The standard full-length biography and the clear place to begin — from immigrant childhood and New Jersey legal practice through the Revolution, Convention, Senate, governorship, and Court.

Wood, Gertrude S. *William Paterson of New Jersey, 1745–1806*. Fair Lawn, NJ: Fair Lawn Press, 1933.

Rufus W. Peckham §56

Ely, James W., Jr. "Rufus W. Peckham and Economic Liberty." *Vanderbilt Law Review* 62, no. 2 (2009): 591. [\[post-M&G\]](#)

The leading modern reassessment of the man who wrote Lochner — Ely's case that Peckham was no crude tool of capital but a coherent economic-liberty jurist in the Jacksonian antimonopoly tradition.

Mahlon Pitney §65

Belknap, Michal R. "Mr. Justice Pitney and Progressivism." *Seton Hall Law Review* 16, no. 2 (1986): 381–423.

The leading modern study of Pitney — Belknap's case that the author of Coppage was no simple reactionary but a New Jersey progressive whose labor decisions were more mixed, and more principled, than the caricature.

Levitan, David M. "Mahlon Pitney, Labor Judge." *Virginia Law Review* 40, no. 6 (1954): 733–770.

The classic examination of the record Pitney is remembered for — the full run of his labor opinions, from Coppage to his quiet votes sustaining workmen's compensation.

Lewis F. Powell Jr. §99

Jeffries, John C., Jr. *Justice Lewis F. Powell, Jr.: A Biography*. New York: Fordham University Press, 1994. [\[post-M&G\]](#)

One of the great judicial biographies, and the indispensable book on Powell.

Powell, Lewis F., Jr. *The Powell Memorandum and the Corporate Turn*. 1971.

Two months before Nixon nominated him, Powell wrote a confidential memorandum to the U.S. Chamber of Commerce — 'Attack on the American Free Enterprise System' — urging business to organize, fund, and fight for its interests in politics, the academy, and the courts.

Schwartz, Bernard. *Behind Bakke: Affirmative Action and the Supreme Court*. New York: New York University Press, 1988.

The classic inside-the-Court reconstruction of Bakke from the justices' internal papers — with Powell's lone controlling opinion, the diversity rationale that governed admissions for forty-five years, at its center.

Winkler, Adam. *We the Corporations: How American Businesses Won Their Civil Rights*. New York: Liveright, 2018. [\[post-M&G\]](#)

The National Book Award finalist that gives the Powell Memorandum its full historical frame — Powell's tobacco-industry years, the 1971 memo, and his Bellotti opinion as the hinge of the corporate-rights revolution that ran to Citizens United.

Stanley F. Reed [§77](#)

Fassett, John D. *New Deal Justice: The Life of Stanley Reed of Kentucky*. New York: Vantage Press, 1994. [\[post-M&G\]](#)

The one full biography, by a lawyer who clerked for Reed and knew him well.

O'Brien, F. William, S.J. *Justice Reed and the First Amendment: The Religion Clauses*. Washington, DC: Georgetown University Press, 1958.

The only book-length study of Reed besides Fassett's biography — a Jesuit scholar's analysis of the religion-clause record of the justice who dissented from the school-prayer-adjacent released-time cases with the era's most quoted plea for accommodation.

William H. Rehnquist [§100](#)

Bradley, Craig, ed. *The Rehnquist Legacy*. Cambridge: Cambridge University Press, 2006. [\[post-M&G\]](#)

A scholarly assessment of the whole tenure, gathered just after his death — essays on federalism, criminal procedure, religion, and judicial administration that take the measure of a Chief who moved the law steadily rightward and ran the building with quiet efficiency.

Davis, Sue. *Justice Rehnquist and the Constitution*. Princeton, NJ: Princeton University Press, 1989.

The first serious study of Rehnquist's constitutional philosophy — Sue Davis on the consistent conservatism behind the early solo dissents, written when he was still the Court's right flank rather than its Chief.

Dean, John W. *The Rehnquist Choice: The Untold Story of the Nixon Appointment That Redefined the Supreme Court*. New York: Free Press, 2001. [\[post-M&G\]](#)

Nixon's own White House counsel, working from the Nixon tapes, reconstructs the accidental, cynical, and finally fateful process that put Rehnquist on the Court in 1971 — 'Renchburg,' as Nixon kept calling him.

Jenkins, John A. *The Partisan: The Life of William Rehnquist*. New York: PublicAffairs, 2012. [\[post-M&G\]](#)

The fullest single-volume life, and the natural starting point — but a critical one, and readers should know it.

Obermayer, Herman J. *Rehnquist: A Personal Portrait of the Distinguished Chief Justice of the United States*. New York: Threshold Editions, 2009. [\[post-M&G\]](#)

An affectionate memoir by a friend of Rehnquist's later years — the private man of poker, painting, bad ties, and dry wit behind the austere public Chief.

Rehnquist, William H. *All the Laws but One: Civil Liberties in Wartime*. New York: Alfred A. Knopf, 1998. [\[post-M&G\]](#)

Rehnquist on civil liberties under the pressure of war — from Lincoln's suspension of habeas corpus to the Japanese-American internment — arguing that the Constitution's protections have always bent, and perhaps should, in wartime.

Rehnquist, William H. *Centennial Crisis: The Disputed Election of 1876*. New York: Alfred A. Knopf, 2004. [\[post-M&G\]](#)

His last book — a study of the Hayes–Tilden deadlock of 1876 and the electoral commission that broke it, written by the Chief Justice who had just presided over Bush v. Gore.

Rehnquist, William H. *The Supreme Court: How It Was, How It Is*. 1987; rev. ed., *The Supreme Court*, 2001.

[post-M&G]

Rehnquist's own accessible history of the institution he led — part narrative, part memoir, revised and expanded from his 1987 original.

Yarborough, Tinsley E. *The Rehnquist Court and the Constitution*. New York: Oxford University Press, 2000.

[post-M&G]

The standard study of the Court Rehnquist led — Tinsley Yarborough on the federalism revival, the retreat on rights, and the consolidation of a conservative majority across two decades.

John G. Roberts Jr. §109

Biskupic, Joan. *The Chief: The Life and Turbulent Times of Chief Justice John Roberts*. New York: Basic Books, 2019. [post-M&G]

The definitive biography, by the veteran Court journalist who has chronicled a generation of justices.

Kaplan, David A. *The Most Dangerous Branch: Inside the Supreme Court in the Age of Trump*. New York: Crown, 2018. [post-M&G]

David Kaplan's critical, behind-the-scenes narrative of the modern Court — the argument that the justices, Roberts foremost, have grasped more power than a democracy should grant them, and should be more modest than they are.

Toobin, Jeffrey. *The Oath: The Obama White House and the Supreme Court*. New York: Doubleday, 2012.

[post-M&G]

Jeffrey Toobin's gripping narrative of the collision between the Obama White House and the Roberts Court — Citizens United, the health-care case, and the frosty relationship between the president and the Chief who fumbled his inaugural oath and then, improbably, saved his signature law.

Tribe, Laurence, and Joshua Matz. *Uncertain Justice: The Roberts Court and the Constitution*. New York: Henry Holt, 2014. [post-M&G]

The constitutional scholar Laurence Tribe and Joshua Matz on the Roberts Court's jurisprudence — a nuanced argument that it is less predictable, and less monolithically conservative, than either side believes.

Tushnet, Mark V. *In the Balance: Law and Politics on the Roberts Court*. New York: W. W. Norton, 2013.

[post-M&G]

Mark Tushnet's scholarly account of law and politics on the Roberts Court — the academic counterpart to the journalists' narratives, mapping the blocs, the doctrinal stakes, and the Chief's institutional caution.

Owen J. Roberts §74

Ariens, Michael S. "A Thrice-Told Tale, or Felix the Cat." *Harvard Law Review* 107 (1994): 620. [post-M&G]

The unsettling rejoinder: Ariens's argument that Frankfurter shaped — perhaps invented — the Roberts memorandum narrative to serve his own account of 1937.

Cushman, Barry. *Rethinking the New Deal Court: The Structure of a Constitutional Revolution*. New York: Oxford University Press, 1998. [post-M&G]

The essential modern frame for Roberts's reputation — Cushman's revisionist case that the 1937 'switch in time' was doctrinal evolution, not political capitulation, which if right acquits Roberts of the charge that defines him.

Frankfurter, Felix. "Mr. Justice Roberts." *University of Pennsylvania Law Review* 104 (1955): 311.

The primary document of the switch controversy: Frankfurter's memorial essay publishing Roberts's own posthumous memorandum explaining his 1937 votes.

Leonard, Charles A. *A Search for a Judicial Philosophy: Mr. Justice Roberts and the Constitutional Revolution of 1937*. Millwood, NY: KTO Press, 1971.

The closest thing to a full study of Roberts, built around the question that shadows him: did he switch in 1937 from principle or from fear of Roosevelt's court-packing plan?

John Rutledge §2

Barnwell, Robert W., Jr. "Rutledge, 'The Dictator.'" *Journal of Southern History* 7 (1941): 215.

The standard study of Rutledge's extraordinary wartime governorship — the near-absolute powers South Carolina handed him as the British closed in, which earned him the nickname and made him the most powerful executive in revolutionary America.

Barry, Richard. *Mr. Rutledge of South Carolina*. New York: Duell, Sloan & Pearce, 1942.

Barry's study, though based on wide research and at times colorful, ultimately feels light rather than penetrating.

Haw, James. *John & Edward Rutledge of South Carolina*. Athens, GA: University of Georgia Press, 1997.

[post-M&G]

The strongest modern account.

McCowan, George S., Jr. "Chief Justice John Rutledge and the Jay Treaty." *South Carolina Historical Magazine* 52 (1961): 10.

The dedicated study of the episode that defines Rutledge — his furious July 1795 speech against the Jay Treaty, delivered weeks after accepting the recess appointment as Chief Justice, which handed the Senate its reason to reject him that December.

Wiley B. Rutledge §83

Ferren, John M. *Salt of the Earth, Conscience of the Court: The Story of Justice Wiley Rutledge*. Chapel Hill: University of North Carolina Press, 2004. [post-M&G]

The definitive biography, by a judge of the D.C. Court of Appeals who spent years recovering a justice history had let slip.

Harper, Fowler V. *Justice Rutledge and the Bright Constellation*. Indianapolis: Bobbs-Merrill, 1965.

The first study of Rutledge, by his friend the law professor Fowler Harper — an admiring account of the New Deal liberal who died at fifty-five after only six years on the Court.

Edward T. Sanford §72

Slater, Stephanie L. *Edward Terry Sanford: A Tennessean on the U.S. Supreme Court*. Knoxville: University of Tennessee Press, 2018. [post-M&G]

The first and only full biography of Sanford — the courtly Tennessean remembered for one sentence (Gitlow's assumption that the First Amendment binds the states) and for dying the same day as Taft, which cost him even his own funeral's headlines.

Antonin Scalia §103

Biskupic, Joan. *American Original: The Life and Constitution of Supreme Court Justice Antonin Scalia*. New York: Farrar, Straus and Giroux, 2009. [post-M&G]

The definitive biography, by a veteran Supreme Court journalist.

Brisbin, Richard A., Jr. *Justice Antonin Scalia and the Conservative Revival*. Baltimore: Johns Hopkins University Press, 1997. [post-M&G]

The first serious scholarly study of Scalia's method and its place in the conservative legal movement — a close reading of the opinions through his first decade that remains a standard analytical account.

- Dorsen, David M. *The Unexpected Scalia: A Conservative Justice's Liberal Opinions*. Cambridge: Cambridge University Press, 2017. [\[post-M&G\]](#)
A liberal friend's case-by-case study of the roughly 135 times Scalia's method produced liberal results — flag burning, confrontation rights, sentencing.
- Hasen, Richard L. *The Justice of Contradictions: Antonin Scalia and the Politics of Disruption*. New Haven, CT: Yale University Press, 2018. [\[post-M&G\]](#)
The critical reckoning with the legacy — the election-law scholar Richard Hasen argues that Scalia's slashing style and disruptive method did as much to coarsen legal argument as his originalism did to reshape it.
- Murphy, Bruce Allen. *Scalia: A Court of One*. New York: Simon & Schuster, 2014. [\[post-M&G\]](#)
The other major biography, and the skeptical one — Bruce Allen Murphy argues that Scalia's combativeness and refusal to compromise cost him the majorities his talents deserved, leaving him a brilliant 'court of one.'
- Rosen, James. *Scalia: Rise to Greatness, 1936 to 1986*. Regnery, 2023. [\[post-M&G\]](#)
The first major Scalia biography since Murphy — volume one of Rosen's two-volume life, written with extensive family cooperation, carrying Scalia from Queens through the appellate bench to the 1986 appointment.
- Rosen, James. *Scalia: Supreme Court Years, 1986 to 2001*. Regnery, 2026. [\[post-M&G\]](#)
Published in February 2026 — the first fifteen Court years: the dissents that built a movement, the Thomas alliance, the feuds and friendships.
- Rossum, Ralph A. *Antonin Scalia's Jurisprudence: Text and Tradition*. Lawrence, KS: University Press of Kansas, 2006. [\[post-M&G\]](#)
The systematic account of the theory — Rossum on how originalism and textualism actually operate across Scalia's opinions, and where the two commitments pull against each other.
- Scalia, Antonin, and Bryan A. Garner. *Reading Law: The Interpretation of Legal Texts*. St. Paul, MN: Thomson/West, 2012. [\[post-M&G\]](#)
Scalia's fullest statement of method, written with the lexicographer Bryan Garner — a systematic catalog of the canons of interpretation and the case for reading statutes and the Constitution by their text.
- Scalia, Antonin. *A Matter of Interpretation: Federal Courts and the Law*. Princeton, NJ: Princeton University Press, 1997. [\[post-M&G\]](#)
Scalia's own manifesto, and the clearest short statement of the philosophy he spent a career advancing.
- Scalia, Antonin. *Scalia Speaks: Reflections on Law, Faith, and Life Well Lived*. Edited by Christopher J. Scalia and Edward Whelan. New York: Crown Forum, 2017. [\[post-M&G\]](#)
The posthumous collection of his speeches — on the Constitution, faith, friendship, and the well-lived life — edited by his son and a former clerk, with a foreword by his friend and opposite Ruth Bader Ginsburg.
- Scalia, Antonin. *The Essential Scalia: On the Constitution, the Courts, and the Rule of Law*. Edited by Jeffrey S. Sutton and Edward Whelan. New York: Forum Books, 2020. [\[post-M&G\]](#)
The best single-volume selection of his opinions and essays, arranged by theme, with a foreword by Justice Elena Kagan — the efficient way to meet Scalia the writer and arguer.
- Staab, James Brian. *The Political Thought of Justice Antonin Scalia: A Hamiltonian on the Supreme Court*. Lanham, MD: Rowman & Littlefield, 2006. [\[post-M&G\]](#)

George Shiras Jr. §53

Shiras, George, 3rd. *Justice George Shiras, Jr., of Pittsburgh: A Chronicle of His Family, Life and Times*. Edited by Winfield Shiras. Pittsburgh: University of Pittsburgh Press, 1953.

The only book-length life, and a family production: begun by the justice's son — George Shiras 3rd, the wildlife-photography pioneer and one-term congressman — and completed after his death by a grandson, Winfield Shiras, for the University of Pittsburgh Press.

Sonia Sotomayor §111

Biskupic, Joan. *Breaking In: The Rise of Sonia Sotomayor and the Politics of Justice*. New York: Sarah Crichton Books, 2014. [post-M&G]

The best biography — the veteran Court journalist Joan Biskupic on Sotomayor's rise from a Bronx housing project to the Court, and on the politics of the first Latina justice's appointment.

Felix, Antonia. *Sonia Sotomayor: The True American Dream*. New York: Berkley Books, 2010. [post-M&G]

An accessible earlier biography, strong on the Puerto Rican family, the childhood diabetes, and the Princeton-and-Yale ascent.

Lima, Lazaro. *Being Brown: Sonia Sotomayor and the Latino Question*. Berkeley: University of California Press, 2019. [post-M&G]

Sotomayor, Sonia. *My Beloved World*. New York: Alfred A. Knopf, 2013. [post-M&G]

Sotomayor's memoir, and the indispensable introduction to the justice and the person.

David H. Souter §105

Chandler, Adam D. “Slow and Steady: David Souter's Life in the Law.” *Yale Law Journal Forum* (2010). [post-M&G]

The best short study of Souter's jurisprudence — a refutation of the 'stealth justice' caricature, showing a consistent Harlan-style common-law incrementalism running from the confirmation hearings to the late dissents.

Roberts, John G., Jr., Stephen Breyer, Kevin Newsom, et al. “In Memoriam: Justice David H. Souter.” *Harvard Law Review* 139: 454. 2025. [post-M&G]

The tributes published after Souter's death in May 2025 — the Chief Justice, Justice Breyer, a former clerk now on the Eleventh Circuit, and three leading scholars, incorporating the Court's own memorial remarks.

Souter, David H. Harvard Commencement Address (“The Fair Reading Model”). 2010. [post-M&G]

Souter's intellectual testament, delivered a year after he left the Court.

Yarbrough, Tinsley E. *David Hackett Souter: Traditional Republican on the Rehnquist Court*. New York: Oxford University Press, 2005. [post-M&G]

The fullest biography of a justice who guarded his privacy fiercely, by a prolific scholar of the Court.

John Paul Stevens §101

Barnhart, Bill, and Gene Schlickman. *John Paul Stevens: An Independent Life*. DeKalb, IL: Northern Illinois University Press, 2010. [post-M&G]

The fullest biography of Stevens, and the best starting point for a long and independent life.

Manaster, Kenneth A. *Illinois Justice: The Scandal of 1969 and the Rise of John Paul Stevens*. Chicago: University of Chicago Press, 2001. [post-M&G]

The making of the justice — Kenneth Manaster's account of the 1969 Illinois judicial-corruption scandal that Stevens, as special counsel, helped expose, lifting an obscure Chicago antitrust lawyer toward the bench.

Sickels, Robert Judd. *John Paul Stevens and the Constitution: The Search for Balance*. University Park, PA: Pennsylvania State University Press, 1988.

An early study of Stevens's jurisprudence, written in his second decade on the Court — the first attempt to find the method behind his famously independent, case-by-case opinions.

Stevens, John Paul. *Five Chiefs: A Supreme Court Memoir*. New York: Little, Brown, 2011. [post-M&G]

Stevens's warm memoir of the five Chief Justices he knew — from Fred Vinson, for whom he clerked, to John Roberts — a genial insider's tour of the modern Court through the men who led it.

Stevens, John Paul. *Six Amendments: How and Why We Should Change the Constitution*. New York: Little, Brown, 2014. [post-M&G]

The retired justice as reformer — Stevens's brief, pointed case for six constitutional amendments, on guns, the death penalty, gerrymandering, and money in politics, distilling the causes of his late dissents into proposals.

Stevens, John Paul. *The Making of a Justice: Reflections on My First 94 Years*. New York: Little, Brown, 2019. [post-M&G]

Stevens's own memoir, written in his late nineties and published the year he died — an unhurried, term-by-term walk through his life and cases from the inside.

Potter Stewart §92

Morris, Jeffrey B. "A Lawyer's Lawyer, A Judge's Judge: Justice Potter Stewart and the Fourth Amendment." *University of Cincinnati Law Review* 51 (1982): 509.

*The leading study of the doctrine Stewart owned — the author of *Katz* and its 'reasonable expectation of privacy,' assessed by a leading judicial historian.*

Stewart, Potter. "Or of the Press." *Hastings Law Journal* 26 (1975): 631.

Stewart's famous Yale address — the argument that the Press Clause is a structural protection for the institutional press, not a redundancy of free speech.

Harlan Fiske Stone §73

Konefsky, Samuel J. *Chief Justice Stone and the Supreme Court*. New York: Macmillan, 1945.

The only other book-length Stone study besides Mason's great biography — a contemporary analysis of his chief justiceship written while Stone still presided, valuable precisely for its before-the-verdict perspective on the wartime Court.

Mason, Alpheus Thomas. *Harlan Fiske Stone: Pillar of the Law*. New York: Viking Press, 1956.

The definitive biography, and one of the great judicial lives.

Joseph Story §18

Dowd, Morgan D. "Justice Story and the Politics of Appointment." *American Journal of Legal History* 9, no. 4 (1965): 265–285.

How the fourth choice became the appointment of the century: Cushing's death, the failed nominations of Levi Lincoln, Alexander Wolcott, and John Quincy Adams, Jefferson's warnings from Monticello, and Madison's gamble on a thirty-two-year-old Salem lawyer his own party distrusted.

Dunne, Gerald T. *Justice Joseph Story and the Rise of the Supreme Court*. New York: Simon & Schuster, 1970.

The livelier predecessor to Newmyer — a brisk, quotable narrative distilled from Dunne's string of 1960s Harvard Law Review articles.

McClellan, James. *Joseph Story and the American Constitution: A Study in Political and Legal Thought*. Norman, OK: University of Oklahoma Press, 1971.

The standard study of Story as a thinker: his Christian natural-law foundations, his Burkean conservatism, his nationalism, and the tensions among all three.

Newmyer, R. Kent. *Supreme Court Justice Joseph Story: Statesman of the Old Republic*. Chapel Hill: University of North Carolina Press, 1985.

Holds together every Story there was: the Marblehead Republican whom Jefferson distrusted, Marshall's indispensable scholarly partner, the Dane Professor who made Harvard Law School the national seminary of American law, the author of nine series of Commentaries that organized whole fields from scratch, and the judge whose record on slavery ran from denouncing the slave trade as against natural law to writing Prigg v. Pennsylvania.

Story, Joseph. *Commentaries on the Constitution of the United States* (3 vols.). Boston: Hilliard, Gray, 1833.

The most influential constitutional treatise of the nineteenth century, written at night while its author sat on the Court and ran Harvard Law School by day.

Story, William Wetmore, ed. *Life and Letters of Joseph Story* (2 vols.; with *Miscellaneous Writings*, 1852). Boston: Charles C. Little and James Brown, 1851.

The sculptor son's monument to his father — the indispensable primary trove.

William Strong §40

Strong, William. *Two Lectures upon the Relations of Civil Law to Church Polity, Discipline, and Property*. New York: Dodd & Mead, 1875.

Strong's own published lectures on church and state — the key primary source for the justice who, while sitting on the Court, presided over the movement to write Christianity into the Constitution.

George Sutherland §70

Arkes, Hadley. *The Return of George Sutherland: Restoring a Jurisprudence of Natural Rights*. Princeton, NJ: Princeton University Press, 1994. [post-M&G]

The natural-law philosopher Hadley Arkes's provocative rehabilitation of the leading 'Four Horseman' — an argument that Sutherland's jurisprudence of natural rights deserves revival, not scorn.

Olken, Samuel R. "Justice George Sutherland and Economic Liberty: Constitutional Conservatism and the Problem of Factions." *William & Mary Bill of Rights Journal* 6, no. 1 (1997). [post-M&G]

Paschal, Joel Francis. *Mr. Justice Sutherland: A Man Against the State*. Princeton, NJ: Princeton University Press, 1951.

The standard biography, and a thoughtful one.

Noah H. Swayne §35

No book-length biography. See Friedman and Israel (Part III) and Fairman, Reconstruction and Reunion (Part I).

William Howard Taft §69

Anderson, Judith Icke. *William Howard Taft: An Intimate History*. New York: W. W. Norton, 1981.

The psychological and personal life — a candid portrait of Taft's marriage, his ambition (much of it Nellie's), and the weight, literal and figurative, he carried through public life.

Coletta, Paolo E. *The Presidency of William Howard Taft*. Lawrence, KS: University Press of Kansas, 1973.

The standard scholarly account of the troubled 1909–1913 presidency — the tariff, the Ballinger–Pinchot affair, and the rupture with Theodore Roosevelt that split the Republican Party and cost Taft the White House.

Goodwin, Doris Kearns. *The Bully Pulpit: Theodore Roosevelt, William Howard Taft, and the Golden Age of Journalism*. New York: Simon & Schuster, 2013. [\[post-M&G\]](#)

Half of Goodwin's 900-page epic is a full Taft biography — the most widely read treatment of the man in half a century, carrying him from Cincinnati through the presidency to the 1912 rupture with Roosevelt.

Gould, Lewis L. *Chief Executive to Chief Justice: Taft betwixt the White House and Supreme Court*. Lawrence, KS: University Press of Kansas, 2014. [\[post-M&G\]](#)

The study of the interregnum — Taft's years out of office (1913–1921) as a Yale professor and public man, campaigning quietly for the Chief Justiceship he had wanted all along and finally won from Harding.

Lurie, Jonathan. *William Howard Taft: The Travails of a Progressive Conservative*. Cambridge: Cambridge University Press, 2012. [\[post-M&G\]](#)

The modern scholarly reassessment, strong on the through-line of Taft's career — a judicial temperament miscast in the presidency and finally at home on the bench.

Mason, Alpheus Thomas. *William Howard Taft: Chief Justice*. New York: Simon & Schuster, 1965.

The best book on Taft as Chief Justice, by the great judicial biographer who also wrote the lives of Brandeis and Stone.

Pringle, Henry F. *The Life and Times of William Howard Taft* (2 vols.). New York: Farrar & Rinehart, 1939.

The standard biography, by the author of the Pulitzer-winning Theodore Roosevelt life.

Rosen, Jeffrey. *William Howard Taft (The American Presidents Series)*. New York: Times Books, 2018. [\[post-M&G\]](#)

The best brief introduction to the whole career — Jeffrey Rosen's compact life in the American Presidents series, unusually attentive to the constitutional convictions that made Taft a reluctant president and a contented Chief Justice.

Taft, William Howard. *Our Chief Magistrate and His Powers*. New York: Columbia University Press, 1916.

Taft's own book on the presidency, written between his two great offices — the classic statement of the constitutionally modest 'stewardship' view of executive power, composed in pointed answer to Theodore Roosevelt's expansive one.

Roger B. Taney §24

Huebner, Timothy S. “Roger B. Taney and the Slavery Issue: Looking beyond—and before—Dred Scott.”

Journal of American History 97, no. 1 (2010): 17–38. [\[post-M&G\]](#)

The essential modern article and the engine of any fair verdict.

Hughes, Charles Evans. “Roger Brooke Taney.” *American Bar Association Journal* 17 (1931).

Two sitting Chief Justices formally rehabilitating a predecessor — Hughes at the pendulum's far swing, Warren, of all people, renewing the absolution the year after Brown.

Lewis, Walker. *Without Fear or Favor: A Biography of Chief Justice Roger Brooke Taney*. Boston: Houghton Mifflin, 1965.

The other full biography — warmer, faster, written for general readers by a Maryland lawyer who spent years in the family materials.

McGinty, Brian. *The Body of John Merryman: Abraham Lincoln and the Suspension of Habeas Corpus*. Cambridge, MA: Harvard University Press, 2011. [\[post-M&G\]](#)

Taney's strange last act: a Maryland secessionist lieutenant arrested in May 1861, a dying Chief Justice riding to Baltimore to order the army to produce him, and a president who declined to obey.

Simon, James F. *Lincoln and Chief Justice Taney: Slavery, Secession, and the President's War Powers*. New York: Simon & Schuster, 2006. [\[post-M&G\]](#)

The standard dual study of the great collision — Dred Scott, Merryman, and the war powers, told through the two men who embodied the argument.

Swisher, Carl Brent. *Roger B. Taney*. New York: Macmillan, 1935.

The whole man: the Calvert County Catholic gentry, the Frederick practice, the Jackson years at the Attorney Generalship and the Treasury, twenty-eight years in the center chair, and the catastrophe of 1857.

“The Unjust Judge: A Memorial of Roger Brooke Taney.” Anonymous pamphlet. New York: Baker & Godwin, 1865.

Published within months of his death: a pamphlet-length assassination of the late Chief Justice's character, so venomous that identifying its author became a scholarly parlor game — Walker Lewis's "The Unjust Judge: Who Wrote It?"

Tyler, Samuel. *Memoir of Roger Brooke Taney, LL.D., Chief Justice of the United States*. Baltimore: John Murphy, 1872.

The authorized answer to The Unjust Judge, built around Taney's own autobiographical fragment — the only sustained account of his early life in his own voice, with the Gruber defense preserved in full.

Warren, Earl. “Roger Brooke Taney: Fifth Chief Justice.” *American Bar Association Journal* 41 (1955).

Clarence Thomas §106

Foskett, Ken. *Judging Thomas: The Life and Times of Clarence Thomas*. New York: William Morrow, 2004. [\[post-M&G\]](#)

A balanced journalistic biography by an Atlanta reporter who interviewed Thomas and those around him — strong on the Pin Point, Georgia origins and the long road to the Court.

Gerber, Scott Douglas. *First Principles: The Jurisprudence of Clarence Thomas*. New York: New York University Press, 1999. [\[post-M&G\]](#)

The early study of Thomas's constitutional method — Gerber's argument that a coherent 'liberal originalism,' rooted in the natural-rights principles of the Declaration, runs through his opinions.

Magnet, Myron. *Clarence Thomas and the Lost Constitution*. New York: Encounter Books, 2019. [\[post-M&G\]](#)

The conservative brief for Thomas as the Court's most important originalist — Magnet's admiring argument that Thomas has spent decades trying to restore a 'lost Constitution' of limited government and natural rights.

Merida, Kevin, and Michael A. Fletcher. *Supreme Discomfort: The Divided Soul of Clarence Thomas*. New York: Doubleday, 2007. [\[post-M&G\]](#)

The richest biography — two Washington Post journalists on the anger, isolation, and racial complexity of a man who rose through institutions he distrusts.

Pack, Michael, and Mark Paoletta. *Created Equal: Clarence Thomas in His Own Words*. Washington, DC: Regnery, 2022. [\[post-M&G\]](#)

The book edition of the 2020 documentary — thirty-plus hours of Thomas interviews including material the film never used.

Robin, Corey. *The Enigma of Clarence Thomas*. New York: Metropolitan Books, 2019. [post-M&G]
The most illuminating single book on how Thomas thinks, and a serious attempt to take his ideas seriously.

Rossum, Ralph A. *Understanding Clarence Thomas: The Jurisprudence of Constitutional Restoration*. Lawrence, KS: University Press of Kansas, 2014. [post-M&G]
The fullest account of Thomas's originalism — Rossum on his willingness, unmatched on the Court, to discard precedent and return doctrine to the Constitution's original meaning, from the Commerce Clause to the Establishment Clause.

Thapar, Amul. *The People's Justice: Clarence Thomas and the Constitutional Stories That Define Him*. Washington, DC: Regnery Gateway, 2023. [post-M&G]

Thomas, Andrew Peyton. *Clarence Thomas: A Biography*. San Francisco: Encounter Books, 2001. [post-M&G]
The first comprehensive biography — a sympathetic full-length life covering the Georgia childhood, the seminary, Yale, the EEOC, and the confirmation.

Thomas, Clarence. *My Grandfather's Son: A Memoir*. New York: Harper, 2007. [post-M&G]
Thomas's own account of his life, and an indispensable and moving counterpart to the outside studies.

Smith Thompson §19

Norgren, Jill. *The Cherokee Cases: The Confrontation of Law and Politics*. New York: McGraw-Hill, 1996. [post-M&G]
The standard accessible account of Cherokee Nation v. Georgia and Worcester v. Georgia — the litigation that produced Thompson's finest hour.

Roper, Donald Malcolm. *Mr. Justice Thompson and the Constitution*. New York: Garland, 1987.
The whole arc: the Poughkeepsie law office shared with Gilbert Livingston, the New York bench under and after Kent, the Navy Department, the presidential itch, and twenty years of judicial work — including the Cherokee dissent.

Thomas Todd §16

Currie, David P.; Frank H. Easterbrook. "The Most Insignificant Justice: A Preliminary Inquiry" & "...Further Evidence." *University of Chicago Law Review* 50, no. 2 (1983): 466–503.
The most entertaining scholarship ever written about Todd — a deadpan empirical competition for judicial insignificance in which Currie crowns Todd and Easterbrook, marshaling further evidence, presses the claims of Gabriel Duvall.

O'Rear, Edward C. "Justice Thomas Todd." *Register of the Kentucky State Historical Society* 38, no. 123 (1940): 112–119.

Story, Joseph. "Sketch of the character of [Thomas] Todd." In *The Miscellaneous Writings of Joseph Story* (1852): 817–819.
Story's warm memorial to a colleague of nineteen years — the best contemporary character evidence we have, praising Todd's land-law mastery and his self-command in yielding first impressions to better argument.

Robert Trimble §20

Goff, John S. "Mr. Justice Trimble of the United States Supreme Court." *Register of the Kentucky Historical Society* 58, no. 1 (1960): 6–28.
The standard account: the Virginia birth and Kentucky frontier boyhood, the rise through the land-title bar to the state's highest court, the offices he reportedly declined because judging paid less than practice, nine years as federal district judge, and the two-term Supreme Court career cut off by sudden death at fifty-one.

Schneider, Alan Neil. "Robert Trimble: A Kentucky Justice on the Supreme Court." *Kentucky Bar Journal* 12, no. 1 (1947): 21–30.

The bar tradition's tribute — shorter and more celebratory than Goff, with local detail on the Paris practice, the Court of Appeals service, and the district-court years riding herd on Kentucky's land litigation.

Unsigned; long attributed to Joseph Story. "Memoir of Judge Trimble." *American Jurist, and Law Magazine* 1, no. 1 (1829): 149–157.

Published months after his death in the very first issue of the young republic's leading law magazine — a measure, in itself, of how seriously the profession took the loss.

Fred M. Vinson §85

Belknap, Michal R. *The Vinson Court: Justices, Rulings, and Legacy*. Santa Barbara, CA: ABC-CLIO, 2004.

[post-M&G]

The only book-length treatment of the Vinson Court as a court — the loyalty-security cases, Youngstown, and the run-up to Brown that Vinson did not live to decide.

St. Clair, James E. & Linda C. Gugin. *Chief Justice Fred M. Vinson of Kentucky: A Political Biography*. Lexington, KY: University Press of Kentucky, 2002. [post-M&G]

The standard biography, and the fullest account of a much-underrated public career.

Morrison R. Waite §43

Magrath, C. Peter. *Morrison R. Waite: The Triumph of Character*. New York: Macmillan, 1963.

The standard biography, and still the only full one — the natural place to begin.

Trimble, Bruce R. *Chief Justice Waite: Defender of the Public Interest*. Princeton, NJ: Princeton University Press, 1938.

*The only other full-length Waite biography — the pre-Magrath standard life, framed around *Munn v. Illinois* and Waite's deference to public regulation.*

Earl Warren §88

Cray, Ed. *Chief Justice: A Biography of Earl Warren*. New York: Simon & Schuster, 1997. [post-M&G]

The fullest cradle-to-grave narrative — Ed Cray's thorough, readable life, strong on the California political career that shaped the man before Eisenhower named him and came to regret it.

Horwitz, Morton J. *The Warren Court and the Democratic Constitution*. Washington, DC: Georgetown University Press, 2024. [post-M&G]

With a foreword by Erwin Chemerinsky; the standout recent Warren Court book.

Newton, Jim. *Justice for All: Earl Warren and the Nation He Made*. New York: Riverhead Books, 2006.

[post-M&G]

The best one-volume modern biography, by a Los Angeles Times journalist with a feel for California and for power.

Pollack, Jack Harrison. *Earl Warren: The Judge Who Changed America*. Englewood Cliffs, NJ: Prentice-Hall, 1979.

The first full biography after Warren's death, by a journalist who interviewed him — journalistic and admiring, and now superseded by White and Cray, but a useful early portrait.

Schwartz, Bernard. *Super Chief: Earl Warren and His Supreme Court — A Judicial Biography*. New York: New York University Press, 1983.

The classic account of the Warren Court from the inside, by a legal scholar with access to the justices' papers and conference notes.

Simon, James F. *Eisenhower vs. Warren: The Battle for Civil Rights and Liberties*. New York: Liveright, 2018. [\[post-M&G\]](#)

Stone, Geoffrey R., and David A. Strauss. *Democracy and Equality: The Enduring Constitutional Vision of the Warren Court*. New York: Oxford University Press, 2020. [\[post-M&G\]](#)

The compact modern defense of the Warren Court's legacy — two Chicago scholars restating what the revolution accomplished, case by case, for a generation that takes it for granted or wants it undone.

Tushnet, Mark V. *The Warren Court in Historical and Political Perspective*. Charlottesville, VA: University Press of Virginia, 1993. [\[post-M&G\]](#)

Warren, Earl. *The Memoirs of Earl Warren*. Garden City, NY: Doubleday, 1977.

Warren's own account, published after his death — reticent and self-justifying in the way of the genre, but candid on his lasting regret over the wartime internment of Japanese Americans, and the closest thing to the man's own summing-up.

White, G. Edward. *Earl Warren: A Public Life*. New York: Oxford University Press, 1982.

The best analytical biography — G. Edward White, the legal historian, on the arc from California prosecutor and internment advocate to the Chief Justice who led a constitutional revolution, and on the plain moral vision that powered it.

Bushrod Washington §11

Annis, David Leslie. "Mr. Bushrod Washington: Supreme Court Justice on the Marshall Court." Ph.D. dissertation, University of Notre Dame, 1974.

Binney, Horace. *Memorial sketch of Bushrod Washington*. Philadelphia: C. Sherman & Son, 1858.

Custer, Lawrence B. "Bushrod Washington and John Marshall: A Preliminary Inquiry." *American Journal of Legal History* 4 (1960).

The classic examination of the Court's closest working partnership — whether Bushrod was Marshall's shadow or an independent mind who happened to agree.

Dunne, Gerald T. "Bushrod Washington and the Mount Vernon Slaves." *Supreme Court Historical Society Yearbook* 5 (1980): 25–29.

The first dedicated treatment of the ugliest fact of Washington's life — his sale of fifty-four enslaved people from Mount Vernon in 1821, while serving as president of the American Colonization Society.

Magliocca, Gerard N. *Washington's Heir: The Life of Justice Bushrod Washington*. New York: Oxford University Press, 2022. [\[post-M&G\]](#)

From William & Mary and the apprenticeship under Justice James Wilson (whose seat he would eventually fill) through thirty-one years on the Court, the inheritance of Mount Vernon and George Washington's papers, the founding presidency of the American Colonization Society, and the 1821 sale of enslaved people from Mount Vernon that scandalized even his contemporaries.

Modern judicial assessments: Herbert A. Johnson, *Vanderbilt Law Review* 62 (2009); David A. Faber, *West Virginia Law Review* 102 (2000). [\[post-M&G\]](#)

Two law-review assessments of Bushrod as a working judge — Johnson's in the same 2009 Vanderbilt symposium that reassessed Samuel Chase, Faber's on his role in early American legal development.

James M. Wayne §23

Lawrence, Alexander A. *James Moore Wayne: Southern Unionist*. Chapel Hill: University of North Carolina Press, 1943.

The standard biography for eighty years, by a Savannah lawyer-historian with access to the family materials and the city's memory.

McMahon, Joel. "Our Good and Faithful Servant": James Moore Wayne and Georgia Unionism. 2017. [post-M&G]

Roots Wayne's wartime loyalty in a specifically Georgian unionism running back through the nullification fight, and follows it to the war's end: Wayne never wavered, and never went home.

O'Connor, Sandra Day. "Supreme Court Justices from Georgia." *Georgia Journal of Southern Legal History* 1, no. 2 (1991): 395–406. [post-M&G]

A short appreciation of Georgia's justices — Wayne foremost — by a sitting justice, as the FJC's bibliography lists it.

Unsigned. "Hon. James M. Wayne." *United States Monthly Law Magazine* 5, no. 3 (1852): 382–399.

A long profile from the height of his mid-career, in the antebellum legal press's florid style.

Byron R. White §93

Hutchinson, Dennis J. *The Man Who Once Was Whizzer White: A Portrait of Justice Byron R. White*. New York: Free Press, 1998. [post-M&G]

The standard biography, by a legal scholar who clerked for White and knew him for decades.

Hutchinson, Dennis J. "The Ideal New Frontier Judge." *Supreme Court Review* 1997: 373. [post-M&G]

Ides, Allan. "The Jurisprudence of Justice Byron White." *Yale Law Journal* 103 (1993): 419. [post-M&G]

The standard jurisprudential assessment, by White's own former clerk, published while the justice still sat — the case that White's resistance to both ideological camps was itself a coherent judicial philosophy.

Edward D. White §55

Baier, Paul R. "Edward Douglass White: Frame for a Portrait." *Louisiana Law Review* 43, no. 4 (1983).

The best of the Louisiana historiography — Baier's evocative portrait of the Confederate veteran, sugar planter, and devout Catholic who became the first sitting associate justice elevated to Chief.

Highsaw, Robert B. *Edward Douglass White: Defender of the Conservative Faith*. Baton Rouge: Louisiana State University Press, 1981.

The standard biography, from LSU Press — fitting, since White never really left Louisiana.

Klinkhamer, Marie Carolyn. *Edward Douglass White: Chief Justice of the United States*. Washington, DC: Catholic University of America Press, 1943.

The standard scholarly biography — Marie Klinkhamer's life of the Confederate soldier and Louisiana sugar planter who became the ninth Chief Justice and gave American law the antitrust 'rule of reason.'

Morris, Jeffrey B. "Chief Justice Edward Douglass White and President Taft's Court." *Supreme Court Historical Society Yearbook* 1982: 27–45.

The standard short assessment of the White chief justiceship's strangest feature: the man who appointed him, William Howard Taft, spent the next decade waiting for the seat — and got it when White died.

Pratt, Walter F., Jr. *The Supreme Court under Edward Douglass White, 1910–1921*. Columbia, SC: University of South Carolina Press, 1999. [\[post-M&G\]](#)

The standard modern monograph on White's chief justiceship — the Standard Oil 'rule of reason,' the wartime cases, and the Court's uneasy transit into the twentieth century.

Charles E. Whittaker §91

Miller, Richard Lawrence. *Whittaker: Struggles of a Supreme Court Justice*. Westport, CT: Greenwood Press, 2002. [\[post-M&G\]](#)

*The other full Whittaker biography — published three years before Smith's *Failing Justice*, by a Kansas City historian whose research papers now sit in the Eisenhower Presidential Library.*

Smith, Craig Alan. *Failing Justice: Charles Evans Whittaker on the Supreme Court*. Jefferson, NC: McFarland, 2005. [\[post-M&G\]](#)

The one full biography, and a sympathetic, clear-eyed one.

James Wilson §4

Ewald, William. "James Wilson and the Drafting of the Constitution." *University of Pennsylvania Journal of Constitutional Law* 10, no. 5 (2008). [\[post-M&G\]](#)

An exceptionally detailed reconstruction of Wilson's work at the Convention.

Hall, Kermit L. & Mark David Hall, eds. *Collected Works of James Wilson* (2 vols.). Indianapolis: Liberty Fund, 2007. [\[post-M&G\]](#)

The principal modern collection of Wilson's writings: revolutionary pamphlets, constitutional arguments, ratification speeches, law lectures, and judicial materials, with a scholarly introduction.

Hall, Mark David. "James Wilson: Democratic Theorist and Supreme Court Justice." In *Seriatim: The Supreme Court Before John Marshall* (1998). [\[post-M&G\]](#)

*The best concise, Court-centered introduction — connecting Wilson's theory of popular sovereignty to his circuit duties and early opinions, especially *Chisholm v. Georgia*.*

Hall, Mark David. *The Political and Legal Philosophy of James Wilson, 1742–1798*. Columbia, MO: University of Missouri Press, 1997. [\[post-M&G\]](#)

The best systematic study of Wilson's ideas.

Seed, Geoffrey. *James Wilson*. Millwood, NY: KTO Press, 1978.

The only full scholarly life written between Smith (1956) and the modern revival — a compact study by a British historian, strongest on Wilson's Scottish intellectual formation and his political thought.

Smith, Charles Page. *James Wilson: Founding Father, 1742–1798*. Chapel Hill: University of North Carolina Press, 1956.

Still the standard full-length biography (UNC Press, 1956; Enduring Edition, 2011).

Taylor, Michael H. *James Wilson: The Anxious Founder*. Lanham, MD: Lexington Books, 2023. [\[post-M&G\]](#)

Wegman, Jesse. *The Lost Founder: James Wilson and the Forgotten Fight for a People's Constitution*. New York: Celadon Books, 2026. [\[post-M&G\]](#)

*The first major trade biography of Wilson in decades — published June 2026 by the New York Times editorial-board member behind *Let the People Pick the President*.*

Witt, John Fabian. *Patriots and Cosmopolitans: Hidden Histories of American Law* (the Wilson chapter). 2007. [\[post-M&G\]](#)

Witt's opening chapter is the sharpest short treatment of the Wilson paradox — the cosmopolitan legal philosopher of popular sovereignty who ended as a debtor fleeing his creditors.

Levi Woodbury §30

Bader, William D., and Roy M. Mersky. "Justice Levi Woodbury: A Reputational Study." *Journal of Supreme Court History* 23, no. 2 (1998): 129–142. [\[post-M&G\]](#)

Bader, William D., Henry J. Abraham & James B. Staab. "The Jurisprudence of Levi Woodbury." *Vermont Law Review* 18, no. 2 (1994): 261–312. [\[post-M&G\]](#)

The fullest modern assessment, from a team including Henry Abraham, the dean of judicial-appointments scholarship.

Capen, Nahum, ed. *Writings of Levi Woodbury, LL.D.: Political, Judicial and Literary* (3 vols.). Boston: Little, Brown, 1852.

The only published edition of Woodbury's writings — three volumes gathered the year after his death, spanning the political, judicial, and literary careers.

Capowski, Vincent J.; Philip D. Wheaton. "The Making of a Jacksonian Democrat" (Fordham diss., 1966) & "Levi Woodbury, Jacksonian Financier" (Maryland diss., 1955).

Two doctoral dissertations — the rise to 1831, and the Treasury years — that between them contain most of a biography that was never written.

Cole, Donald B. *Jacksonian Democracy in New Hampshire, 1800–1851*. Cambridge, MA: Harvard University Press, 1970.

The standard monograph on the political machine Woodbury rode from Concord to the cabinet to the Court — with Woodbury himself as its central figure.

Cover, Robert M. *Justice Accused: Antislavery and the Judicial Process*. New Haven, CT: Yale University Press, 1975.

One of the most influential books ever written about American judging, and Woodbury is among its exhibits: the study of antebellum judges who applied proslavery law while professing personal opposition — the 'moral-formal dilemma' in its sharpest form.

Hoogenboom, Ari & Herbert Ershkowitz, eds. "Levi Woodbury's 'Intimate Memoranda' of the Jackson Administration." *Pennsylvania Magazine of History and Biography* 92, no. 4 (1968): 507–515.

A reminder that the Library of Congress archive is full of material like this, waiting for the biographer who never comes.

Woodbury, Charles Levi. *Memoir of Hon. Levi Woodbury*. Boston: David Clapp & Son, 1894.

The son's memorial, four decades on — the Victorian genre this site knows well (compare Tyler's Taney and the Story Life and Letters).

William B. Woods §45

Baynes, Thomas E., Jr. "Yankee from Georgia: A Search for Justice Woods." *Supreme Court Historical Society Yearbook* 1978: 31–42. [\[M&G 9431\]](#)

The sole standalone study of Woods ever published — Baynes's search for the transplanted Ohio Union general who became a New South justice and wrote almost nothing memorable in six years.

- Brister, E. M. P. *Centennial History of the City of Newark and Licking County, Ohio* (2 vols.). Chicago: S. J. Clarke Publishing Company, 1909. [\[M&G 9432\]](#)
The fullest life of Woods anyone wrote, and it is a county subscription history.
- Christensen, George A. "Here Lies the Supreme Court: Revisited." *Journal of Supreme Court History* 33, no. 1 (2008): 17–41. [\[post-M&G\]](#)
A census of the justices' graves, and it earns its place here because for Woods the small verifiable facts are the scarce ones.
- Fairman, Charles. *Reconstruction and Reunion, 1864–88, Part Two (Oliver Wendell Holmes Devise History of the Supreme Court, vol. 7)*. New York: Macmillan, 1987.
The second half of Fairman, published sixteen years after the first and a separate book, and the one that matters here.
- "Justice Wm. Burnham Woods." *The Washington Law Reporter* 15, no. 23 (1887): 357–59.
It is an unsigned obituary in the issue of 8 June 1887, three and a half weeks after Woods died, reprinted from the Ohio Law Journal and credited at the foot.
- Kens, Paul. *The Supreme Court under Morrison R. Waite, 1874–1888*. Columbia, SC: University of South Carolina Press, 2010. [\[post-M&G\]](#)
The only book-length modern treatment of the Court Woods actually served on — Waite's, from 1874 to 1888 — in the University of South Carolina Press series on the chief justiceships.
- Markstein, Charlotte. "United States Supreme Court Decision: United States v. Cruikshank (1876)." *Evalyn Clark Memorial Travel Fellowship report, Vassar College* (2019). [\[post-M&G\]](#)
Seven hundred words by a Vassar undergraduate reporting a research trip, and the only published account by anyone who has actually opened the thing.
- Reid, Whitelaw. *Ohio in the War: Her Statesmen, Her Generals, and Soldiers* (2 vols.). Cincinnati: Moore, Wiltach & Baldwin, 1868. [\[M&G 9433\]](#)
The contemporaneous account, published while Woods was still a circuit judge and written by a journalist who had covered Ohio politics himself.
- Smith, Joseph P., ed. *History of the Republican Party in Ohio, and Memoirs of Its Representative Supporters* (2 vols.). Chicago: The Lewis Publishing Company, 1898. [\[M&G 9434\]](#)
Cited on every Woods list, and the surprise is what it actually holds: his conversion, in two scenes, in a history compiled by the party he converted to.
- United States. Supreme Court. *In Memoriam: William Burnham Woods, LL.D. — Appendix, 123 U.S. 761* (1887).
The memorial session of Monday, 7 November 1887, printed as an appendix to volume 123 of the United States Reports.
- Warner, Ezra J. *Generals in Blue: Lives of the Union Commanders*. Baton Rouge: Louisiana State University Press, 1964.
The standard biographical register of the Union army: all 583 men who reached the rank of general, with photographs and compact factual entries.
- Woods, William B., reporter. *Cases Argued and Determined in the Circuit Courts of the United States for the Fifth Judicial Circuit* (4 vols.). Chicago: Callaghan & Co., 1875–1883.
Friedman & Israel call these his best memorial, and they are right: four volumes of Fifth Circuit reports that Woods compiled himself while sitting on the circuit, over Georgia, Florida, Alabama, Mississippi, Louisiana and Texas.

V. Other Judicial Figures

Learned Hand

Gunther, Gerald. *Learned Hand: The Man and the Judge*. New York: Alfred A. Knopf, 1994. [\[post-M&G\]](#)