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EQUAL JUSTICE UNDER LAW

UNKNOWN JUSTICES OF THE UNITED STATES SUPREME COURT

BY WILLIAM D. BADER & FRANK J. WILLIAMS

Profiles of the more obscure, unknown justices

William Johnson

John Catron

Nathan Clifford

Willis Van Devanter

Thomas Todd

Levi Woodbury

David Davis

Pierce Butler

Robert Trimble

Benjamin R. Curtis

Howell Jackson

Stanley F. Reed

Henry Baldwin

John A. Campbell

Joseph McKenna

Harold H. Burton

In this work, the authors profile the most obscure and unknown Supreme Court justices. Bader and Williams set out to make the case that each justice is worthy of study in order for us to fully understand the Supreme Court as an institution, including the evolution of law within the Court's jurisdiction. In examining their contemporary import to the Court and the legal culture, the authors attempt to clarify the various reasons for the obscurity of certain justices.

A major factor contributing to the obscurity and negativity towards certain justices is that their holdings, in the context of today's left-leaning legal culture, are politically incorrect. Most of the justices in this book are examples of this phenomenon.

The private law cases making up most of their docket also contributes to the obscurity of justices. In this work, Bader and Williams examine justices such as Thomas Todd and Robert Trimble, whose private law-property opinions were considered highly important by their contemporaries, but are partly to blame for their present-day obscurity.

Another reason relates to the present-day fascination with celebrity, which is illustrated by the fixation on a judicial "star" such as John Marshall to the relative detriment to his colleagues. Examples in this book include Justices Todd, Trimble, and William Johnson, as well as Justice David Davis who dwelled in the shadow of Abraham Lincoln.

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UNKNOWN JUSTICES OF THE UNITED STATES SUPREME COURT

Several justices have made significant contributions to the Court in less tangible ways than opinion writing. In *Unknown Justices*, Bader and Williams examine the career of Justice Willis Van Devanter. Van Devanter, rarely mentioned in literature and considered a failure, actually made brilliant contributions in conference and extra-judicial capacities.

Finally, some justices are obscure and held in low esteem because they suffered from flamboyant ineptitude. In examining the career of Justice Joseph McKenna, readers will learn how an incompetent judge had a major impact on his Court, and is therefore worthy of close attention.

Dedication

Unknown Justices of the United States Supreme Court was originally conceived with the collaboration of the late Roy M. Mersky. Mersky served 42 years as the director of the Tarlton Law Library and authored numerous legal research texts.

This work is dedicated to Roy M. Mersky and seemed like the appropriate sequel to *The First One Hundred Eight Justices*, which he co-authored with by William D. Bader.

About the Authors

William D. Bader

William D. Bader graduated Phi Beta Kappa from Vassar College, attended Cornell University Graduate School of Arts and Sciences, and received his J.D. from the Hofstra University School of Law. A constitutional lawyer and legal historian, Bader's many publications include articles in *The Duquense Law Review*, *The Roger Williams University*

Law Review, *The Vermont Law Review*, and the *Journal of Supreme Court History*. He also co-authored the highly acclaimed *The First One Hundred Eight Justices* with Roy M. Mersky, and has contributed numerous book chapters to literature.

Frank J. Williams

Frank J. Williams, a former Chief Justice of the Supreme Court of Rhode Island, was appointed to the Rhode Island Supreme Court in 2001. Williams was a member of the U.S. Abraham Lincoln Bicentennial Commission and co-found-

ed and chaired the Lincoln Forum. He currently serves as a President of the Ulysses S. Grant Association and, in 2010, was elected to the board of the Abraham Lincoln Bicentennial Commission.

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