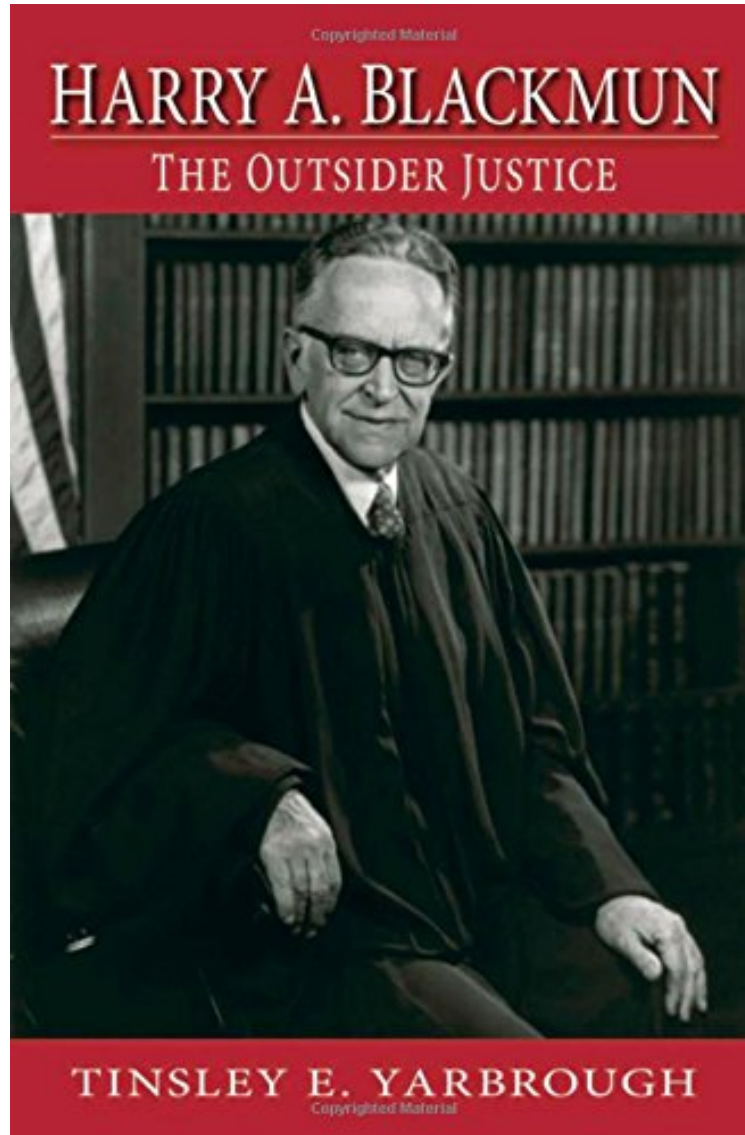


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Harry A. Blackmun: The Outsider Justice

Tinsley Yarbrough

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#2077626 in Books Tinsley Yarbrough 2008-01-15 Original language: English PDF # 1 6.30 x 1.20 x 9.30, 1.62 #File Name: 0195141237424 pages Harry A Blackmun The Outsider Justice | File size: 28.Mb

Tinsley Yarbrough : Harry A. Blackmun: The Outsider Justice before purchasing it in order to gauge whether or not it would be worth my time, and all praised Harry A. Blackmun: The Outsider Justice:

3 of 4 people found the following review helpful. Another fine judicial biography by Tinsley Yarbrough By Ronald H. Clark The author has written extensively on the Supreme Court, including biographies of Harlan I and II, and especially his fine book on Justice Souter (also reviewed on), as well as one of the ABC-CLIO Supreme Court handbooks on the Burger Court where Justice Blackmun served most of his tenure on the Court. The book is typical

Yarbrough: comprehensive research; clarity of analysis; some suggestive insights into the subject. The book begins with Blackmun's formative years, follows him to Harvard and Harvard Law, his early friendship with Warren Burger, the critical clerkship with Judge Sanborn of the 8th Circuit; his career as a Minnesota lawyer (especially resident counsel at Mayo Clinic during 1950-1959) and his appointment to the Eighth Circuit and his service thereupon. So, by the time Blackmun makes it to the big Court, which is at the 141 page mark, readers can really feel they have a good grasp of Blackmun, his character, strengths, and weaknesses. Thereby, the author avoids a mistake frequently encountered in judicial biographies of rushing through the pre-Court career to concentrate on the years as a Justice. I found the chapter on chamber procedures especially interesting. The author discusses Blackmun's preference for clerks writing first drafts of opinions, a practice he initiated on the Circuit, and raises always the key question re Blackmun: was he the author or editor of his opinions? He analyzes the firestorm that emerged when various articles and Linda Greenhouse's biography of Blackmun, based upon his papers, disclosed his heavy reliance upon clerks. Also, of course, of great interest is his discussion of Blackmun's deteriorating relationship with Burger. The book also discusses Blackmun's key decisions, including "Roe v. Wade," although I think more attention could have been devoted to the prolonged drafting torment Blackmun endured while working on the opinion at Mayo. Blackmun emerges as somewhat a solid but not brilliant Justice, inclined to be conservative in his judgments, but willing to modify his positions (such as on the death penalty) over time. The author finds him always to have been a somewhat insecure individual, unsure of his own talents, but always a very hard worker. In the final chapters, the author returns to the issue of who "sculpted" Blackmun's jurisprudence, he or his clerks, since more studies based on his paper have emerged. The oral history interviews with former clerk Harold Koh of Yale Law School are discussed and afford some valuable insights. My only concern with the book is that the author almost totally ignores Linda Greenhouse's fine book on Blackmun, perhaps because he is upset that she was granted exclusive early access to this treasurehouse of information by Blackmun's family (see p. 341). This is most puzzling given the author's otherwise impeccable research. This is, however, but a tiny blemish--the book is a major achievement and adds substantially to our understanding of Blackmun the man and Justice and his role on the Court.

When appointed to the Supreme Court in 1970 by President Nixon, Harry A. Blackmun was seen as a quiet, safe choice to complement the increasingly conservative Court of his boyhood friend, Warren Burger. No one anticipated his seminal opinion championing abortion rights in *Roe v. Wade*, the most controversial ruling of his generation, which became the battle cry of both supporters and critics of judicial power and made Blackmun a liberal icon. *Harry A. Blackmun: The Outsider Justice* is Tinsley E. Yarbrough's penetrating account of one of the most outspoken and complicated figures on the Supreme Court. As a justice, Blackmun stood at the pinnacle of the American judiciary. Yet when he took his seat on the Court, Justice Blackmun felt "almost desperate," overwhelmed with feelings of self-doubt and inadequacy over the immense responsibilities before him. Blackmun had overcome humble roots to achieve a Harvard education, success as a Minneapolis lawyer and resident counsel to the prestigious Mayo Clinic, as well as a distinguished record on the Eighth Circuit federal appeals court. But growing up in a financially unstable home with a frequently unemployed father and an emotionally fragile mother left a permanent mark on the future justice. All his life, Harry Blackmun considered himself one of society's outsiders, someone who did not "belong." Remarkably, though, that very self-image instilled in the justice, throughout his career, a deep empathy for society's most vulnerable outsiders--women faced with unwanted pregnancies, homosexuals subjected to archaic laws, and ultimately, death-row inmates. To those who saw his career as the constitutional odyssey of a conservative jurist gradually transformed into a champion of the underdog, Blackmun had a ready answer: he had not changed; the Court and the issues before them changed. The justice's identification with the marginalized members of society arguably provides the overarching key to that consistency. Thoroughly researched, engagingly written, *Harry A. Blackmun: The Outsider Justice* offers an in-depth, revelatory portrait of one of the most intriguing jurists ever to sit on the Supreme Court. Relying on in-depth archival material, in addition to numerous interviews with Blackmun's former clerks, Yarbrough here presents the definitive biography of the great justice, ultimately providing an illuminating window into the inner-workings of the modern Supreme Court.

From Publishers Weekly Yarbrough, professor emeritus of political science at East Carolina University and biographer of Supreme Court Justice David Souter, now explores another enigmatic justice, observing the sources and effects of his enduring sense of self-doubt and of himself as an outsider. Although he provides perfunctory biographical facts as well as a few credible psychological observations that Blackmun had a father of questionable competence and a mother who suffered from depression it is the evolution of Blackmun's jurisprudence as the liberal Warren Court transforms to the conservative Burger and Rehnquist courts that primarily interests Yarbrough. He ably explores Blackmun's reasoning on many complicated issues, among them the First Amendment, federalism and the death penalty (which Blackmun eloquently disavowed in his final term), but it is Blackmun's seminal 1973 *Roe v. Wade* opinion that fully engages him. Yarbrough is a knowledgeable Court observer and his detailed chronicle of Blackmun's later behind-the-scenes maneuvering to preserve *Roe* from being undermined is fascinating and well told. When appointed to the high

court by President Nixon, Blackmun was expected to be a conservative twin of his boyhood friend Chief Justice Burger, and his transformation as the Court's liberal icon is a noteworthy story. 13 bw illus. (Jan.) Copyright Reed Business Information, a division of Reed Elsevier Inc. All rights reserved. "In yet another highly readable judicial biography, Yarbrough once again delivers the kind of scholarly, yet thoroughly engaging, book that we have come to expect from one of the best practitioners of the genre... Yarbrough deftly blends careful political and legal analysis with thoughtful insights into the personal and psychological nature of his subject... an absorbing account of Justice Harry Blackmun's life and work... an important addition to our understanding of the justice and the Courts upon which he served... Yarbrough's thought-provoking treatment is a welcome and important contribution."--Law Politics Book "Yarbrough (emeritus, East Carolina Univ.) an astute...server of the US's judicial world, has added to his luster with this splendid biography of Justice Harry A. Blackmun... skillfully weaves his subject's personal life into his professional career in a manner that holds the reader's attention This is a finely tuned work... Recommended."--Choice "Yarbrough is a knowledgeable Court observer and his detailed chronicle of Blackmun's later behind-the-scenes maneuvering to preserve Roe from being undermined is fascinating and well told A noteworthy story."--Publishers Weekly "Making use of an unusual number of original sources-- including over fifteen hundred cartons of Blackmun's papers...--the author persuasively shows how Blackmun's life affected his decisions."--The Journal of American History "Tinsley Yarbrough has done it again! Professor Yarbrough is already admired for his widely acclaimed biographies of both the first and second Justice John Marshall Harlan. Now he brings us as vivid a portrait as we are ever likely to have of one of the Supreme Court's more enigmatic justices--Harry A. Blackmun. Drawing upon an impressive amount of original investigation, the author shows his deft hand for personalities, his nicely honed understanding of the Court and its jurisprudence, and his gift for telling a good story. Appointed to the Court soon after Warren Burger, Justice Blackmun served during the turbulent years of conservative efforts to turn away from the Warren Court's activism. In taking us into the world of Harry Blackmun, Tinsley Yarbrough adds welcome perspective on life in the Marble Palace."--A. E. Dick Howard, White Burkett Miller Professor of Law and Public Affairs, University of Virginia "It takes a judicial biographer of the skill of Tinsley Yarbrough to capture Harry Blackmun, one of the late-twentieth century's most intriguing Supreme Court Justices, in all of his richness and complexity as the self-effacing lover of the underdog. Finally, we understand how 'Old Number 3' for Richard Nixon and the conservatives became instead 'Old Number 1' in the hearts of liberals everywhere."--Bruce Allen Murphy, author of Wild Bill: The Legend and Life of William O. Douglas "A first-rate judicial biography. Yarbrough's analysis of Justice Blackmun as the quintessential outsider who perseveres and eventually prevails is entirely persuasive. It is likely to be the definitive Harry Blackmun biography in our time."--David N. Atkinson, author of Leaving the Bench: Supreme Court Justices at the End "Our leading contemporary judicial biographer has penned another major contribution with his Harry A. Blackmun: The Outsider Justice. Faithfully researched, expertly and sensitively analyzed, Professor Yarbrough provides profound understanding of one of the most vexatious and most controversial justices in the Court's history."--Henry J. Abraham, James Hart Professor of Politics Emeritus, University of Virginia About the Author Tinsley E. Yarbrough is Professor Emeritus in the Department of Political Science at East Carolina University. He is the author of ten books, including David Hackett Souter: Traditional Republican on the Rehnquist Court, The Rehnquist Court and the Constitution, and Judge Frank Johnson and Human Rights in Alabama, for which he won an ABA Silver Gavel Award. He lives in Greenville, North Carolina.