Introduction

Melvin I. Urofsky

There is no need to explain the contents of this issue, since the titles are self-evident. With three exceptions, all of these pieces come from last year’s Leon Silverman Lecture Series dealing with the Court and the Civil War. In addition to the dialogue between esteemed historians James McPherson and G. Edward White about the impact of the Civil War on Holmes, we are delighted to publish Professor Catharine Pierce Wells’s narrative account of Holmes’ Civil War experiences in which she provides a nice counterpoint to the McPherson-White discussion. Please note also that one of the contributors is our own associate editor, Timothy S. Huebner, whose day job is Sternberg Professor of History and department Chair at Rhodes College in Memphis.

A word is in order about Leon Silverman himself, who died at age ninety-three this past February.

Leon’s career as a lawyer and public servant are well known, and, as Chief Justice John G. Roberts, Jr., noted, “Leon’s sense of service to the judiciary did not stop at the courthouse door.” In particular, Leon played a crucial role in making the Supreme Court Historical Society the respected and influential institution it is today.

On a more personal note, Leon bears the responsibility for my becoming editor of this journal. It is now some twenty years since I met with Leon, who handed me copies of what were then the Society’s Yearbooks, and asked me what I thought of them. Having no idea of what he had in mind, and pretty sure that I would never see him again, I told him I thought that it was a mistake to just reprint articles that appeared elsewhere, and that the publication would never gain any respect until it carried original articles. He said, “Can this be done?” and I fell right into the trap and said, “Sure. All you need is the right editor who can go out into the scholarly community and use his or her connections to get good pieces.” Leon then smiled, shook my hand, and said the job was mine. It has been a great source of satisfaction to me that, over the years, as the Yearbook became the Journal and expanded to a thrice-yearly publication
schedule, that whenever I saw Leon, he told me that he liked the results.

Of the articles in this issue that are not part of the Lecture series, the first is by Mel Laracey, associate professor of history at the University of Texas at San Antonio, and deals with a perennially popular topic: Thomas Jefferson’s war against the judiciary.

The others are by Franz Jantzen and Grier Stephenson. Grier’s Judicial Bookshelf has been a staple of the Journal since before I took over, and it remains a lively and acute assessment of recent books on the Court. I remain grateful that Grier continues to do this.

As any scholar who has ever worked with the Supreme Court’s archives who needs pictures for a book, Franz is not only an invaluable resource, he is the person to go to for assistance with graphic materials. On a personal level, I owe him a great deal for all the help he gave me when I was getting pictures for my Brandeis book, and he was working out of one of the trailers during the building’s renovation.

There have always been stories about why there is no Court picture for the 1924 Term, and the tale most often told—and believed—is that Justice James C. McReynolds was so anti-Semitic that he refused to sit with Louis D. Brandeis. If one thought about this a bit, it makes no sense since the two men are in other pictures during the twenty-three Terms they served together. Franz decided to look into it, and his detective work should lay the more common tale to rest, although it appears that nothing will stifle the fact that McReynolds was a highly prejudiced person.

As always, a lot of good and interesting material. Enjoy.