

the Sorbonne, after working more than two decades on this book, has come very close to matching Mizener. He has done so not by coming up with new facts about Fitzgerald's life, of which there are few, but by paying scrupulous attention to the connections between the life and the work.

So while the reader is led across much familiar terrain—the St. Paul boyhood, the strained relationship with his parents (“Why shouldn’t I go crazy?” he wrote in a moment of depression. “My father is a moron and my mother a neurotic, half-insane with pathological nervous worry”), the idyllic but academically unfocused years at Princeton, the mutually destructive marriage with Zelda, the Paris years, the career-long rivalry with Hemingway—he is made to see how each little fact bore upon the art.

Le Vot is perhaps best in discussing Fitzgerald's lifelong sense of inferiority—a sense that was heightened by his contact with Hemingway during the '20s. Indeed, it was this feeling of inferiority, as much as the deterioration of his marriage to Zelda, that contributed to his own total collapse. But if Fitzgerald created his own hell, he also survived it heroically. Le Vot demonstrates how *The Crack-Up*, Fitzgerald's account of his decline, is not just self-therapy but perhaps the author's best book. Even more than *The Great Gatsby*, it was Fitzgerald's way of coming to terms with those demons of success that had haunted him for so long. In uncharacteristically stark prose, Fitzgerald declared, “I speak with the authority of failure—Ernest with the authority of success. We could never sit across the same table again.”

Fitzgerald's life may have been crowded with personal failures, but it was not without the consolations of hard-won wisdom. As Le Vot puts it, Fitzgerald “struggled and sacrificed without the help of faith to achieve self-renunciation.” He had, as this biography proves, the help of his art.

—Frank McConnell, '78

**THE BRANDEIS/
FRANKFURTER
CONNECTION: The Secret
Political Activities of
Two Supreme Court
Justices**

by Bruce Allen Murphy
Oxford, 1982
473 pp. \$18.95;
Doubleday, 1983
473 pp. \$12.95

Except for Robert Allen and Drew Pearson's *Nine Old Men* (1936), few other books on the Supreme Court have been so widely debated as this one. Before formal publication in March 1982, newspapers throughout the country called it to public attention in front-page articles and editorials. After publication came some 50 reviews in popular and professional magazines and law journals. And the commentary continues to appear. Why?

Murphy, a political scientist at Penn State, treats the personal and public relations of two of the 20th century's most brilliant and influential Justices, Louis D. Brandeis and Felix Frankfurter. Overlapping for two weeks, the two Justices' consecutive terms on the Supreme Court totaled almost 50 years—Brandeis's from 1916 to 1939, and Frankfurter's from 1939 to 1962. During that time (together and individually), they advised presidents, drafted legislation, pressured Congress and state legislatures, led American Zionism, and participated in foreign affairs.

As active political men called to the Supreme Court, Brandeis and Frankfurter had a problem. And it was, as Murphy shows, the connection between them that proved to be the solution.

Born a generation apart in the 19th century, both men held Harvard law degrees and both joined private law firms. Brandeis became a millionaire twice over, took on *pro bono* cases and became the "People's Lawyer." He was completely committed to turn-of-the-century Progressivism. Frankfurter became an assistant U.S. attorney in New York after a year of private work. A strong friendship had already developed between the two men when, in 1913, the elder advised the junior to return to Harvard to teach. Frankfurter did.

Meanwhile, Brandeis, an avid supporter of Woodrow Wilson, had become an influential "outsider-insider" of the newly elected administration. Wilson later remarked that he needed Brandeis "everywhere, but I must leave him somewhere." "Somewhere" was the Court. The surprising nomination sparked one of the longest confirmation debates in the history of the Senate. Brandeis was attacked for his crusading radicalism and his lack of "judicial temperament." When finally confirmed, the new Justice promptly gave up his public and private causes (except for Zionism) and put his money in a blind trust. He quietly continued to influence Wilson's policies, but he faced a problem as to how he could contribute to the unfinished business of Progressive reforms.

Here the connection came into play. At Harvard, Frankfurter took over Brandeis's consumer activities, wage-hour cases, aided with Zionism, and aired Brandeis's views without attribution in the *Harvard Law Review* and the *New Republic*. Reluctantly, Frankfurter accepted reimbursement from Brandeis for expenses. And in 1925 (when Frankfurter needed money to pay for his wife's medical bills), he began receiving an annual stipend of \$3,500. This arrangement, which was continued right up to 1939, when Frankfurter was appointed to the Court, gave him the financial security to work for Brandeis's Progressive causes. Once named to the Court by FDR, Frankfurter proceeded to work behind the scenes to pursue his own cause: vigorous support of European allies, particularly of the British, both before and after U.S. entry into the war.

Murphy's book persuasively demonstrates that Brandeis and Frankfurter never ceased to be the kind of men they were before they went to the bench—political men. Not that their behavior was unique or unprecedented. Murphy reminds readers that two-thirds of those who have sat on the highest court have engaged in "off-the-bench political activity." Yet the hullabaloo surrounding this book attests to the durability of a popular myth: that of an apolitical Court independently meting out impartial justice.

In fact, disavowal of a political role has long been one of the judiciary's more powerful political weapons. Frankfurter himself described the Court as a monastery, and he certainly knew better. Perhaps this book continues to stir emotions precisely because it establishes so convincingly the political effectiveness of two remarkable judges—men who have too long been esteemed as models of a pristine judicial probity that in our nation probably cannot exist.

—Victoria Schuck, '80