

Personal History. *The nineteenth-century Americans whose careers are detailed in the first three books reviewed below are little more than names in the history books to members of the present generation. Such a state of affairs is regrettable. For to John Marshall—as David Loth shows in his judicious book “Chief Justice”—must go the credit for making the Supreme Court the potent influence in our national life it is today. To James K. Polk—so Martha McBride Morrel shows in “Young Hickory”—belongs the honor of acquiring California for the United States. To Maria Mitchell—as Helen Wright discloses in “Sweeper in the Sky”—recognition is due as a great pioneering humanitarian, astronomer, and champion of women’s rights. . . . Young Johnny Gunther will never become a famous man, but, thanks to his father’s book “Death Be Not Proud,” the courage and gallantry he displayed in the face of a fatal illness should inspire thousands of his contemporaries.*

Masterful Politician-at-Law

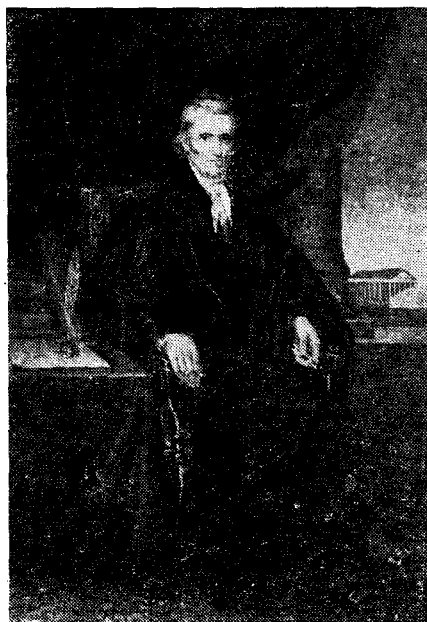
CHIEF JUSTICE: *John Marshall and the Growth of the Republic.* By David Loth. New York: W. W. Norton & Co. 1949. 395 pp. \$5.

Reviewed by PETER R. LEVIN

UNFORTUNATELY, most of our written history focuses on matters so alien to the Supreme Court and the development of law that Chief Justice John Marshall flits in and out of our knowledge of the American past like an uncompromising but none the less ephemeral ghost. He is, of course, known to lawyers for his notions on what the Constitution really means in contrast to what its words seem to mean. He is known to serious students who have labored over his 500-odd opinions to produce literally thousands of commentaries; and he is known to the generation which thirty years ago plowed through Senator Albert J. Beveridge’s classic and highly-prejudiced four-volume biography. But Beveridge’s monument has become Marshall’s mausoleum, too forbidding in its length for the hurried reader, too awesomely complete in its detail to attract other biographers to the subject.

Now along comes David Loth, a former newspaperman whose hobby is biography—and who has done a study of Marshall’s philosophic godfather, Alexander Hamilton—with a new, deftly executed portrait of our greatest Chief Justice. It is a well-balanced work, taking its hero through his eighty crowded years without hurrying past blank spots and without getting stalled at extended technical discussions over the fine points of Marshall’s generally controversial

verdicts. Marshall interests the author not so much as a jurist—after all, most of his legal dicta have been reversed long since—but as a man of immense charm and purpose and inner strength, as a man who left a deep and permanent imprint upon his country’s economic and political life. For, writes Mr. Loth, Marshall “laid the foundation” for “the judicial power inherent in the Constitution” and “built a good deal of the superstructure. He found the Court a subordinate branch of government” and “left it a force which neither President nor Congress could flout with impunity.” Moreover, since Marshall’s accession to the Court coincided with the time when his party—



Chief Justice John Marshall—
“a man of immense charm and
purpose and inner strength.”

the Federalists—lost national power forever, his husbanding of an apparently shattered conservatism against its avowed enemies becomes, in Mr. Loth’s telling, a strikingly adroit performance. Mr. Loth doesn’t quite say so, but his hero emerges as a masterful politician-at-law.

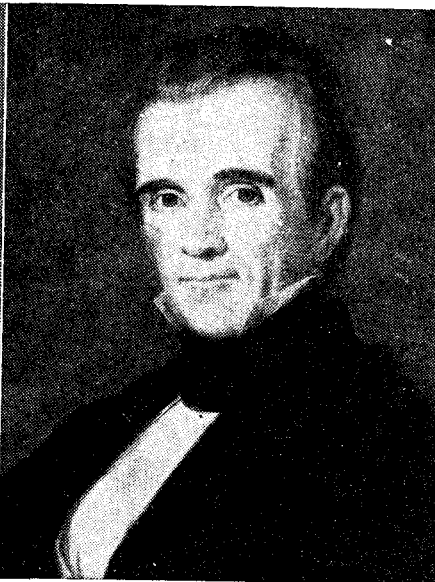
This is not exaggeration or invidious remark. Mr. Loth shows Marshall writing his Federalist beliefs into law, giving way only where political necessity demanded. But it is only the most intelligent politician who knows exactly when and precisely how to give way; jurisprudence has little or nothing to do with the matter. The author recalls that by sheer force of personality Marshall persuaded independent-minded associate justices to think as he did, that he won great respect for himself and prestige for his tribunal, that only at the end of his life did he lose a battle—to Andrew Jackson.

In “Chief Justice,” John Marshall is more besides. He is a husband devoted to a neurotic wife, a judge who doffs his robes to do the family shopping and take up the dust-mop so that his “dearest Polly” need not exert herself. He is a boy born in a log cabin who never lost the simplicity of the frontier. An ardent defender of wealth and the supremacy of property rights, he is nevertheless a genuine democrat (much as he hated the word) in his personal relationships.

To scholars, none of this is new, and none of Mr. Loth’s interpretations will cause him to be dubbed a heretic. In fact, he is almost painfully careful to avoid choosing sides in the numerous academic quarrels about Marshall’s career. Just as he shuns the battlefields of the scholars, so he avoids entanglement in dead political issues and does not feel it necessary to defend or attack according to the biases of the early nineteenth century or those of the middle twentieth. His book is straightforward, written in sprightly prose for lay eyes. He finds Marshall an attractive conservative who perhaps became a reactionary, but it is up to the reader to discover his own moral in the story. To conservatives who nowadays have a difficult time finding heroes, Mr. Loth has reminded them of one whose name can be evoked for justifiable admiration. To liberals and radicals, he provides a different kind of lesson to ponder: in that paradoxical way by which history upsets the doctrinaire, John Marshall’s hard-shelled enhancement of Federal power to defend property rights established also the legal foundations of the New Deal.

Peter R. Levin is author of “Seven by Chance,” a study of the Vice Presidents who became President.

The Saturday Review



—From the book.

Sarah Childress and James K. Polk—"He was secretive, enigmatical, and possessed of very little personal magnetism."

Middle-Period President

"YOUNG HICKORY": *The Life and Times of President James K. Polk.* By Martha McBride Morrel. New York: E. P. Dutton & Co. 1949. 381 pp. \$4.50.

Reviewed by
GLYNDON G. VAN DEUSEN

"GO home, God damn you! Go home where you belong!" Such, according to Mrs. Morrel, was the bitter insult hurled at James K. Polk by Henry Clay on the occasion of the former's retirement from Congress. Whether the story is true or apocryphal, it illustrates the turbulence of politics and the violence of tempers in the Middle Period of American history.

Mrs. Morrel's life of "Young Hickory," as he was called by his admirers, attempts to re-create the personality and tell the life story of an American who, after long years of able service as member of Congress, Speaker of the House of Representatives and Governor of Tennessee, became President of the United States for four dramatic years. Most of the present generation have but the haziest knowledge of Polk, and yet there have been

few Presidents who have so completely achieved their objectives. Polk declared at the beginning of his term that he had four chief goals: a lowering of the tariff, the passage of the Sub-Treasury Bill, a settlement of the Oregon boundary, and the acquisition of California. He reached them all.

"Young Hickory" is highly entertaining. The dialogue flows smoothly and, on the whole, naturally, even if occasional doubts are raised in the reader's mind by such discoveries as that of Andrew Jackson's ready command of slang. The story of Polk's life is told simply, and it is woven neatly into the pattern of great events with which it was surrounded. The narrative has pace, and Polk's personality emerges with clarity and emphasis.

James K. Polk was almost always serious. His diary shows that he was suspicious of pleasure, as something bound to interfere with duty. He was secretive, enigmatical, and possessed very little personal magnetism. All this, which has long been known, Mrs. Morrel indicates. But she also shows that the long accepted description of Polk as a "man who never smiled" was a fiction, and she marshals evidence of his sense of humor, his talent for mimicry, and his deep sense of companionship with his wife, Sarah Childress Polk. Fictionized biography, with its imagined conversations, gives rare opportunities for the re-creation of personalities. Mrs. Morrel has utilized these opportunities to the full.

But if this type of biographical writ-

ing has its advantages, it has also its limitations. The artful confusion of fact and fancy in "Young Hickory" is a constant trial to any reader who seeks something more than sheer entertainment. Truth is at times crowded out or distorted by the pressure of picturesque descriptions and exciting events, and the absence of footnotes (a chronic fault in this type of biography) leaves the reader helplessly uncertain as to the sources of the author's information.

Mrs. Morrel says in her foreword that she has "not knowingly contravened the record, either in great things or in small." Accepting this statement as true, the fact remains that "Young Hickory" does "contravene the record" in numerous instances. It is wholly uncritical in its analysis of Polk's character and motives, defending him for the institution of the gag rule in the House, absolving him from blame for the initiation of the Mexican War, consistently putting all his actions in a favorable light. On the other hand, the portrait of Martin Van Buren is as consistently unsympathetic, apparently due to a desire to bring out Polk's greatness by way of contrast. The statement that the "fundamental objectives" of the Whig Party "were high tariffs and preservation of the banking empire" is only a caricature of the aims and intentions of that party's leaders. The campaign of 1840 was not so completely and one-sidedly a Whig circus as Mrs. Morrel would have us believe.

The author tells us that her book is an endeavor to amend history's injustice to James K. Polk. To some extent she has achieved her objective. But in so doing she has swung too far in the opposite direction. She has presented an uncritical portrait of her hero, and a picture of the times in which he lived that is, in places, gravely inaccurate. Such shortcomings detract from the value of a well-written and entertaining biography.

Glyndon G. Van Deusen, professor of history at the University of Rochester, is author of "The Life of Henry Clay."

Ark of the Covenant

By Louise Townsend Nicholl

LIGHT has come again and found
The story true that earth is round,
The dawning water vastly curved
Where ocean in its farthest arc
Is separating from the dark.
Now is the mind consoled and served
By steadfast and continuing fact,
Ocean and light the proof, the pact.

LITERARY I.Q. ANSWERS

1. Proudly. 2. Gently. 3. Sincerely. 4. Faintly. 5. Tenderly. 6. Truly. 7. Lightly. 8. Merrily. 9. Slowly. 10. Vainly. 11. Aptly. 12. Furiously. 13. Gladly. 14. Highly. 15. Doubly. 16. Impartially. 17. Softly. 18. Roughly. 19. Calmly. 20. Rapidly.

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