

***The Forgotten Memoir of John Knox: A Year in the Life of a Supreme Court Clerk in FDR's Washington***

Edited by Dennis J. Hutchinson and David J. Garrow

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REVIEWED BY MICHAEL FOSTER

In June 1936, John Knox received his LL.M. from Harvard Law School and then realized a dream he shared with many ambitious young lawyers — he was chosen to serve as law clerk and secretary to a U.S. Supreme Court justice: James C. McReynolds.

McReynolds had been a member of the Court since his appointment by Woodrow Wilson in 1914 and was one of the majority of justices who had consistently found FDR's New Deal legislation unconstitutional. That changed with the Court's 1936 term and Roosevelt's re-election in November of that year, when the balance of the Court shifted and FDR's sweeping reforms began to survive judicial challenges. The conservative justices were the target of FDR's court-packing scheme to limit the power of the anti-New Deal members of the Court by appointing another justice for each justice who was then age 70 or older. McReynolds was perhaps the most unreconstructed enemy of the New Deal legislation on the Court, and he continued to oppose it in dissenting opinions until his retirement in 1941.

Knox was a dedicated, almost obsessive diarist, and while in law school he had written in his diary that he believed he would exceed in fame even the 17th-century English diarist, Samuel Pepys. Knox did not live up to that youthful boast, and the approximately 2,000 pages of notes he penned in his life that have not been lost now rest in relative obscurity in several university libraries. His memoir was drawn from his diary and his memory of the year with McReynolds. Knox began writing the memoir in the

early 1950s and continued revising it over several decades. It did not draw the interest of any publishers to whom he sent chapters of it, and it too would have been relegated to obscurity if the editors of this book, Dennis J. Hutchinson and David J. Garrow, had not resurrected it. Both editors are distinguished scholars in their own right. Hutchinson wrote *The Man Who Once Was Whizzer White*, and Garrow wrote the Pulitzer Prize-winning *Bearing the Cross: Martin Luther King, Jr., and the Southern Christian Leadership Conference*. Knox's memoir would not be as interesting as it is if the editors had not provided valuable background information on both Knox and McReynolds in the foreword and afterword. Hutchinson and Garrow show a sympathy and understanding for both men that allow us to put them in a broader context than do Knox's comments about his year with McReynolds.

*The Forgotten Memoir of John Knox* offers a view of a bygone era through the eyes of a naive and ambitious young man. Knox is a careful recorder of the events he had an opportunity to observe. The time he writes about seems unrecoverably, almost quaintly, remote to contemporary America, yet its undertones of political struggle seem as current as today's headlines. Knox depicts a Washington that is a tradition-bound southern city, unchanged in its attitudes and social rituals. He records the gossip of the day, or what he heard of it, from the perspective of a young man whose opportunities to broaden his knowledge of the community were limited by the demands of his employer and by his own reticence.

Knox's chance to serve a Supreme Court justice was partly the product of his having the good fortune of a position's becoming available, but it was mostly the realization of an assiduously sought-after opportunity, one he had hoped to get by carefully cultivating friendships with several of the justices. He was aware that Supreme Court justices could help him further his career goals, and he had written to

several of them to introduce himself and to ask for an opportunity to meet them. He had begun a regular correspondence with Justice Willis Van Devanter, another New Deal foe, who got him the job with McReynolds. Knox had also sought out retired Justice Oliver Wendell Holmes as well as Justices Benjamin Cardozo and Louis Brandeis, all of whom treated him with polite consideration, though it must have been evident that his desire to become acquainted with them was in part self-serving.

Knox did not get the same kindly treatment from McReynolds. McReynolds proved to be an aloof, unfriendly, and difficult employer. Knox worked in the justice's apartment, not the newly constructed Supreme Court Building, because the justices had previously worked in their residences, and McReynolds was among those who preferred not to move to the new Court quarters. As his office, Knox was assigned a small room in McReynolds' apartment, down the hallway from McReynolds' study. Knox was to be available at a moment's notice during all regular business hours and any other time McReynolds requested, regardless of whether the justice himself was there or even had work that needed to be done immediately.

Unlike some of the other justices who had separate law clerks and secretaries, McReynolds had Knox serve both roles. McReynolds did not want a woman secretary, as he felt that women secretaries had a tendency to take over more than their expected duties, and he had not kept for long those whom he had previously employed. Knox therefore was expected not only to keep up with the legal work the justice assigned but also to answer McReynolds' personal letters and telephone calls and to be a surrogate for him any social and state functions the justice could not attend.

The workload was occasionally overwhelming and at other times scarcely enough to keep the young

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