

Hugo Black of Alabama: How His Roots and Early Career Shaped the Great Champion of the Constitution. By Steve Suitts. Montgomery: NewSouth Books, 2005. 640 pp. \$34.95. ISBN 1-58838-144-7.

Virginia Durr, Hugo Black's notoriously outspoken sister-in-law, said, at Black's centennial commemorative ceremony in 1986 at the University of Alabama Law School: "We were all sons-a-bitches" growing up in Alabama in the late nineteenth and early twentieth centuries. All white Alabamians were racists, either passive (most of the community) or active (Klanners and other such virulent hate groups).

Durr changed her views about race and discrimination after attending university "up North," but most Alabamians did not travel outside the state and did not change their views about the presumed superiority of WASPs over African Americans, Catholics, and Jews. "We are products of our environment and our actions are drawn from such nurturing," she constantly maintained.

And yet there is the seeming paradox of her brother-in-law, Hugo Black. Over his lifetime (1886–1971), Black was a night court judge called "Hugo-to-Hell" Black by his enemies; a battling prosecutor; the most successful and feared attorney in Alabama (nicknamed "Ego" Black); a U.S. senator; a radical "New Dealer" (called "the damn Common-Man's solon") who fought for the "little man" and for a thirty-hour work week; and, finally, a highly respected Associate Justice of the U.S. Supreme Court from 1937 until his retirement in September 1971. By all accounts, Black's historical legacy stands among a handful of judicial greats to serve on the nation's highest court.

Until Black left for the U.S. Senate after his election in 1926 (which he won because of the critically important votes of Alabama Ku Klux Klan members and supporters), he rarely left the state. He was a product of his experiences growing up in turn-of-the-century rural Alabama. (Indeed, Black, who was the inveterate joiner, joined the Birmingham KKK Klavern in 1923.) And yet—after he wrote the opinion of the court in the 1940 criminal justice case *Chambers v. Florida*—African Americans saw Black as a heroic figure. In the face of such a conundrum, Yul Brynner—in the persona of King Mongkut from the film *The King and I*—might well have declared "What a puzzlement!"

Steve Suitts's excellent biography of the young Hugo, covering the years from his birth in 1886 through the 1926 Senate race, graciously provides answers to the "puzzlement." Suitts gives the reader an intimate,

well-written, and meticulously researched account of Black's life from his birth in rural Clay County, Alabama, to his prosecutorial and lawyerly successes in Birmingham. In doing so, the author thoroughly analyzes the effect of these years on the future member of the U.S. Supreme Court.

Several books have examined Black's life in Alabama. Certainly, Virginia Hamilton's *Hugo Black: The Alabama Years* (Baton Rouge, 1972) is a highly regarded resource. In my judgment, given my own familiarity with Hugo Black's life (based on my research for *The Vision and the Dream of Justice Hugo L. Black: An Examination of a Judicial Philosophy* [Tuscaloosa, 1975], *Of Power and Right: Hugo Black, William O. Douglas, and America's Constitutional Revolution* [New York, 1992], and *Hugo Black: Cold Steel Warrior* [New York, 1996]), Suitts's book best explores Hugo Black's development as an outstanding jurist and interpreter of the U.S. Constitution and federal statutes.

While his book approaches the subject matter the way other authors do, i.e., chronologically, Suitts's method of researching and evaluating and writing is outstanding. He has painted a portrait that does not avoid the warts and the impulses; he depicts the good and the bad realistically in this successful effort to give his audience (from general readers to scholars) a clear sense of who Hugo Black was and why he acted as he did.

As a scholar who also wrote about these formative years of Black's life, I was stunned by the quality of Suitts's research. In preparing the book, he must have spent many months, indeed years, poring over back issues of Alabama newspapers. And this effort has given us a profoundly vibrant view of the social, political, and racial history of late nineteenth and early twentieth century Alabama. Using these original sources as well as more conventional biographical materials (letters, Black's marginalia in books in his library, etc.), Suitts gives the reader finely crafted descriptions of Black's experiences and explanations for his paradoxical behavior. For example, as a trial lawyer in segregationist Birmingham in the early 1900s, he used the word "nigger" for effect in civil and criminal trials but subsequently fought for equality for all Americans (see his *Chambers v. Florida* opinion).

Suitts's book is a significant addition to the scholarship on the life of Hugo Black. It is required reading for anyone interested in discovering the roots of Hugo Black's jurisprudence.

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