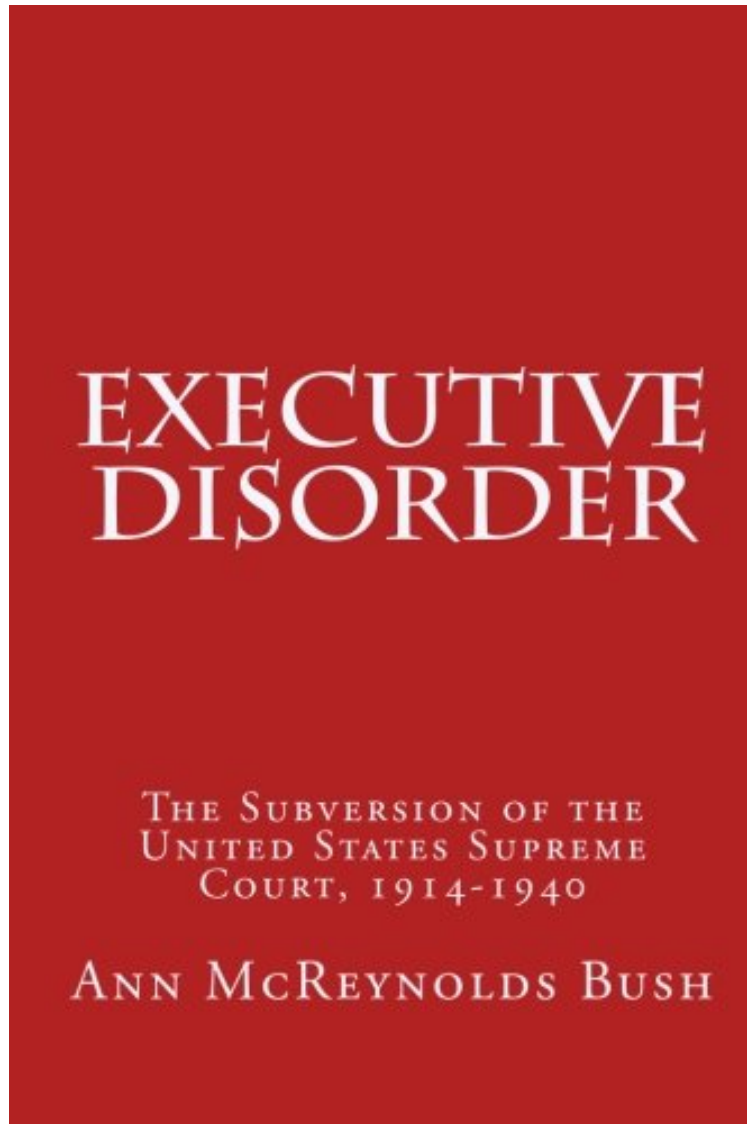


# Executive Disorder: The Subversion of the United States Supreme Court, 1914-1940

*Ann McReynolds Bush*

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**Ann McReynolds Bush : Executive Disorder: The Subversion of the United States Supreme Court, 1914-1940**  
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The Subversion of the United States Supreme Court, 1914-1940:

2 of 4 people found the following review helpful. A superb work on Supreme Court history and philosophyBy Robert

L. Tucker If you are a lawyer or a libertarian, you are doubtless aware that the headlong rush to trample the Constitutional limitations on governmental power sprang largely from events during FDR's presidency. The presidential and congressional policies then adopted--which were ultimately sanctioned by the Supreme Court--led inexorably to the nanny state that we "enjoy" today. But you have almost certainly never heard the compelling and powerful story of that era as seen through the eyes of one of the "Four Horsemen"--the four Supreme Court Justices who consistently opposed FDR's expansion of the breath and scope of the federal government's grasp. The recently released book titled *Executive Disorder: The Subversion of the United States Supreme Court, 1914-1940* tells this important story. This breezy yet gripping narrative carefully recounts--using the writings of Justice James Clark McReynolds and others--the events that led to the dismantling of substantive due process and the broadened perceived reach of the Commerce Clause. The following excerpt from Justice McReynolds' opinion in *Myers v. United States*, 272 U.S. 52 (1925) succinctly summarizes his view of these issues: If the phrase 'executive power' infolds the one now claimed, many others heretofore totally unsuspected may lie there awaiting future supposed necessity, and no human intelligence can define the field of the President's permissible activities. A masked battery of constructive powers would complete the destruction of liberty. We owe a debt of gratitude to the author of *Executive Disorder*, Ann McReynolds Bush, for providing us with this fascinating account. It is a "must read" for students of constitutional history and libertarian philosophy.

1 of 2 people found the following review helpful. A Very Relevant History By Gerard Reinhardt This addition to the political histories of the first half of the twentieth century traces the arc of the legal career of James Clark MacReynolds, from government attorney ardently enforcing the then-recently enacted antitrust statutes (a vast expansion of federal powers) to Supreme Court Justice defending the limits of federal power enshrined in the Constitution. The inevitable conflict with FDR's short shrift approach to such limitations as obstacles to implementation of New Deal statutes creates the dramatic focus of the story. A very well-researched history, and a valuable view over our shoulders as we face similar ends-versus-means debates today.

1 of 3 people found the following review helpful. Slurs are an Eternal Force By Reads A Lot We think of the past couple of decades as the apogee of "dirty politics." Guess again: this has been going on since the dawn of the Republic when Thomas Jefferson privately hired a flack to besmirch John Adams. This book illustrates an excellent (and unfortunate) example from the Roosevelt Era of the use of the great lie method of attacking one's enemies. Say something often enough from enough ostensibly different sources and, voila!, it becomes fact. The so-called Four Horsemen, and McReynolds in particular, had the unfortunate habit of disagreeing with FDR. However great a President he was, he did not take opposition well and was a great proponent of the third law of politics: "Don't get mad; get even." The sad part about the way he went about doing this is that it created a fiction that survives to this day - at least among students of the period. A good read.

*Executive Disorder* follows the career of US Attorney General and Associate Justice James Clark McReynolds, who advocated states rights, a true interpretation of the Constitution, and sound currency based on the gold standard. Under Taft, McReynolds was one of the authors of the Judicial Code. McReynolds, best known for his opposition to New Deal policies, was joined by VanDevanter, Sutherland and Butler, who were sometimes called "the Four Horsemen." *Executive Disorder* traces the use and abuse of executive power to establish policies and organizations that were later struck down as unconstitutional by the Court, and reveals how the door was opened to create an imbalance of the original powers that govern our nation.

**About the Author** Ann McReynolds Bush attended the State University of New York where she graduated magna cum laude with a Bachelor of Arts Degree in English Literature. She took her Master of Library Science Degree at Columbia University. After a career in Education, she began to research her family's history and conducted an extensive study in original documents in Virginia, Tennessee and Kentucky.