



# The Federal Courts: An Essential History

*Peter Charles Hoffer, Williamjames Hull Hoffer, N. E. H. Hull*

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There are moments in American history when all eyes are focused on a federal court: when its bench speaks for millions of Americans, and when its decision changes the course of history. More often, the story of the federal judiciary is simply a tale of hard work: of finding order in the chaotic system of state and federal law, local custom, and contentious lawyering. *The Federal Courts* is a story of all of these courts and the judges and justices who served on them, of the case law they made, and of the acts of Congress and the administrative organs that shaped the courts. But, even more importantly, this is a story of the courts' development and their vital part in America's history.

Peter Charles Hoffer, Williamjames Hull Hoffer, and N. E. H. Hull's retelling of that history is framed the three key features that shape the federal courts' narrative: the separation of powers; the federal system, in which both the national and state governments are sovereign; and the widest circle: the democratic-republican framework of American self-government. The federal judiciary is not elective and its principal judges serve during good behavior rather than at the pleasure of Congress, the President, or the electorate. But the independence that lifetime tenure theoretically confers did not and does not isolate the judiciary from political currents, partisan quarrels, and public opinion. Many vital political issues came to the federal courts, and the courts' decisions in turn shaped American politics.

The federal courts, while the least democratic branch in theory, have proved in some ways and at various times to be the most democratic: open to ordinary people seeking redress, for example. Litigation in the federal courts reflects the changing aspirations and values of America's many peoples. *The Federal Courts* is an essential account of the branch that provides what Massachusetts Supreme Judicial Court Judge Oliver Wendell Homes Jr. called "a magic mirror, wherein we see reflected our own lives."

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