

The Annotated Bobblehead: Justice Louis D. Brandeis

Louis Brandeis's place in the history books would be certain even had he never joined the Supreme Court. Consider the "Brandeis brief" in *Muller v. Oregon* and his other work as "the people's lawyer"; his services to Zionism; his influence on the Woodrow Wilson and FDR presidential administrations; and his writings, such as *The Right to Privacy*, *The Curse of Bigness*, and, of course, his contributions to the *Green Bag*. See, e.g., *The Incorporation of Trade Unions*, 1 *Green Bag* 2d 306 (1998), and *The Harvard Law School*, 1 *Green Bag* 10 (1889). But he was a Justice too, from 1916 to 1939. A few of his more famous contributions in that capacity are symbolized below.

New State Ice v. Liebmann, 285 U.S. 262 (1932) (dissenting: "It is one of the happy incidents of the federal system that a single courageous state may ... serve as a laboratory"); *Whitney v. California*, 274 U.S. 357 (1927) (concurring: "the remedy to be applied is more speech, not enforced silence").

Like many lawyers in bygone days, Brandeis carried his papers in a green bag. He was, to the best of our knowledge, the last Justice to do so. Merlo J. Pusey, *Charles Evans Hughes* 673 (1951).

Engine #2499 pulled the car that struck Harry Tompkins, giving Brandeis the opportunity to declare for the Court, "There is no federal general common law." *Erie Railroad v. Tompkins*, 304 U.S. 64 (1938) (overruling *Swift v. Tyson*).

