

Justice Holmes, and the subversion of America

by Stanley Ezrol

Honorable Justice: The Life of Oliver Wendell Holmes

by Sheldon M. Novick

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How is it that the United States of America, which stirred passionate hopes of freedom in the 1776 through 1789 revolutionary period, and for generations thereafter, slipped so far along the path toward being nothing but the mindless muscle for Anglo-American imperialism, that today a revolution is required if the United States is again to be ranked amongst the free nations of the world? How is it that Lyndon LaRouche, the American leader of the "anti-Bolshevik resistance" movement which is sweeping away the tyrannies of Asia and Eastern Europe, is imprisoned in this birthplace of freedom? A study of the life of Oliver Wendell Holmes, Jr., and the cause he dedicated himself to during the 94-year span of his disgusting life, goes a long way toward answering that question.

Holmes's father, Dr. Oliver Wendell Holmes, saw the Marquis de Lafayette during his triumphal 1824 tour of the United States. Until his death in 1935, Holmes, Jr. recalled watching Revolutionary War veterans assume their places of honor at July 4th festivities. As a young man, he held a commission in the Union Army during the Civil War. Because Death cruelly refused to claim him for so long, Holmes lived to shape the careers of those who were involved in the post-World War II consolidation of the joint Anglo-American-Soviet-Chinese power-haring agreements, and the psychedelic drug fueled "counterculture," which has placed the

world on the slippery slope leading to the new Dark Age, which Holmes and his ilk labored to create.

Holmes was born into the circle of the early 19th-century environmentalist, counterculture impresario, Ralph Waldo Emerson. His father, Dr. Holmes, was part of the tight literary circle Emerson led, known as the Transcendentalists, who proclaimed their commitment to import to the American republic the philosophy of Immanuel Kant, who himself was a protégé of the British radical Empiricist school, including David Hume, John Locke, and Jeremy Bentham, which had been the most dangerous among British subversions of the Revolutionary movement.

Protégé of Emerson

Sheldon Novick's biography is quite useful in documenting the way in which Holmes intrigued with others of Emerson's protégés and their followers through the four generations of his adult life. This reviewer, who knows something of the relevant historical processes, was fascinated by the work, but Novick, himself an environmentalist attorney, often says little of the importance about the most significant historical facts he reveals.

Novick does document that Holmes was formed intellectually by his personal association with Ralph Waldo Emerson, whom he respected far above his own father, who, by all accounts, was a rather shallow chatterbox (as Holmes, Jr. himself became), and his youthful immersion in the chivalric romances of Sir Walter Scott, Alfred Lord Tennyson, Carlyle, Sir Philip Sidney, and others, which Emerson was involved in importing to these shores.

To his credit, Novick punctures the myth of Holmes's heroic Civil War service by documenting, with Holmes's correspondence, that he was an anti-abolitionist, who, after a term of service that consisted largely of "convalescing"

from superficial wounds in Boston by drinking and partying with a bevy of young men and women, left the army in 1864 because he opposed Lincoln's Emancipation Proclamation. The following quote from one of Holmes's letters is typical of the revelations:

"I think before long the majority will say that we are vainly working to effect what never happens—the subjugation (for that is what it is) of a great civilized nation. We shan't do it—at least the Army can't."

Novick also presents evidence that Holmes actually hoped at one time his foot would be amputated because that would take him out of battle permanently, which raises the question whether the three wounds suffered by Holmes, near the beginning of every combat engagement he therefore missed, may have been self-inflicted.

British freemasonic agent

Most significantly reported is Holmes's lifelong association with the Anglo-American circle consisting of the protégés of Emerson, and his British associates, and their intellectual descendants. Holmes shared a somewhat dissolute period after leaving military service with William and Henry James (whose father, Novick does not report, moved them to Cambridge after meeting Emerson, so they could be educated by him and his circle, including James's medical professor, Dr. Holmes), Henry and Brooks Adams, and others.

This circle was dedicated to replacing the patriotic vision of America as a "Temple of Liberty, Beacon of Hope," with an Anglo-American empire based on the notion of English racial superiority, as typified by the racial theories of Sir Herbert Spencer. Sir Frederick Pollock, 3rd Baronet of the line, became Holmes's closest British collaborator in this effort. This grouping consolidated control over the U.S. government when, upon the assassination of President William McKinley, in 1901, Theodore Roosevelt was inaugurated President.

In the 20th century, H.G. Wells continued the effort of Pollock's circle through his founding of the "New Republic" circle. Novick reports that Wells met with Holmes as part of his search for "intellectual Samurai" in the United States, and that Holmes, in his later years, was an intimate of the circle around the American magazine inspired by Wells, *The New Republic*, which included Louis Brandeis, Felix Frankfurter, Walter Lippman, Harold Lasski, future Secretary of State Dean Acheson, Roosevelt brain truster Tom Corcoran, and others. This circle created the intellectual climate for acceptance of the psychedelic drug, environmentalist counter-culture movement which was founded by, amongst others, Wells's protégé Aldous Huxley.

Although Novick presents an excellent account of Holmes's friendship with William James, he repeats the shop-worn tale that Holmes broke off that friendship in 1870, before James became an open proselytizer for the occult and for psychedelic and narcotic drug use. To his credit, Novick

also presents some evidence that although the James/Holmes circle discontinued their nightly drinking bouts at about that time, their friendship continued until James's death in 1910, when Holmes served as a pallbearer at James's funeral. He also mentions, in a footnote, that Holmes attended meetings of James's occultist "Metaphysical Club."

What he doesn't report, which is of tremendous significance in grasping how this Anglo-American circle subverted American values, is that Holmes's confidant, Sir Frederick Pollock, was a co-founder with James of the Society for Psychical Research, as well as a member of the Cambridge Conversazione Society, popularly known as the "Apostles," which provided Britain not only with its leading occultists and degenerates, such as the notorious Lord Bertrand Russell, but also its leading Soviet spies. Novick reports that one of Holmes's last clerks, Alger Hiss, assumed some of Mrs. Holmes's household duties after her death, without reporting that Hiss was later convicted of being a Soviet agent while serving as a top-ranking State Department official. Nor does he report, although he had access to documentation in the Pollock/Holmes correspondence, which he cited in a number of locations, that Pollock was the leading foreign secret agent of British Freemasonry during the First World War, and that he had formed a small freemasonic cell including Holmes and Holmes's wife. The relevant quotes from Pollock's letters to Holmes are:

"The Chancery Bar Lodge counts four Master Masons more, of whom I am one. . . ."

"Our speculative fellowship founded by [Sir Alfred Comyn] Lyall and ourselves at the Athenaeum [Henry] Sidgwick being the first recusant, has done nothing yet, but I have some fit persons in mind when I can catch them. Suppose you associate your wife . . . then she and you together can co-opt any one on your side whom you judge desirable." (Nov. 30, 1898)

"Three weeks ago, I installed my successor in the Royal Colonial Institute Lodge, so masonic duties will be less pressing. During the war masonry did work in consolidating relations between G.B. [Great Britain] and the Dominions which will probably never be known to the general public. Also, to a certain extent, with the U.S." (Jan. 30, 1919)

Perhaps Novick did not realize the significance of the material he presented from Holmes's poetry and philosophical remarks, such as the following excerpt from a 1913 speech, which demonstrate that Holmes was, regardless of the question of formal affiliation, philosophically a Freemason throughout his life:

If I feel what are perhaps an old man's apprehensions, that competition from new races will cut deeper than working men's disputes and will test whether we can hang together and fight; if I fear that we may be running through the world's resources at a pace that we cannot keep; I do not lose my hopes. I do not pin

my dreams for the future to my country or even to my race. I think it probable that civilization somehow will last as long as I care to look ahead—perhaps with smaller numbers, but perhaps also bred to greatness and splendor by science. I think it not improbable that man, like the grub that prepares a chamber for the winged thing it never has seen but is to be—that man may have cosmic destinies that he does not understand. And so beyond the vision of battling races and an impoverished earth I catch a dreaming glimpse of peace.

The other day my dream was pictured to my mind. It was evening. I was walking homeward on Pennsylvania Avenue near the Treasury, and as I looked beyond Sherman's statue to the west the sky was aflame with scarlet and crimson from the setting sun. But, like the note of downfall in Wagner's opera, below the skyline there came from little globes the pallid discord of the electric lights. And I thought to myself the *Götterdämmerung* will end, and from those globes clustered like evil eggs will come the new masters of the sky. It is like the time in which we live. But then I remembered the faith that I partly have expressed, faith in a universe not measured by our fears, a universe that has thought and more than thought inside of it, and as I gazed, after the sunset and above the electric lights there shone the stars.

Likewise, Novick reports that Henry Cabot Lodge orchestrated an acquaintanceship between Holmes and Theodore Roosevelt, which made possible the success of then Senator Lodge's efforts to have Roosevelt appoint Holmes to the Supreme Court in 1902. What Novick leaves out is that Roosevelt had been a psychology student of William James at Harvard University, whose imperialist foreign policy was guided by another of Holmes's circle, Brooks Adams.

Where Novick is quite useful, because of his use of privately held notes and correspondence, as well as the available published material, is in providing some of the "flavor" of the decadence of Holmes and his social milieu—the bed-hopping, the racial snobbery, and petty career management conniving, which were the everyday reality of Holmes's life, just as they dominate the lives of the Anglo-American policy elites today.

But what did he do, anyway?

Surprisingly, almost nothing is revealed in this work to justify the praise heaped on Holmes and his memory by Louis Brandeis, Felix Frankfurter, Benjamin Cardozo, Max Lerner, Sir Frederick Pollock, and others, as the greatest mind in American jurisprudence, surpassed, if at all, only by Justice John Marshall. Novick recounts how in honor of Holmes's 90th birthday, the Harvard, Yale, and Columbia *Law Reviews* each devoted a special edition to him; Frankfurter prepared a book with a collection of tributes by leading jurists; and an unprecedented national radio program was

broadcast which Holmes addressed. Nonetheless, searching the book for any evidence that Holmes has contributed anything of positive value to legal thought, I had to conclude, that there's a lot of sizzle but no steak.

Novick himself seems to be puzzled by this question, as he points out the inconsistencies in Holmes's opinions which make it difficult to identify them as representing a coherent philosophical view. In fact, Holmes, is an empty media creation. He did do something, but those who praise him can't actually say what it was because it was so despicable.

The first obvious fact is that Holmes's entire career was artificially stage-managed. It was only through the machinations of the Anglo-American cabal described above that he was able to get anywhere. He had an almost non-existent law practice, spiced with some editing of legal texts, and occasional semi-coherent essays for the *American Law Review*. In 1880, when he was 39 years old, Harvard University invited him to deliver the "Lowell Lectures" on Law. These lectures formed the basis for the only book this "intellectual giant" published in his entire lifetime, *The Common Law*. Baronet Pollock orchestrated a series of favorable reviews, which resulted in Holmes being appointed to a Harvard Law School chair, which was financed by Samuel Weld, ancestor of the leader of the "Get LaRouche" task force, recent Assistant Attorney General, and prospective Massachusetts gubernatorial candidate, William Weld.

Several months later, Holmes was offered his first full-time employment in the legal profession, as a Justice of the Supreme Judicial Court of the Commonwealth of Massachusetts. He precipitously deserted his Harvard professorship, pocketing the full year's salary he had been advanced out of the Weld family fortune. In due course, he succeeded as Chief Justice of Massachusetts. After McKinley's assassination, Cabot Lodge arranged his appointment to the United States Supreme Court. Those three positions were the only full-time employment he ever had. In 1910, when it appeared there would be a possibility of his appointment as Chief Justice of the United States Supreme Court, Oxford presented him with an honorary degree to puff up his reputation, but that appointment was never made.

Still, the question remains, "Why was the Wellsian New Age movement so thrilled with Oliver Wendell Holmes?" If we clear away the sizzle, what we find is not steak, but the stench of rotting vermin. What Holmes did was to destroy the Constitutional and Natural Law tradition in American jurisprudence, and replace it with the sophistry now dominating our federal judiciary, whose only principle is that of serving the ruling establishment.

The following quote, presented by Novick, from an *American Law Review* essay, indicates Holmes's unprincipled position:

It is the merit of the common law that it decides the case first and determines the principle afterwards.

Looking at the forms of logic it might be inferred that when you have [a] minor premise and a conclusion, there must be a major, which you are always prepared then and there to assert. But in fact lawyers, like other men, frequently see well enough how they ought to decide on a given state of facts without being very clear as to the [reason]. . . .

It is only after a series of determinations on the same subject-matter, that it becomes necessary to “reconcile the cases,” as it is called, that is, by a true induction to state the principle which has until then been obscurely felt.

In fact, as is adequately, if impressionistically, reflected in Novick’s citations of Holmes’s legal essays, judicial opinions, and correspondence, Holmes was a racist misanthrope whose view was that “law” ought simply to serve the ruling stratum of society. In the 1920s, as the Harrimans were leading the United States component of the international racist movement which included Mussolini’s Fascists and Hitler’s Nazis, Holmes became the leading spokesman on the Supreme Court for race purity policies. His most famous decision was his support for the Commonwealth of Virginia’s sterilization of a young woman, Carrie Buck, with the bald assertion, “The principle that sustains vaccination is broad enough to cover cutting the Fallopian tubes. . . . Three generations of imbeciles are enough.” As Novick points out, the “fact” of Carrie Buck’s “imbecility” was never proven.

What Holmes is most renowned for, amongst liberals, is his “wit.” In fact, his wit is most instructive for understanding the “Kantian,” “radical positivist,” or “pragmatic,” to use the term invented by William James, corruption of Law. His fundamental view of the nature of man, which changed little from his period of military service until his death, is reflected in this 1915 letter:

Doesn’t this squashy sentimentality of a big minority of our people about human life make you puke? . . . of pacifists—of people who believe there is an onward and upward—who talk of uplift—who think that something in particular has happened and that the universe is no longer predatory. Oh bring in a basin.

The wit of Holmes’s opinions is based on a very simple logical methodology, which is the same as that of his father’s friend, the satirist, Mark Twain, and of all of the night-club and television comedians you are familiar with today. The secret is simply understanding that all systems based on deductive logic rest on logical inconsistencies. Once that is understood, it’s easy to take any viewpoint that you want to attack, and, if it does not express itself as a deductive logical latticework, you create one that mimics it. Then criticize that logical lattice-work from the standpoint of your lattice based on the fundamental axiom, “There is no onward and upward,

nothing in particular has happened, the universe is predatory,” or, as Twain put it, “Man is a goat.” That done, it’s “proven” that any course of action pursued based on another view of man’s relation to the progress of nature is fraudulent. It only remains to elaborate the nature of the fraudulent course pursued, the motives for pursuing it, as has been done for example, in the frameups conducted by the “Get LaRouche” task force. As Twain wrote in *Pudd’nhead Wilson*, “There is no character, howsoever good and fine, but it can be destroyed by ridicule, howsoever poor and witless.”

Consistent with Holmes’s view of man, he rejected the notion of the “general welfare,” on which the United States Constitution, and, therefore, all U.S. law, is based. In an 1873 *American Law Review*, he wrote one of hundreds of formulations, such as those in his later judicial decisions, and his voluminous correspondence with Pollock, Harold Lasski, and others, of his “contribution” to American Law: “A man rightly prefers his own interest to that of his neighbors. And this is true in legislation as in any other form of corporate action. . . . The more powerful interests must be more or less reflected in legislation; which, like every other device of man or beast, must tend in the long run to aid the survival of the fittest.” Thus, he threw out the entire Judeo-Christian tradition of justice, in favor of the raw authority of the tyrant.

By contrast, the Declaration of Independence, which is the authority upon which the United States Constitution rests, states that according to the “Laws of Nature and of Nature’s God,” it is “self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed. That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles and organizing its power in such form, as to them shall seem most likely to effect their safety and happiness.”

The obscene appeal of today’s courts to “community standards,” as opposed to the morally determined standards of justice defined in the Declaration of Independence and the Constitution, is Holmes’s legacy. The result being that in the United States, as in any classical tyranny, offenses against the ruling establishment are ruthlessly avenged as in the case of the life sentences imposed on Lyndon LaRouche and a fundraiser for his movement, Michael Billington, while drug pushing and other organized crimes against individual citizens, are tolerated in every American “inner city.”

All in all, Novick’s book is to be recommended for better than usual candor in reporting on significant aspects of the history of Anglo-American “liberalism.” The more you know about the historical context, the more fascinating you will find it.