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Review of *Then to the Rock Let Me Fly: Luther Bohanon and Judicial Activism* By Jace Weaver

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Bakken, Gordon Morris, "Review of *Then to the Rock Let Me Fly: Luther Bohanon and Judicial Activism* By Jace Weaver" (1995). *Great Plains Quarterly*. 1049.

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Then to the Rock Let Me Fly: Luther Bohanon and Judicial Activism. By Jace Weaver. Norman: University of Oklahoma Press, 1993. Foreword, preface, photographs, epilogue, appendix, notes, bibliography, index. xviii + 212 pp. \$27.95.

This is a sympathetic biography of one of Oklahoma's distinguished members of the

federal bench. The author chronicles Luther Bohanon's transition from the bar to the judiciary in a well-crafted narrative. On the federal trial bench, Bohanon exhibited a tenacious adherence to a liberal view of the United States Constitution. To flesh out this view of the Constitution, the author focuses upon three celebrated cases. For legal historians, this book may seem limited in its coverage, but for historians of Oklahoma it provides a close look at some of the important events of the civil rights struggle.

Luther Lee Bohanon was born on 9 August 1902, in Fort Smith, Arkansas, raised in the Baptist church, schooled with Native American classmates in Oklahoma, heavily influenced by Julien C. Monnet, the Dean of the University of Oklahoma School of Law, and went into private practice in Seminole, Oklahoma. Using fraternity connections, Bohanon became assistant county attorney, but he built up a private practice sufficient by 1929 to take on A. P. "Fish" Murrah as a partner. By 1931 the partnership moved to Oklahoma City, taking its lucrative practice before the state industrial commission. The partners also worked in oil and gas litigation at a sizable profit. With financial stability, the partners involved themselves in politics. First, they worked for judicial candidates and then for Josh Lee's run for the House of Representatives. In this latter campaign, Lee and Murrah allied with Royce Savage, becoming "the Rover Boys." Two years later, Lee ran for the Senate with the Rover Boys running another successful campaign. In 1936 Lee returned the favor with a nomination of Murrah to the federal bench. Murrah was thirty-three. Bohanon would receive his nomination to the federal bench at the age of fifty-nine from an even more powerful Senator from Oklahoma, Robert S. Kerr.

On the federal bench, Bohanon decided three cases of public note. In *Dowell v. Board of Education* (1963), he desegregated the Oklahoma City public school system, including its staff and faculty. The decision brought him public ridicule but national recognition as a staunch defender of civil rights. In *Battle v.*

Anderson (1977) he reformed the Oklahoma prison system, ordering specific prison changes and increased legislative appropriations to facilitate the revolution in penal practices. In *Rutherford v. United States* (1977) Bohanon enjoined the U.S. Food and Drug Administration from banning the importation and use of laetrile, an unapproved drug for the treatment of cancer. In the first two cases, Bohanon gained public wrath but constitutional fame. In the laetrile case, the United States Supreme Court overturned both his holding and the right to privacy basis used to support the decision. In all three cases, the working of the judicial system and the adherence to the law ring clear.

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