

# Mr. Justice Black and His Critics

BY TINSLEY E. YARBROUGH



# Mr Justice Black And His Critics

**Lee Epstein, Jeffrey A. Segal, Harold J.  
Spaeth, Thomas G. Walker**

## **Mr Justice Black And His Critics:**

**Mr. Justice Black and His Critics** Tinsley E. Yarbrough, 1988 Many jurists give lip service to the idea that judicial interpretation of constitutional provisions should be based on the intent of the framers Few if any have been as faithful to that conception as Hugo Black a U S Senator from Alabama Once on the court he played a leading role in establishing freedom of speech and other guarantees the interpretation he and others believed were warranted by the language and intent of the framers Late in his career however Black s commitment to literalism and intent led him to assume apparently conservative positions in civil liberties cases The author analyzes Black s judicial and constitutional philosophy as well as his approach to specific cases through the eyes of Black s critics and through an assessment of scholarly opinion of his jurisprudence from book jacket *Justice Robert H. Jackson's Unpublished Opinion in Brown v. Board* David M. O'Brien, 2017-11-17 Brown v Board of Education is widely recognized as one of the US Supreme Court s most important decisions in the twentieth century Robert H Jackson an associate justice on the case is generally considered one of the Court s most gifted writers Though much has been written about Brown citing the writing and remarks of the justices who participated in the 1954 decision comparatively little has been said about Jackson or his unpublished opinion which is sometimes even mistakenly taken as a dissenting opinion This book visits Brown v Board of Education from Jackson s perspective and in doing so offers a reinterpretation of the justice s thinking and of the Supreme Court s decision making in a ruling that continues to reverberate through the nation s politics and public life Weaving together judicial biography legal history and judicial politics Justice Robert H Jackson s Unpublished Opinion in Brown v Board provides a nuanced look at constitutional interpretation and the intersection of law and politics from inside the mind of a justice within the context of a Court deciding a seminal case Through an analysis of six drafts of Jackson s unpublished concurring opinion David M O'Brien explores the justice s evolving thoughts on relevant issues at critical moments in the case His retelling of Brown presents a new view of longstanding arguments confronted by Jackson and the other justices over original intent versus a living Constitution the role of the Court and social change and justice in American political life The book includes the final draft of Jackson s unpublished opinion as well as the Warren Court s opinions in Brown and in *Bolling v Sharpe* for comparison along with a timeline of developments and decision making leading to the Court s landmark ruling **Supreme Court Justices: Illustrated Biographies** Clare Cushman, 2013 Book Description The Supreme Court Justices Illustrated Biographies 1789 2012 Third Edition provides a single volume reference profiling every Supreme Court justice from John Jay through Elena Kagan An original essay on each justice paints a vivid picture of his or her individuality as shaped by family education pre Court career and the times in which he or she lived Each biographical essay also presents the major issues on which the justice presided Essays are arranged in the order of the justices appointments Lively anecdotes along with portraits photographs and political cartoons enrich the text and deepen readers understanding of the justices and of the Court The

volume includes an extensive bibliography and is indexed for easy research access New in this edition are a foreword by Chief Justice John G Roberts a revised essay on Chief Justice William H Rehnquist updated essays on sitting or recently retired members of the court new biographies for Chief Justice John G Roberts and Associate Justices Samuel A Alito Elena Kagan and Sonia M Sotomayor an updated listing of members of the Supreme Court with appointment and confirmation dates and an updated bibliography with key sources on the Supreme Court and the justices For insightful background and lively commentary on the individuals who have served on the Supreme Court of the United States there is no better reference than this updated new volume This is a vital reference work for researchers students and others interested in the Supreme Court s past present and future

**The History of the Supreme Court of the United States** William M. Wiecek,2006-01-23 The Birth of the Modern Constitution recounts the history of the United States Supreme Court in the momentous yet usually overlooked years between the constitutional revolution in the 1930s and Warren Court judicial activism in the 1950s 1941 1953 marked the emergence of legal liberalism in the divergent activist efforts of Hugo Black William O Douglas Frank Murphy and Wiley Rutledge The Stone Vinson Courts consolidated the revolutionary accomplishments of the New Deal and affirmed the repudiation of classical legal thought but proved unable to provide a substitute for that powerful legitimating explanatory paradigm of law Hence the period bracketed by the dramatic moments of 1937 and 1954 written off as a forgotten time of failure and futility was in reality the first phase of modern struggles to define the constitutional order that will dominate the twenty first century

**The Reader's Companion to American History** Eric Foner,John A. Garraty,2014-01-14 An A to Z historical encyclopedia of US people places and events with nearly 1 000 entries all equally well written crisp and entertaining Library Journal From the origins of its native peoples to its complex identity in modern times this unique alphabetical reference covers the political economic cultural and social history of America A fact filled treasure trove for history buffs The Reader s Companion is sponsored by the Society of American Historians an organization dedicated to promoting literary excellence in the writing of biography and history Under the editorship of the eminent historians John A Garraty and Eric Foner a large and distinguished group of scholars biographers and journalists nearly four hundred contemporary authorities illuminate the critical events issues and individuals that have shaped our past Readers will find everything from a chronological account of immigration individual entries on the Bull Moose Party and the Know Nothings as well as an article on third parties in American politics pieces on specific religious groups leaders and movements and a larger scale overview of religion in America Interweaving traditional political and economic topics with the spectrum of America s social and cultural legacies everything from marriage to medicine crime to baseball fashion to literature the Companion is certain to engage the curiosity interests and passions of every reader and also provides an excellent research tool for students and teachers

**Alabama Justice** Steven P. Brown,2020-10-06 WINNER OF THE ANNE B JAMES B MCMILLAN PRIZE IN SOUTHERN HISTORY Examines the legacies of eight momentous US Supreme

Court decisions that have their origins in Alabama legal disputes Unknown to many Alabama has played a remarkable role in a number of Supreme Court rulings that continue to touch the lives of every American In Alabama Justice The Cases and Faces That Changed a Nation Steven P Brown has identified eight landmark cases that deal with religion voting rights libel gender discrimination and other issues all originating from legal disputes in Alabama Written in a concise and accessible manner each case law chapter begins with the circumstances that created the dispute Brown then provides historical and constitutional background for the issue followed by a review of the path of litigation Excerpts from the Court s ruling in the case are also presented along with a brief account of the aftermath and significance of the decision The First Amendment New York Times v Sullivan racial redistricting Gomillion v Lightfoot the Equal Protection Clause of the Fourteenth Amendment Frontiero v Richardson and prayer in public schools Wallace v Jaffree are among the pivotal issues stamped indelibly by disputes with their origins in Alabama legal political and cultural landscapes By examining such landmark twentieth century milestones and eras such as the Scottsboro Boys trial the Civil Rights movement and the fight for women s rights through a legal lens Brown sheds new and unexpected light on the ways that events in Alabama have shaped the nation In addition to his analysis of cases Brown discusses the three associate Supreme Court justices from Alabama to the Supreme Court John McKinley John Archibald Campbell and Hugo Black Their cumulative influence on constitutional interpretation the institution of the Court and the day to day rights and liberties enjoyed by every American is impossible to measure A closing chapter examines the careers and contributions of these three Alabamians

*The Warren Court* Melvin I. Urofsky, 2001-03-06 A survey and analysis of the historical context key figures and lasting legacy of the Warren Court Earl Warren served as chief justice of the U S Supreme Court from 1953 until the end of the tumultuous 1960s This book shows why conservative critics still view this court as out of control and leftist while its liberal fans still cheer what they view as the court s progressive activism Among this court s contributions to American life are the rights accorded to the accused in Miranda v Arizona the limits it placed on school prayer and the abolition of school segregation in Brown v Board of Education To understand such basic American principles as equal protection freedom of speech freedom of the press freedom of religion separation of church and state the rights of the accused and the right to privacy every citizen should understand the Warren Court

**The Oxford Companion to the Supreme Court of the United States**, *Salt of the Earth, Conscience of the Court* John M. Ferren, 2006-03-08 The Kentucky born son of a Baptist preacher with an early tendency toward racial prejudice Supreme Court Justice Wiley Rutledge 1894 1949 became one of the Court s leading liberal activists and an early supporter of racial equality free speech and church state separation Drawing on more than 160 interviews John M Ferren provides a valuable analysis of Rutledge s life and judicial decisionmaking and offers the most comprehensive explanation to date for the Supreme Court nominations of Rutledge Felix Frankfurter and William O Douglas Rutledge was known for his compassion and fairness He opposed discrimination based on gender and poverty and pressed for expanded

rights to counsel due process and federal review of state criminal convictions During his brief tenure on the Court he died following a stroke at age fifty five he contributed significantly to enhancing civil liberties and the rights of naturalized citizens and criminal defendants became the Court's most coherent expositor of the commerce clause and dissented powerfully from military commission convictions of Japanese generals after World War II Through an examination of Rutledge's life Ferren highlights the development of American common law and legal education the growth of the legal profession and related institutions and the evolution of the American court system including the politics of judicial selection

**The American Judicial Tradition** G. Edward White, 2007-01-11 In this revised third edition of a classic in American jurisprudence G. Edward White updates his series of portraits of the most famous appellate judges in American history from John Marshall to Oliver W. Holmes to Warren E. Burger with a new chapter on the Rehnquist Court White traces the development of the American judicial tradition through biographical sketches of the careers and contributions of these renowned judges In this updated edition he argues that the Rehnquist Court's approach to constitutional interpretation may have ushered in a new stage in the American judicial tradition The update also includes a new preface and revised bibliographic note

**ABA Journal**, 1989-08 The ABA Journal serves the legal profession Qualified recipients are lawyers and judges law students law librarians and associate members of the American Bar Association

Justices, Presidents, and Senators Henry J. Abraham, 2008 Explains how United States presidents select justices for the Supreme Court evaluates the performance of each justice and examines the influence of politics on their selection

**Leaving the Bench** David Neal Atkinson, 1999 Examining each of the nearly 100 men who have left the US Supreme Court explores their resignations and retirements from the lifetime tenure Considers the diverse circumstances under which they leave and clarifies why they often are reluctant to do so finding factors such as pensions party loyalty and personal pride Also relates physical ailments to mental faculties to explain how a justice's disability can affect Court decisions Annotation copyrighted by Book News Inc Portland OR

**Encyclopedia of the Fourth Amendment** John R. Vile, David L. Hudson, 2012-12-15 This work provides a unique overview for individuals seeking to understand the Fourth Amendment to the U.S. Constitution It covers key concepts events laws and legal doctrines court decisions and litigators and litigants regarding the law of search and seizure

*United States History* James Warren Oberly, 1995

**The Law's Conscience** Peter Charles Hoffer, 1990 The Law's Conscience is a history of equity in Anglo-American jurisprudence from the inception of the chancellor's court in medieval England to the recent civil rights and affirmative action decisions of the United States Supreme Court Peter Hoff

The Supreme Court Compendium Lee Epstein, Jeffrey A. Segal, Harold J. Spaeth, Thomas G. Walker, 2015-07-28 The Supreme Court Compendium provides historical and statistical information on the Supreme Court its institutional development caseload decision trends the background nomination and voting behavior of its justices its relationship with public governmental and other judicial bodies and its impact With over 180 tables and figures this new edition is intended to capture the full retrospective picture

through the 2013 2014 term of the Roberts Court and the momentous decisions handed down within the last four years including *United States v Windsor* *National Federation of Independent Business v Sebelius* and *Shelby County v Holder*

The Oxford Companion to the Supreme Court of the United States Kermit L. Hall, 2005-05-19 The Supreme Court has continued to write constitutional history over the thirteen years since publication of the highly acclaimed first edition of *The Oxford Companion to the Supreme Court* Two new justices have joined the high court more than 800 cases have been decided and a good deal of new scholarship has appeared on many of the topics treated in the Companion Chief Justice William H Rehnquist presided over the impeachment trial of President Bill Clinton and the Court as a whole played a decisive and controversial role in the outcome of the 2000 presidential election Under Rehnquist's leadership a bare majority of the justices have rewritten significant areas of the law dealing with federalism sovereign immunity and the commerce power This new edition includes new entries on key cases and fully updated treatment of crucial areas of constitutional law such as abortion freedom of religion school desegregation freedom of speech voting rights military tribunals and the rights of the accused These developments make the second edition of this accessible and authoritative guide essential for judges lawyers academics journalists and anyone interested in the impact of the Court's decisions on American society **We Must Not Be**

**Afraid to Be Free** Ronald K.L. Collins, Sam Chaltain, 2011-02-25 In a stinging dissent to a 1961 Supreme Court decision that allowed the Illinois state bar to deny admission to prospective lawyers if they refused to answer political questions Justice Hugo Black closed with the memorable line We must not be afraid to be free Black saw the First Amendment as the foundation of American freedom the guarantor of all other Constitutional rights Yet since free speech is by nature unruly people fear it The impulse to curb or limit it has been a constant danger throughout American history In *We Must Not Be Afraid to Be Free* Ron Collins and Sam Chaltain two noted free speech scholars and activists provide authoritative and vivid portraits of free speech in modern America The authors offer a series of engaging accounts of landmark First Amendment cases including bitterly contested cases concerning loyalty oaths hate speech flag burning student anti war protests and McCarthy era prosecutions The book also describes the colorful people involved in each case the judges attorneys and defendants and the issues at stake Tracing the development of free speech rights from a more restrictive era the early twentieth century through the Warren Court revolution of the 1960s and beyond Collins and Chaltain not only cover the history of a cherished ideal but also explain in accessible language how the law surrounding this ideal has changed over time Essential for anyone interested in this most fundamental of our rights *We Must Not Be Afraid to Be Free* provides a definitive and lively account of our First Amendment and the price courageous Americans have paid to secure them **The Supreme Court in Conference (1940-1985)** Del Dickson, 2001-07-12 The Supreme Court in Conference offers a fascinating and unprecedented look at the private debates between Justices on nearly 300 landmark cases from 1940 1985 Major decisions such as *Roe v Wade* and *Brown v Board of Education* are covered and the notes of Justices Felix Frankfurter William O

Douglas Frank Murphy Robert Jackson Harold Burton Tom Clark Earl Warren and William Brennan are opened to shed light on what goes on behind the closed doors of the secretive conference room In this unique and revealing work on some of the most profound rulings made at a turbulent time in American history the reader is given insight into how and why certain decisions were reached With expert editing by Del Dickson who provides annotations and an introduction to each case placing them in legal and historical context cases on issues such as free speech the rights of the accused religion Presidential power equal protection affirmative action and the death penalty are discussed Dickson also includes a lively and incisive history of the Supreme Court from its beginning to the present illuminating how the conference works how it has evolved its various animosities triumphant successes and glaring failures As the first major reference work on this subject this easy to use book offers the most reliable evidence available on the internal workings of the Supreme Court It is the ideal source for scholars law students historians and anyone interested in how Supreme Court decisions are truly made



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