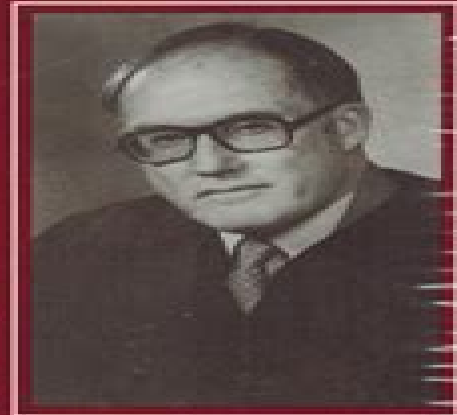


The Early Years



**Mr.
Justice
Rehnquist,
Judicial Activist**

Donald E. Boies

Mr Justice Rehnquist Judicial Activist The Early Years

Bruce Allen Murphy



Mr Justice Rehnquist Judicial Activist The Early Years:

Mr. Justice Rehnquist, Judicial Activist Donald Edward Boles, 1987 In this first volume of a several volume study Boles examines Chief Justice Rehnquist's philosophical stance prior to his appointment as Associate Justice of the U S Supreme Court 1972 Rehnquist has consistently attempted to implement his early values on the Court Boles shows how those attitudes have been reflected in the Justice's controversial opinions He calls Rehnquist a judicial activist who circumscribes the Court's role when ruling on elected officials' decisions and who justifies when possible state autonomy in conflicts between government and the individual He depicts Rehnquist as central to the ideological controversy concerning the Constitution's interpretation It is a timely presentation Steven Puro Political Science Dept St Louis Univ Library Journal [The Rehnquist Court and Criminal Justice](#) Christopher E. Smith, Christina DeJong, Michael McCall, 2011-11-16 This book examines the criminal justice decisions of the Rehnquist Court era through analyses of individual justices' contributions to the development of law and policy The Rehnquist Court era 1986-2005 produced a period of opportunity for the U S Supreme Court's judicial conservatives to reshape constitutional law concerning rights in the criminal justice process It was an era in which the Court produced many hotly debated decisions concerning such issues as capital punishment search and seizure police interrogations and prisoners' rights The Court's most conservative justice William H Rehnquist ascended to the key leadership position of Chief Justice and he was joined on the Court by two new appointees Antonin Scalia and Clarence Thomas who were equally supportive of both greater authority for police and limited definitions of constitutional rights for suspects, defendants and criminal offenders The Rehnquist Court era decisions refined and narrowed many of the rights-expanding decisions of the Warren Court era 1953-1969 However the Supreme Court did not ultimately eliminate the Warren era's foundational rights concepts in criminal justice such as the exclusionary rule and Miranda warnings As the leading liberal voices of the Warren era William Brennan and Thurgood Marshall retired early in the Rehnquist era the Court experienced continued advocacy of broad conceptions for many rights through the increased assertiveness of Republican appointees Harry Blackmun, John Paul Stevens and David Souter as well as the arrival of new Democratic appointees Ruth Bader Ginsburg and Stephen Breyer In many important cases the justices advocating the preservation of constitutional protections could prevail even on a generally conservative Court by persuading one or more of President Ronald Reagan's appointees to support a particular right for suspects and defendants Sandra Day O'Connor and Anthony Kennedy in particular shaped outcomes within a divided Court as they determined which of the Court's wings with which they would align in a particular case The contributors to this volume identify and highlight the unique perspectives and influential decisions of individual justices as the means for understanding the Rehnquist Court's imprint on criminal justice **A**

^A History of the Supreme Court the late Bernard Schwartz, 1995-02-23 When the first Supreme Court convened in 1790 it was so ill esteemed that its justices frequently resigned in favor of other pursuits John Rutledge stepped down as Associate

Justice to become a state judge in South Carolina John Jay resigned as Chief Justice to run for Governor of New York and Alexander Hamilton declined to replace Jay pursuing a private law practice instead As Bernard Schwartz shows in this landmark history the Supreme Court has indeed travelled a long and interesting journey to its current preeminent place in American life In A History of the Supreme Court Schwartz provides the finest most comprehensive one volume narrative ever published of our highest court With impeccable scholarship and a clear engaging style he tells the story of the justices and their jurisprudence and the influence the Court has had on American politics and society With a keen ability to explain complex legal issues for the nonspecialist he takes us through both the great and the undistinguished Courts of our nation s history He provides insight into our foremost justices such as John Marshall who established judicial review in Marbury v Madison an outstanding display of political calculation as well as fine jurisprudence Roger Taney whose legacy has been overshadowed by Dred Scott v Sanford Oliver Wendell Holmes Louis Brandeis Benjamin Cardozo and others He draws on evidence such as personal letters and interviews to show how the court has worked weaving narrative details into deft discussions of the developments in constitutional law Schwartz also examines the operations of the court until 1935 it met in a small room under the Senate so cramped that the judges had to put on their robes in full view of the spectators But when the new building was finally opened one justice called it almost bombastically pretentious and another asked What are we supposed to do ride in on nine elephants He includes fascinating asides on the debate in the first Court for instance over the use of English style wigs and gowns the decision gowns no wigs and on the day Oliver Wendell Holmes announced his resignation the same day that Earl Warren as a California District Attorney argued his first case before the Court The author brings the story right up to the present day offering balanced analyses of the pivotal Warren Court and the Rehnquist Court through 1992 including of course the arrival of Clarence Thomas In addition he includes four special chapters on watershed cases Dred Scott v Sanford Lochner v New York Brown v Board of Education and Roe v Wade Schwartz not only analyzes the impact of each of these epoch making cases he takes us behind the scenes drawing on all available evidence to show how the justices debated the cases and how they settled on their opinions Bernard Schwartz is one of the most highly regarded scholars of the Supreme Court author of dozens of books on the law and winner of the American Bar Association s Silver Gavel Award In this remarkable account he provides the definitive one volume account of our nation s highest court

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

Judicial Review and American Conservatism Robert Daniel Rubin,2017-03-20 The Christian Right of the 1980s forged its political identity largely in response to what it perceived as liberal judicial activism Robert Daniel Rubin tells this story as it played out in Mobile Alabama There a community conflict pitted a group of conservative evangelicals a sympathetic federal judge and a handful of conservative intellectuals against a religious agnostic opposed to prayer in schools and a school system accused of promoting a religion called secular humanism The twists in the Mobile conflict speak to the changes and continuities that marked the relationship of 1980s religious conservatism to democracy the courts and the Constitution By alternately focusing its gaze on the local conflict and related events in Washington DC this book weaves a captivating narrative Historians political scientists and constitutional lawyers will find in Rubin s study a challenging new perspective on the history of the Christian Right in the United States

The Chief Justiceship of Warren Burger, 1969-1986 Earl M. Maltz,2000 Maltz law Rutgers U discusses the often incongruous nature of the Burger Court explaining its generally centrist proceedings yet acknowledging that it at times produced decisions even more liberal than that of the Warren Court its liberal predecessor At the same time this book shows patterns that explain the doctrinal positions adopted by the majority in each case Annotation copyrighted by Book News Inc Portland OR

The Encyclopedia of American Law David A. Schultz,2014-05-14 There s an old saying Ignorance of the law is no excuse for breaking it Yet for most people

Public Opinion and the Rehnquist Court Thomas R. Marshall,2009-01-01 Public Opinion and the Rehnquist Court offers the most thorough evidence yet in favor of the U S Supreme Court representing public opinion Thomas R Marshall analyzes more than two thousand nationwide public opinion polls during the Rehnquist Court era and argues that a clear majority of Supreme Court decisions agree with public opinion He explains that the Court represents American attitudes when public opinion is well informed on a dispute and when the U S Solicitor General takes a position agreeing with poll majorities He also finds that certain justices best represent public opinion and that the Court uses its review powers over the state and federal courts to bring judicial decision making back in line with public opinion Finally Marshall observes that unpopular Supreme Court decisions simply do not endure as long as do popular decisions

The Supreme Court Peter Charles Hoffer,Williamjames Hull Hoffer,N. E. H. Hull,2018-08-28 For more than

two centuries the U S Supreme Court has provided a battleground for nearly every controversial issue in our nation s history Now a veteran team of talented historians including the editors of the acclaimed Landmark Law Cases and American Society series have updated the most readable astute single volume history of this venerated institution with a new chapter on the Roberts Court The Supreme Court chronicles an institution that dramatically evolved from six men meeting in borrowed quarters to the most closely watched tribunal in the world Underscoring the close connection between law and politics the authors highlight essential issues cases and decisions within the context of the times in which the decisions were handed down Deftly combining doctrine and judicial biography with case law they demonstrate how the justices have shaped the law and how the law that the Court makes has shaped our nation with an emphasis on how the Court responded or failed to respond to the plight of the underdog Each chapter covers the Court s years under a specific Chief Justice focusing on cases that are the most reflective of the way the Court saw the law and the world and that had the most impact on the lives of ordinary Americans Throughout the authors reveal how in times of war class strife or moral revolution the Court sometimes voiced the conscience of the nation and sometimes seemed to lose its moral compass Their extensive quotes from the Court s opinions and dissents illuminate its inner workings as well as the personalities and beliefs of the justices and the often contentious relationships among them Fair minded and sharply insightful The Supreme Court portrays an institution defined by eloquent and pedestrian decisions and by justices ranging from brilliant and wise to slow witted and expedient An epic and essential story it illuminates the Court s role in our lives and its place in our history in a manner as engaging for general readers as it is rigorous for scholars

Historical Dictionary of the U.S. Supreme Court Artemus Ward, Christopher Brough, Robert Arnold, 2015-08-13 The US Supreme Court is an institution that operates almost totally behind closed doors This book opens those doors by providing a comprehensive look at the justices procedures cases and issues over the institution s more than 200 year history The Court is a legal institution born from a highly politicized process Modern justices time their departures to coincide with favorable administrations and the confirmation process has become a highly charged political spectacle played out on television and in the national press Throughout its history the Court has been at the center of the most important issues facing the nation federalism separation of powers war slavery civil rights and civil liberties Through it all the Court has generally though not always reflected the broad views of the American people as the justices decide the most vexing issues of the day The Historical Dictionary of the U S Supreme Court covers its history through a chronology an introductory essay appendixes and an extensive bibliography The dictionary section has over 700 cross referenced entries on every justice major case issue and process that comprises the Court s work This book is an excellent access point for students researchers and anyone wanting to know more about the Supreme Court

American Political Leaders, Third Edition Richard Wilson, 2021-10-01 Praise for previous editions accessible this book is an excellent addition to collections serving general readers high schools and undergraduates American Reference Books Annual This readable

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Judging the Boy Scouts of America Richard J. Ellis, 2014-05-23 As Americans we cherish the freedom to associate However with the freedom to associate comes the right to exclude those who do not share our values and goals What happens when the freedom of association collides with the equally cherished principle that every individual should be free from invidious discrimination This is precisely the question posed in *Boy Scouts of America v James Dale* a lawsuit that made its way through the courts over the course of a decade culminating in 2000 with a landmark ruling by the U S Supreme Court In *Judging the Boy Scouts of America* Richard J Ellis tells the fascinating story of the Dale case placing it in the context of legal principles and precedents Scouts policies gay rights and the culture wars in American politics The story begins with James Dale a nineteen year old Eagle Scout and assistant scoutmaster in New Jersey who came out as a gay man in the summer of 1990 The Boy Scouts citing their policy that denied membership to avowed homosexuals promptly terminated Dale s membership Homosexuality the Boy Scout leadership insisted violated the Scouts pledge to be morally straight With the aid of the Lambda Legal Defense Fund Dale sued for discrimination Ellis tracks the case from its initial filing in New Jersey through the final decision of the U S Supreme Court in

favor of the Scouts In addition to examining the legal issues at stake including the effect of the Supreme Court s ruling on the law of free association Ellis also describes Dale s personal journey and its intersection with an evolving gay rights movement Throughout he seeks to understand the puzzle of why the Boy Scouts would adopt and adhere to a policy that jeopardized the organization s iconic place in American culture and finally explores how legal challenges and cultural changes contributed to the Scouts historic policy reversal in May 2013 that ended the organization s ban on gay youth though not gay adults

Roe v. Wade N. E. H. Hull, Peter Charles Hoffer, 2021-02-16 Few Supreme Court decisions have stirred up as much controversy vitriolic debate and even violence as Roe v Wade in 1973 Four decades later it remains a touchstone for the culture wars in the United States and a pivot upon which much of our politics turns With that in mind N E H Hull and Peter Charles Hoffer have taken stock of the abortion debates controversies and cases that have emerged during the past decade in order to update their best selling book on this landmark case As with the first two editions this book details the case s historical background highlights Roe v Wade s core issues essential personalities and key precedents tracks the case s path through the courts clarifies the jurisprudence behind the Court s ruling in Roe assesses the impact of the presidential elections of George W Bush and Barack Obama along with the confirmations of Chief Justice John Roberts Justice Samuel Alito Justice Sonia Sotomayor and gauges the case s impact on American society and subsequent challenges to it in Webster v Reproductive Health Services 1989 Planned Parenthood v Casey 1992 and Gonzales v Carhart 2007 This third updated edition also adds two completely new chapters covering abortion politics and legal battles in Obama s second term and Donald J Trump s first term The new material covers two important cases in detail Whole Woman s Health v Hellerstedt 2016 and June Medical Services LLC v Russo 2020 The cases dealt with state laws Texas and Louisiana respectively designed to limit access to abortion by requiring doctors performing abortions to have admission privileges at a state authorized hospital within thirty miles of the abortion clinic In both cases the Court ruled the laws unconstitutional thus handing abortion rights activists key victories in the face of an increasingly conservative Court The new chapters also cover the confirmations of Justices Elena Kagan Neil Gorsuch and Brett Kavanaugh as well as the heated political environment surrounding the Court in the age of Trump

The Supreme Court Jeffrey Rosen, 2024-09-04 This illuminating look at the human side of the highest court reveals how personal and philosophical rivalries have shaped our daily lives Kirkus The Supreme Court is the most mysterious branch of government Yet behind its facade of absolute impartiality are the human personalities who decide its rulings very bright people with very strong egos for whom legal conflicts often become personal In this incisive volume Jeffrey Rosen provides a character driven history of the Court revealing how the individual quirks and attitudes of justices have transformed the law and by extension our lives Chief Justice John Marshall and President Thomas Jefferson cousins from the Virginia elite set the tone for the Court s first hundred years with their differing visions of America After the Civil War Justices John Marshall Harlan and Oliver Wendell Holmes clashed over the limits of majority rule During the Warren Court

personality loomed larger than ideology for liberal icons Hugo Black and William O Douglas And the contemporary Court was in many ways defined by the clashes between conservatives William H Rehnquist and Antonin Scalia Through these four rivalries Rosen brings to life the perennial conflict that has animated the Court between those justices guided by strong ideology and those who forge coalitions and adjust to new realities He illuminates the relationship between judicial temperament and judicial success or failure 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 **Justices, Presidents, and Senators** Henry Julian Abraham, 1999 This new edition of this classic history of the Supreme Court discusses the selection nomination and appointment of each of the Justices who have sat on the U S Supreme Court since 1789 Abraham provides a fascinating account of the presidential motivations behind each nomination examining how each appointee's performance on the bench fulfilled or disappointed presidential expectations *Mr. Justice Rehnquist, Judicial Activist* Donald Edward Boles, 1987-01-01 **Morality Imposed** Stephen E. Gottlieb, 2000-09 We like to think of judges and justices as making decisions based on the facts and the law But to what extent do jurists decide cases in accordance with their own preexisting philosophy of law and what specific ideological assumptions account for their decisions Stephen E Gottlieb adopts a unique perspective on the decision making of Supreme Court justices blending and re characterizing traditional accounts of political philosophy in a way that plausibly explains many of the justices voting patterns A seminal study of the Rehnquist Court *Morality Imposed* illustrates how in contrast to previous courts which took their mandate to be a move toward a freer and or happier society the current court evidences little concern for this goal focusing instead on thinly veiled moral judgments Delineating a fault line between liberal and conservative justices on the Rehnquist Court Gottlieb suggests that conservative justices have rejected the basic principles that informed post New Deal individual rights jurisprudence and have substituted their own conceptions of moral character for these fundamental principles *Morality Imposed* adds substantially to our understanding of the Supreme Court its most recent cases and the evolution of judicial philosophy in the U S **Scalia** Bruce Allen Murphy, 2015-06-30 A deeply researched portrait of the controversial Supreme Court justice covers his career achievements his appointment in 1986 and his resolve to support agendas from an ethical rather than political perspective **Great American Judges** John R. Vile, 2003-06-23 Inspiring and instructive biographies of the 100 most influential judges from state and federal courts in one easy to access volume *Great American Judges profiles* 100 outstanding judges and justices in a full sweep of U S history Chosen by lawyers historians and political scientists these men and women laid the foundation of U S law A complement to *Great American Lawyers* together these two volumes create a complete picture of our nation's top legal minds from colonial times to today Following an introduction on the role of judges in American history are A Z biographical entries portraying this diverse group from extraordinarily different backgrounds Students and history enthusiasts will appreciate the

accomplishments of these role models and the connections between their inspiring lives and their far reaching legal decisions William Rehnquist Oliver Wendell Holmes Jr and 12 other Supreme Court justices are found alongside federal judges like Skelly Wright who ordered school desegregation in 1960 Influential state judges such as Rose Elizabeth Bird California s first woman Supreme Court Chief Justice are also featured

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