

A QUESTION OF JUDGMENT

*The Fortas Case
and the Struggle for the
Supreme Court*

Robert Shogan

THE ROBERT MERRILL COMPANY
Publishers New York

Question Of Judgment Fortas Case

CQ Press



Question Of Judgment Fortas Case:

A Question of Judgment Robert Shogan, 1972 **American Politicians Confront the Court** Stephen M. Engel, 2011-06-13 Politicians have long questioned or even been openly hostile to the legitimacy of judicial authority but that authority seems to have become more secure over time What explains the recurrence of hostilities and yet the security of judicial power Addressing this question anew Stephen Engel points to the gradual acceptance of dissenting views of the Constitution that is the legitimacy and loyalty of stable opposition Politicians changing perception of the threat posed by opposition influenced how manipulations of judicial authority took shape Engel s book brings our understanding of these manipulations into line with other developments such as the establishment of political parties the acceptance of loyal opposition and the development of different modes of constitutional interpretation and the emergence of rights based pluralism

Cloak and Gavel Alexander Charns, 1992 The separation of powers becomes a meaningless cliché as Alexander Charns using the Federal Bureau of Investigation s own files reveals how that agency undermined the independence of the U S Supreme Court for a half century FBI director J Edgar Hoover s goal was simple to push the Supreme Court to the right on issues of civil rights and criminal law His techniques ranged from illegal wiretapping to spreading disinformation from using Justice Abe Fortas as an informant to trying to hound liberal Justice William O Douglas off the bench Cloak and Gavel the definitive work on the FBI Supreme Court relationship is based on thousands of pages of FBI documents that Charns fought for eight years to obtain One 2 000 page file was released only after he filed hundreds of Freedom of Information requests and brought lawsuits against the FBI It establishes Hoover s strategies to influence the Senate confirmation process incite the public against the Warren court lobby for legislation to counteract judicial rulings and use numerous informants inside the Court to both monitor and influence it Charns was given special permission to conduct research using Justice Abe Fortas s papers which had been sealed until the year 2000 These papers proved Fortas had acted as an informer for the White House and for the FBI during his tenure on the bench Fortas ultimately left the Court in disgrace after an ethics scandal unrelated to his informant role Charns also suggests that Hoover s death did not end the FBI s attempts to influence Congress and the federal judiciary as evidenced by the role of the FBI in the explosive Clarence Thomas Anita Hill Senate hearings in 1991 Until now no one has examined the ultimate constitutional violation the FBI s attempts to influence the Court by any means available

Making Constitutional Law Mark V. Tushnet, 1997 Following on Making Civil Rights Law which covered Thurgood Marshall s career from 1936 1961 this book focuses on Marshall s career on the Supreme Court from 1961 1991 where he was first Afro American Justice The first book on Justice Thurgood Marshall s years on the Supreme Court based on a comprehensive review of the Supreme Court papers of Justices Marshall and William J Brennan this work describes Marshall s special approach to constitutional law in areas ranging from civil rights and the death penalty to abortion and poverty It also describes the Supreme Court s operations during Marshall s tenure the relations among the

justices and the particular roles played by Chief Justice Warren Burger Justice Brennan and Justice Antonin Scalia The book locates the Supreme Court s actions from 1967 to 1991 in a broader historical and political context explaining how Marshall s liberalism became increasingly isolated on a Court influenced by nation s drift in a more conservative direction *The Path to and From the Supreme Court* Kermit L. Hall,2018-12-07 Available as a single volume or part of the 10 volume set *Supreme Court in American Society* Supreme Inequality Adam Cohen,2021-02-23 With *Supreme Inequality* Adam Cohen has built brick by brick an airtight case against the Supreme Court of the last half century Cohen s book is a closing statement in the case against an institution tasked with protecting the vulnerable which has emboldened the rich and powerful instead Dahlia Lithwick senior editor Slate A revelatory examination of the conservative direction of the Supreme Court over the last fifty years In *Supreme Inequality* bestselling author Adam Cohen surveys the most significant Supreme Court rulings since the Nixon era and exposes how contrary to what Americans like to believe the Supreme Court does little to protect the rights of the poor and disadvantaged in fact it has not been on their side for fifty years Cohen proves beyond doubt that the modern Court has been one of the leading forces behind the nation s soaring level of economic inequality and that an institution revered as a source of fairness has been systematically making America less fair A triumph of American legal political and social history *Supreme Inequality* holds to account the highest court in the land and shows how much damage it has done to America s ideals of equality democracy and justice for all **Jewish Justices of the Supreme Court** David G. Dalin,2017-04-04 The first history of the eight Jewish men and women who have served or who currently serve as justices of the Supreme Court **The Long Reach of the Sixties** Laura Kalman,2017-04-05 The Warren Court of the 1950s and 1960s was the most liberal in American history Yet within a few short years new appointments redirected the Court in a more conservative direction a trend that continued for decades However even after Warren retired and the makeup of the court changed his Court cast a shadow that extends to our own era In *The Long Reach of the Sixties* Laura Kalman focuses on the late 1960s and early 1970s when Presidents Johnson and Nixon attempted to dominate the Court and alter its course Using newly released and consistently entertaining recordings of Lyndon Johnson s and Richard Nixon s telephone conversations she roots their efforts to mold the Court in their desire to protect their Presidencies The fierce ideological battles between the executive legislative and judicial branches that ensued transformed the meaning of the Warren Court in American memory Despite the fact that the Court s decisions generally reflected public opinion the surrounding debate calcified the image of the Warren Court as activist and liberal Abe Fortas s embarrassing fall and Nixon s campaign against liberal justices helped make the term activist Warren Court totemic for liberals and conservatives alike The fear of a liberal court has changed the appointment process forever Kalman argues Drawing from sources in the Ford Reagan Bush I and Clinton presidential libraries as well as the justices papers she shows how the desire to avoid another Warren Court has politicized appointments by an order of magnitude Among other things presidents now almost never nominate politicians as Supreme

Court justices another response to Warren who had been the governor of California Sophisticated lively and attuned to the ironies of history **The Long Reach of the Sixties** is essential reading for all students of the modern Court and U S political history

The Failed Century of the Child Judith Sealander,2003-11-03 Charts the effort to use state regulation to guarantee health and security for America s children Congressional Record United States. Congress,1979 The Congressional Record is the official record of the proceedings and debates of the United States Congress It is published daily when Congress is in session The Congressional Record began publication in 1873 Debates for sessions prior to 1873 are recorded in The Debates and Proceedings in the Congress of the United States 1789 1824 the Register of Debates in Congress 1824 1837 and the Congressional Globe 1833 1873

Hearings, Reports and Prints of the Senate Committee on the Judiciary United States. Congress. Senate. Committee on the Judiciary,1967 The Age of Impeachment David E. Kyvig,2008 A Bancroft Prize winning historian chronicles the modern history of impeachment and the shift in American politics and constitutional culture revealed by its evolving interpretation and use

Hearings United States. Congress Senate,1969

The Supreme Court of the United States John J. Patrick,2001 An introduction to the Supreme Court listing and explaining its decisions justices concepts legal terms practices and issues in an alphabetical order

Guide to Congress CQ Press,2012-08-10 The new edition of this comprehensive two volume reference has been thoroughly revised and expanded by expert CQ Press writers with years of experience covering Congress to offer a complete institutional history of Congress along with updated insight and analysis on the 2008 and 2010 shifts in power of the U S Senate and House of Representatives The 35 chapters of Guide to Congress Seventh Edition are divided into eight subject areas that cover all aspects of the U S Congress Origins and Development of Congress from the constitutional beginnings of the legislative branch to the histories of the House and Senate and their power shifts eras of partisanship and unity influential leaders and working relationships with presidents New coverage includes analysis of the tug of war between House Democrats and the George W Bush administration on Iraq war withdrawal timetables updates on criminal investigations of House members including William J Jefferson of Louisiana and Charles Rangel of New York and analysis of the Tea Party Movement and new Republican majority Powers of Congress including powers to tax spend and borrow to conduct foreign policy and investigations to confirm and impeach to regulate commerce to amend the Constitution and to select the president Updated material includes analysis of the George W Bush administration s use of immunity from questioning by congressional committees analysis of the signing of the new START treaty with Russia marking a cornerstone of U S relations with the country coverage of the War on Terror including the killing of bin Laden in a U S raid in Pakistan and perspective on the negotiations to raise the federal debt ceiling in 2011 Congressional Procedures detailing the party and leadership structures rules and the legislative process the committee system assignment and procedures and congressional staff Revised coverage profiles the methods styles and legislative successes and defeats of House Speakers

Pelosi and Boehner and Senate majority leader Reid The Guide also analyzes the new hyperpartisanship emerging in Congress and provides updates on congressional travel reforms and aide statistics and trends Pressures on Congress including influence from constituents political parties the president the Supreme Court lobbyists and the media New material explores the use of social media to communicate with constituents examines the role of the new Consumer Financial Protection Bureau and analyzes the Obama administration's relationship with Congress Housing and Support covering the U S Capitol House and Senate office buildings the Library of Congress and organizations such as the Government Accountability Office and the Congressional Research Service Updates are provided on new initiatives by the Library of Congress and reforms to the General Accounting Office Pay and Perquisites including honoraria and allowances franking and travel privileges and other benefits Updates include revised figures for congressional pay and benefits and analysis of efforts to control privately sponsored foreign travel Congress and the Electorate covering the right to vote the demographic composition of congress the role of parties in elections campaign financing and redistricting New information discusses elections statistics in recent elections the impact of third parties Tea Party gains and the creation of super PACs and 527 groups Qualifications and conduct detailing congressional ethics investigations and procedures for disciplining members Updated coverage reviews ethics investigations including the creation of the Office of Congressional Ethics Specific investigations and outcomes are discussed including the censure of Charles Rangel and disapproval of Joe Wilson's outburst during a speech by President Obama Volume 2 concludes with a selected bibliography and key reference materials a list of all members of congress who have served since 1789 congressional election results floor leaders and committee chairs dates for sessions of congress women black Asian and Hispanic members and many more Boxed features tables and figures and a generous number of photos enhance the topical coverage of this definitive resource on Congress

The Georgetown Law Journal, 1980

Disqualifying the High Court Louis J. Virelli III, 2016-06-03 Since at least the time of Justinian under statutes codes of judicial ethics and the common law judges have been expected to recuse themselves from cases in which they might have a stake The same holds true for the justices of the US Supreme Court For instance there were calls for Ruth Bader Ginsburg and Elena Kagan both of whom had officiated at gay weddings to recuse themselves from the recent marriage equity case *Obergefell v Hodges* Even a case like this where no justice bowed out reveals what a tricky ethical issue recusal can be but as Louis J Virelli demonstrates in this provocative work recusal at the Supreme Court also presents questions of constitutional power *Disqualifying the High Court* shows that our current understanding of how and when justices should recuse themselves is at odds with our constitutional design Viewing recusal through a constitutional lens Virelli reveals new and compelling information about how justices should decide recusal questions and in turn how our government should function more broadly Along the way he traces the roots and development of federal recusal law in America from as early as the Roman Empire up to the present day The Supreme Court's unique place at the top of the

judicial branch protects the justices from some forms of congressional interference Virelli argues that constitutional law in particular the separation of powers prohibits Congress from regulating the recusal practices of the Supreme Court Instead those decisions must be left to the justices themselves grounded in the principles of due process assuring parties fair treatment by the judicial system and balanced against the justices rights to free speech Along with the clarity it brings to this highly controversial issue Virelli s work also offers insight into constitutional problems presented by separation of powers It will inform our evolving understanding of theory and practice in the American judicial system **Nonjudicial Activities of Supreme Court Justices and Other Federal Judges** United States. Congress. Senate. Committee on the Judiciary. Subcommittee on Separation of Powers,1970 [The University of Illinois Law Forum](#) University of Illinois at Urbana-Champaign. College of Law,1973 **Nonjudicial Activities of Supreme Court Justices and Other Federal Judges** United States. Congress. Senate. Committee on the Judiciary,1970

Question Of Judgment Fortas Case Book Review: Unveiling the Power of Words

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