

The Rehnquist Court and Criminal Punishment

Christopher E. Smith



Current Issues in Criminal Justice

Rehnquist Court And Criminal Punishment

Carla Lewandowski, Jeff Bumgarner



Rehnquist Court And Criminal Punishment:

The Rehnquist Court and Criminal Punishment Christopher E. Smith, 2014-02-04 First Published in 1997 Organised in a easily readable format this book on the Supreme Court and punishment takes the reader through the sentencing and incarceration issues that have been so controversial and yet so relatively unchanged over the years

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

Rehnquist Justice Earl M. Maltz, 2003 With seven of its justices appointed by Republican presidents today s Supreme Court has significantly altered America s legal landscape since 1986 by tilting constitutional jurisprudence to the right That was the goal of Presidents Reagan and Bush in filling court vacancies and has been felt in cases related to federalism economic rights and affirmative action However liberal issues such as abortion have moved only marginally to the right while rulings by the Court on school prayer and gay rights have moved constitutional doctrine slightly to the left In this collection of original articles prominent constitutional scholars are joined by new voices from the cutting edge of academia to subject

the Rehnquist Court to closer scrutiny and to show that its brand of conservatism is less extreme than many have supposed. Reflecting views across the political spectrum, the contributors help readers understand the Court dynamic, its constrained conservatism, and the forces that shape constitutional law in general. As these authors show, the overall pattern of decision making in the Rehnquist era cannot be attributed to any single unified approach to constitutional analysis. Instead, today's Court can only be understood as the product of a complex interaction among individual justices, each with an idiosyncratic view of the proper interpretation of the Constitution and the role of the Court in the American political system. These provocative essays are designed to provide readers with insight into this interaction by focusing on each member of the bench. From the staunch conservatism of Clarence Thomas to the accommodationism of Sandra Day O'Connor to the liberal constitutionalism of David Souter, the essays analyze the unique approach of each justice to interpreting the Constitution. They also show that the current justices are the product of a nomination and confirmation process that has undergone a major transformation in recent decades, one which favors experienced, often unknown jurists over high-profile public servants. By concentrating attention on its members, Rehnquist Justice allows us to better understand the Supreme Court as a whole. And by assessing today's judiciary in light of a public philosophy that looks askance at government, it shows us that the Supreme Court has truly become a mirror of its times.

Courts Cassia Spohn, Craig Hemmens, 2009. *Courts: A Text Reader* provides the best of both worlds: authored text sections with carefully selected accompanying readings that illustrate the questions and controversies legal scholars and court researchers are investigating in the 21st century. The articles from leading journals in criminology and criminal justice reflect both classic studies of the criminal court system and state-of-the-art research and often have a policy perspective that makes them more applied, less theoretical, and more interesting to both undergraduate and graduate students. This unique Text Reader is primarily intended for undergraduate and graduate courses on the criminal court system and/or judicial processes.

BOOK JACKET *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.

Law & Criminal Justice Christopher E. Smith, Madhavi Michael, McCall, Cynthia Perez, McCluskey, 2005. Law changes as new developments affect society. The dawn of a new century provides a marking point for the evaluation of trends in law and policy. This book examines emerging issues that will shape society's rules and legal processes in the twenty-first century. By

identifying developments affecting technology demography and politics the authors evaluate impacts on law and criminal justice Many of the issues discussed including the expanding Latino population new technologies for investigations weapons and executions health crises in prisons DNA testing and the war on terrorism will have profound effects on the fates of individuals drawn into the justice system

Liberty and Union Edgar J. McManus,Tara Helfman,2013-12-04 This the second of two volumes of Liberty and Union is a comprehensive constitutional history of the United States from the Progressive Era of the early twentieth century to the most recent decisions of the Supreme Court on contemporary constitutional issues Written in a clear and engaging narrative style it successfully unites thorough chronological coverage with a thematic approach offering critical analysis of core constitutional history topics set in the political social and economic context that made them constitutional issues in the first place Combining a thoughtful and balanced narrative with an authoritative stance on key issues the authors deliberately explain the past in the light of the past without imposing upon it the standards of later generations Authored by two experienced professors in the field this textbook has been thoughtfully constructed to offer an accessible alternative to dense scholarly works avoiding unnecessary technical jargon defining legal terms and historical personalities where appropriate and making explicit connections between constitutional themes and historical events For students in an undergraduate or postgraduate constitutional history course or anyone with a general interest in constitutional developments this book will be essential reading Useful features include Full glossary of legal terminology Recommended reading A table of cases Extracts from primary documents Companion website Useful documents provided Declaration of Independence Articles of Confederation Constitution of the United States of America Chronological list of Supreme Court justices

Criminal Justice in America Carla Lewandowski,Jeff Bumgarner,2020-11-17 This authoritative set provides a comprehensive overview of issues and trends in crime law enforcement courts and corrections that encompass the field of criminal justice studies in the United States This work offers a thorough introduction to the field of criminal justice including types of crime policing courts and sentencing landmark legal decisions and local state and federal corrections systems and the key topics and issues within each of these important areas It provides a complete overview and understanding of the many terms jobs procedures and issues surrounding this growing field of study Another major focus of the work is to examine ethical questions related to policing and courts trial procedures law enforcement and corrections agencies and responsibilities and the complexion of criminal justice in the United States in the 21st century Finally this title emphasizes coverage of such politically charged topics as drug trafficking and substance abuse immigration environmental protection government surveillance and civil rights deadly force mass incarceration police militarization organized crime gangs wrongful convictions racial disparities in sentencing and privatization of the U S prison system

Constitutional Redemption J. M. Balkin,2011-05-09 Political constitutions are compromises with injustice What makes the U S Constitution legitimate is Americans faith that the constitutional system can be made a more perfect union Balkin

argues that the American constitutional project is based in hope and a narrative of shared redemption and its destiny is still over the horizon

Criminal Procedure Matthew Lippman, 2010-01-20 Criminal Procedure is a comprehensive text that includes the most relevant and contemporary cases and is presented in a stream lined fashion that makes it more accessible for students Students and instructors will also appreciate the full range of pedagogical and ancillary features that assist in the learning and understanding of the material This textbook is primarily geared for a criminal procedure course in undergraduate criminal justice programs

The Past, Present, and Future of American Criminal Justice Brendan Maguire, Polly F. Radosh, 1996 Today s criminal justice system is the product of adjustments and reappraisals of policies and practices of the past The Past Present and Future of American Criminal Justice highlights how criminal justice has changed and how it continues to change

The Jurisprudential Vision of Justice Antonin Scalia David Andrew Schultz, Christopher E. Smith, 1996 That Scalia has most profoundly affected particularly constitutional protections for property rights Citing Scalia s use of judicial review to check legislative power and his attempts to limit several types of individual rights developed during the Warren and Burger courts the authors conclude that Scalia s decisions reflect an effort to create a post Carolene Products jurisprudence and to form a new pattern of assumptions regarding the role of the Supreme Court in

The Legal Process and the Promise of Justice Rosann Greenspan, Hadar Aviram, Jonathan Simon, 2019-06-13 Malcolm Feeley one of the founding giants of the law and society field is also one of its most exciting diverse and contemporary scholars His works have examined criminal courts prison reform the legal profession legal professionalism and a variety of other important topics of enduring theoretical interest with a keen eye for the practical implications In this volume The Legal Process and the Promise of Justice an eminent group of contemporary law and society scholars offer fresh and original analyzes of his work They asses the legacy of Feeley s theoretical innovations put his findings to the test of time and provide provocative historical and international perspectives for his insights This collection of original essays not only draws attention to Professor Feeley s seminal writings but also to the theories and ideas of others who inspired by Feeley have explored how courts and the legal process really work to provide a promise of justice

First Principles Scott Douglas Gerber, 1999 Clarence Thomas is one of the most vilified public figures of our day To date however his legal philosophy has received only cursory treatment First Principles provides a portrait of Thomas based not on the justice s caricatured reputation but on his judicial opinions and votes his scholarly writings and his public speeches The paperback edition includes a provocative new Afterword by the author bringing the book up to date by assessing Justice Thomas s performance and the reaction to his decisions during the last five years

The Nature of Supreme Court Power Matthew E. K. Hall, 2010-12-06 Few institutions in the world are credited with initiating and confounding political change on the scale of the United States Supreme Court The Court is uniquely positioned to enhance or inhibit political reform enshrine or dismantle social inequalities and expand or suppress individual rights Yet despite claims of victory from

judicial activists and complaints of undemocratic lawmaking from the Court's critics numerous studies of the Court assert that it wields little real power This book examines the nature of Supreme Court power by identifying conditions under which the Court is successful at altering the behavior of state and private actors Employing a series of longitudinal studies that use quantitative measures of behavior outcomes across a wide range of issue areas it develops and supports a new theory of Supreme Court power

The Encyclopedia of Crime and Punishment Wesley G. Jennings, George E. Higgins, Mildred M. Maldonado-Molina, David N. Khey, 2016-01-19 The Encyclopedia of Crime and Punishment provides the most comprehensive reference for a vast number of topics relevant to crime and punishment with a unique focus on the multi interdisciplinary and international aspects of these topics and historical perspectives on crime and punishment around the world Named as one of Choice's Outstanding Academic Titles of 2016 Comprising nearly 300 entries this invaluable reference resource serves as the most up to date and wide ranging resource on crime and punishment Offers a global perspective from an international team of leading scholars including coverage of the strong and rapidly growing body of work on criminology in Europe Asia and other areas Acknowledges the overlap of criminology and criminal justice with a number of disciplines such as sociology psychology epidemiology history economics and public health and law Entry topics are organized around 12 core substantive areas international aspects multi interdisciplinary aspects crime types corrections policing law and justice research methods criminological theory correlates of crime organizations and institutions U S victimology and special populations Organized authored and Edited by leading scholars all of whom come to the project with exemplary track records and international standing 3 Volumes www.crimeandpunishmentencyclopedia.com

Crime, Inequality and the State Mary Vogel, 2020-10-28 Why has crime dropped while imprisonment grows This well edited volume of ground breaking articles explores criminal justice policy in light of recent research on changing patterns of crime and criminal careers Highlighting the role of conservative social and political theory in giving rise to criminal justice policies this innovative book focuses on such policies as three strikes two in the UK and you're out mandatory sentencing and widespread incarceration of drug offenders It highlights the costs in both money and opportunity of increased prison expansion and explores factors such as labour market dynamics the rise of a prison industry the boost prisons provide to economies of underdeveloped regions the spreading political disenfranchisement of the disadvantaged it has produced Throughout this book hard facts and figures are accompanied by the faces and voices of the individuals and families whose lives hang in the balance This volume an essential resource for students policy makers and researchers of criminology criminal justice social policy and criminal law uses a compelling inter play of theoretical works and powerful empirical research to present vivid portraits of individual life experiences

The Supreme Court Paul Finkelman, 2014-01-15 An insightful chronological by chief justice examination of the Supreme Court that enables students and readers to understand and appreciate the constitutional role the Court plays in American government and society American citizens need to understand the importance of the Supreme Court in

determining how our government and society operates regardless of whether or not they agree with the Court's opinions. Unfortunately, the role and powers of the third branch of government are not well understood by the American public. After an introduction and overview to the history of the Supreme Court from 1789 to 2013, this book examines the Court's decisions chronologically by Chief Justice, allowing readers to grasp how the role and powers of the Court have developed and shifted over time. The chapters depict the Court as the essential agent of review and an integrated part of the government, regardless of the majority-minority balance on the Court and of which political party is in the White House or controlling the House or Senate.

Bargaining in the Criminal Justice Systems of the United States and Germany Susanne Kobor, 2008. The book compares the bargaining practice in the United States and Germany; it displays differences and similarities, also taking historical as well as legal and cultural aspects into consideration. The author shows that bargaining in both countries is highly influenced by the respective legal systems: common and civil law. The study also pays attention to current developments, changes, and proposed legislation.

Institutions of American Democracy: The Judicial Branch Kermit L. Hall, Kevin T. McGuire, 2005-10-27. Presents a collection of essays that provide an examination of the judicial branch of the American government, including its history, its impact, and its future.

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