

Mr. Justice Black and His Critics

BY TINSLEY E. YARBROUGH



Mr Justice Black And His Critics

Arturo Cuomo



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 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 **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 The Burger Court Charles M. Lamb, Stephen C. Halpern, 1991 This volume offers valuable insights into the thirteen justices who served on the Supreme Court while Warren E Burger was chief justice from 1969 to 1986 Each chapter focuses on one of the thirteen beginning with a brief introduction and biographical sketch and then analyzing the individual justice s contributions to major areas and issues of constitutional law **The Supreme Court Compendium** Lee Epstein, Jeffrey A. Segal, Harold J. Spaeth, Thomas G. Walker, 2015-07-29 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*

Religious Freedom Melvin I. Urofsky, 2002-04-03 This volume provides in a single source a thorough grounding in the origin development and current controversies surrounding the free practice of religion The first boatloads of European settlers did not come to America advocating religious tolerance They came seeking the freedom to practice their own religion Other sects they believed were wrong at best and at worst not to be tolerated The question of what constitutes legitimate constitutionally protected religious practice has been debated ever since Does it include the use of peyote Polygamy Refusing medical care for a sick child Freedom of Religion follows the evolving understanding of the concept of religious freedom from Great Britain to the New World through hundreds of U S courtrooms to the volatile modern day issues of school prayer and faith based initiatives The thorough responsible and cool headed analysis presented here offers readers a solid grounding in the constitutional issues behind the headlines

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 Consequently the impulse to curb or limit it has been a constant danger throughout American history In *We Must Not Be Afraid to Be Free* two of America's leading free speech scholar activists Ron Collins and Sam Chaltain provide an authoritative history of free speech in modern America Each chapter is an engaging narrative account of a landmark First Amendment case that foregrounds the colorful people involved judges plaintiffs attorneys defendants and the issue at stake Cumulatively the chapters provide a definitive account of how the First Amendment evolved over the course of a century 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 up to the current post 9 11 era of heightened security concerns Collins and Chaltain not only cover the history of an ideal but explain in accessible language how the law surrounding the ideal transformed Essential for anyone interested in this most essential of rights *We Must Not Be Afraid to Be Free* will be a standard work on free speech for years to come

Beyond the First Amendment Samuel P. Nelson, 2005-07 Americans often believe that the First Amendment and free speech are synonymous and that all restrictions on speech can be addressed by the legal framework of the First Amendment Political theorist Samuel P Nelson argues that the current legal framework for free speech actually undermines attempts to resolve many of these issues and that the law of the First Amendment has supplanted the vital politics of free speech To cut through the confusion Nelson takes a step back from the First Amendment framework to understand the social nature of speech moving toward a more pluralistic and value based understanding He examines three philosophies commonly used to justify speech protection

libertarianism expressivism and egalitarianism and finds none of them sufficiently responsive in today's contemporary political landscape. Advocating an approach grounded in value pluralism which describes a wider variety of free speech claims than the First Amendment allows, Nelson pushes the debate beyond constitutional and legal questions. **Dissent and the Supreme Court** Melvin I. Urofsky, 2017-01-10 Highly illuminating for anyone interested in the Constitution, the Supreme Court, and the American democracy, lawyer and layperson alike. The Los Angeles Review of Books. In his major work, acclaimed historian and judicial authority Melvin Urofsky examines the great dissents throughout the Court's long history. Constitutional dialogue is one of the ways in which we as a people reinvent and reinvigorate our democratic society. The Supreme Court has interpreted the meaning of the Constitution, acknowledged that the Court's majority opinions have not always been right, and initiated a critical discourse about what a particular decision should mean before fashioning subsequent decisions largely through the power of dissent. Urofsky shows how the practice grew slowly but steadily, beginning with the infamous and now overturned case of *Dred Scott v. Sandford* (1857) during which Chief Justice Roger Taney's opinion upheld slavery, and ending with the present age of incivility in which reasoned dialogue seems less and less possible. Dissent on the court and off, Urofsky argues, in this major work has been a crucial ingredient in keeping the Constitution alive and must continue to be so. **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 *John Marshall Harlan*

Tinsley E. Yarbrough, 1992-03-12 When David Souter was nominated by President Bush to the Supreme Court he cited John Marshall Harlan as his model It was an interesting choice Admired by conservatives and deeply respected by his liberal brethren Harlan was a man as Justice William Brennan lamented whose massive scholarship has never been fully recognized In addition he was the second Harlan to sit on the Court following his grandfather also named John Marshall Harlan But while his grandfather was an outspoken supporter of reconstruction on a conservative court the younger Harlan emerged as a critic of the Warren Court s liberal expansion of civil liberties Now in the first biography of this important but neglected jurist Tinsley Yarbrough provides a detailed account of Harlan s life from his privileged childhood to his retirement and death Yarbrough examines the forces and events which shaped the Justice s jurisprudence his early life and often complex family relationships education at Princeton and Oxford his work as a prosecutor during Prohibition Republican Party activities wartime service in the Army Air Force and years as one of the nation s preeminent corporate lawyers a career culminating in his defense of the du Pont brothers in the massive DuPont GM antitrust suit The book focuses however on Harlan s years on the high bench Yarbrough weaves together discussions of the Justice s relations with his brethren clerks and staff an examination of Harlan s role in the decision making process on the Court and an analysis of his jurisprudence The Justice s approach to constitutional interpretation exalted precedent deference to governmental power and narrow decisions closely tied to case facts but he also accepted an evolving creative model of constitutional construction which permitted expansive readings of constitutional rights Yarbrough s details Harlan s close relationship with Justice Frankfurter showing how despite their friendship and alliance Harlan strongly marked out his own position both personally and judicially on the Warren and Burger courts And he examines the substance and significance of his dissents in such famous cases as *Miranda* and the Pentagon Papers Intensively researched smoothly written and incisively argued Yarbrough s biography offers an absorbing account of the life and career of a great dissenter hailed by admirers as a lawyer s lawyer and a judge s judge Coming at a time when the high court has begun to adopt many of Harlan s principles this account provides an essential perspective on the Court civil liberties and a pivotal figure in the history of both *The Oxford Companion to the Supreme Court of the United States* , *The Rehnquist Court and the Constitution* Tinsley E. Yarbrough, 2000-03-30 In *The Rehnquist Court and the Constitution* Tinsley Yarbrough provides a comprehensive look at today s Supreme Court Justices and their record a study all the more valuable for the Court s mixed decisions and hard to categorize course An accomplished biographer Yarbrough offers incisive portraits of the nine who now sit on the high bench and tellingly reviews their nomination hearings He also explores the workings of the Court ranging from the selection and role of the clerks to the work load including the end of term June crunch and assignment of opinions But the heart of the book is a systematic exploration of the Court s record in such fields as government power economic regulation and criminal justice In decision after decision the author discusses the

various justices opinions arguments and legal theories he also offers his own analysis including a sharp critique of the decision to allow the Paula Jones lawsuit to move forward Like many writers on the Rehnquist Court Yarbrough finds a general continuity with the past shaded by a conservative outlook especially in matters of criminal justice and affirmative action but he identifies a significant departure in its rulings on economic regulation Since 1937 he writes the Supreme Court had generally adopted an expansive view of federal power over economic matters the Rehnquist Court has reversed that trend The Rehnquist Court has not launched an all out assault on the Warren Court s precedents as many conservatives hoped but as Yarbrough shows it has embarked on important new departures Thoughtful wide ranging intelligently written this book will stand as the finest study of the Rehnquist Court for years to come Biographical Encyclopedia of the Supreme Court Melvin I. Urofsky,2006-05-25 The recent dramatic shift in makeup of the U S Supreme Court has led to great interest in the rulings and legal opinions of its justices Now CQ Press brings you a comprehensive volume that analyzes the lives and legal philosophies of all past and present justices of the Court Biographical Encyclopedia of the Supreme Court includes signed essays profiling the men and women who have served and are serving on the U S Supreme Court This one of a kind reference includes not only important biographical information but also in depth details of the legal contributions made by the men and women of the nation s highest bench Keeping up with the recent changes to the Court this volume includes all current justices New essays profile Chief Justice John Roberts and Justice Samuel Alito Justices are arranged in an easy to use alphabetical format Each essay is prefaced with key biographical information for each justice such as Birth and death dates Date of nomination to the Court The name of president who nominated the justice The date he or she was seated Date range of service on the Court Within each essay written by a top legal expert scholar or journalist Biographical Encyclopedia of the Supreme Court provides facts and context along with analysis of the opinions and legal philosophies for each justice This new volume is an updated edition of The Supreme Court Justices A Biographical Dictionary 1994 It will prove a valuable resource for academic community college law school and public libraries *The Supreme Court* Peter Charles Hoffer,Williamjames Hoffer,N. E. H. Hull,2007 For more than two centuries the U S Supreme Court has provided a battleground for nearly every controversial issue in our nations history This veteran team of talented historians produces the most readable astute and up to date single volume history of this venerated institution **Mr. Justice Black, Absolutist on the Court** James J. Magee,1980 *Religion and the Law in America* Scott A. Merriman,2007-05-18 This work is a comprehensive survey of one of the oldest and hottest debates in American history the role of religion in the public discourse The relationship between church and state was contentious long before the framers of the Constitution undertook the bold experiment of separating the two sparking a debate that would rage for centuries What is the role of religion in government and vice versa Religion and the Law in America explores the many facets of this question from prayer in public schools to the addition of the phrase under God to the Pledge of Allegiance from government investigation of religious fringe groups to

federal grants for faith based providers of social services In more than 250 A Z entries along with a series of broad thematic essays it examines the groups laws and court cases that have framed this ongoing debate Through its careful balanced exploration of the interaction between government and religion throughout the history of the United States the work provides all Americans students scholars and lay readers alike with a deep understanding of one of the central enduring issues in our history Historical Dictionary of the Great Depression, 1929-1940 James S. Olson,2001-09-30 Today when most Americans think of the Great Depression they imagine desperate hoboes riding the rails in search of work unemployed men selling pencils to indifferent crowds bootleggers hustling illegal booze to secrecy shrouded speakeasies FDR smiling or Judy Garland skipping along the yellow brick road Hard times have become an abstraction But there was a time when economic suffering was real when hunger stalked the land and Americans tried to forget their troubles in movie theaters or in front of a radio From the stock market crash of October 1929 to Germany s invasion of Norway France and the Low Countries in 1940 the Great Depression blanketed the world economy Its impact was particularly deep and direct in the United States This was the era when the federal government became a major player in the national economy and Americans bestowed the responsibility for maintaining full employment and stable prices on Congress and the White House making the Depression years a major watershed in U S history In more than 500 essays this book provides a ready reference to those hard times covering the diplomacy popular culture intellectual life economic problems public policy issues and prominent individuals of the era **The ^AOxford Companion to the Supreme Court of the United States** Kermit L. Hall,2005-05-19 A superb one volume resource on the United States Supreme Court this second edition includes new entries on key cases and fully updated treatment of hot button issues 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 **When the Nazis Came to Skokie** Philippa Strum,1999 Strum political science City U of New York Brooklyn describes the events when a neo Nazi group announced it would parade in the Chicago suburb in 1977 and the ensuing court case that tested the devotion of many to the principles of free speech Annotation copyrighted by Book News Inc Portland OR

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Mr Justice Black And His Critics Introduction

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