

The Rehnquist Court and Criminal Punishment

Christopher E. Smith



Current Issues in Criminal Justice

Rehnquist Court And Criminal Punishment

Earl M. Maltz



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 *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 *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 Civil Rights & Liberties in the 21st Century John C Domino, 2017-10-03 This up to date analysis of the Supreme Court's landmark rulings on civil rights and liberties is a discussion of the facts legal issues and constitutional questions surrounding those rulings Domino's text serves as either a core text in courses on civil liberties and civil rights or as a supplementary text in courses on constitutional law and the judiciary The book is written in the belief that the key to understanding constitutional law is not having the right answers but asking the right questions It encourages students to be critical thinkers and provides a historical context so students can better understand competing social legal and political interests affecting the Supreme Court's decisions today The text also includes numerous short excerpts from some of the more influential eloquent and controversial Supreme Court opinions to illustrate the handiwork of the powerful legal minds who have helped to shape our society It reminds us that the Court is not an abstract legal mechanism but rather a group of human beings with divergent opinions 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 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

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

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

U.S. Latinos and Criminal Injustice Lupe S. Salinas, 2015-07-01 Latinos in the United States encompass a broad range of racial socioeconomic and sociopolitical identities Originating from the Caribbean Spain Central and South America and Mexico they have unique justice concerns The ethnic group includes U S citizens authorized resident aliens and undocumented aliens a group that has been a constant partner in the Latino legal landscape for over a century This book addresses the development and rapid growth of the Latino population in the United States and how race based discrimination hate crimes and other prejudicial attitudes some of which have been codified via public policy have grown in response Salinas explores the degrading practice of racial profiling an approach used by both federal and state law enforcement agents the abuse in immigration enforcement and the use of deadly force against immigrants The author also discusses the barriers Latinos encounter as they wend their way through the court system While all minorities face the barrier of racially based jury strikes bilingual Latinos deal with additional concerns since limited English proficient

defendants depend on interpreters to understand the trial process As a nation rich in ethnic and racial backgrounds the United States Salinas argues should better strive to serve its principles of justice

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

The Changing Supreme Court Thomas R. Hensley, Christopher E. Smith, Joyce A. Baugh, 1997 Provides a thorough discussion of the historical development of civil rights and liberties under the Constitution A fresh approach features chapter opening case studies and places special emphasis on the modern Supreme Court and contemporary legal controversies A unique chapter focuses on members of the Rehnquist Court which provides a background to understand how the make up of the Court affects the decisions made and thus the development of the law A broad selection of edited cases are integrated within each chapter Unique Empirical Data Tables and Doctrinal Analysis Tables analyze decisions voting patterns and show philosophical differences among members of the modern court

Encyclopedia of American Civil Rights and Liberties Kara E. Stooksbury, John M. Scheb II, Otis H. Stephens Jr., 2017-09-21 Thoroughly updated and featuring 75 new entries this monumental four volume work illuminates past and present events associated with civil rights and civil liberties in the United States This revised and expanded four volume encyclopedia is unequalled for both the depth and breadth of its coverage Some 650 entries address the full range of civil rights and liberties in America from the Colonial Era to the present In addition to many updates of material from the first edition the work offers 75 new entries about recent issues and events among them dozens of topics that are the subject of close scrutiny and heated debate in America today There is coverage of controversial issues such as voter ID laws the use of drones transgender issues immigration human rights and government surveillance There is also expanded coverage of women s rights gay rights gay marriage and Native American rights Entries are enhanced by 42 primary documents that have shaped modern understanding of the extent and limitations of civil liberties in the United States including landmark statutes speeches essays court decisions and founding documents of influential civil rights organizations Designed as an up to date reference for students scholars and others interested in the expansive array of topics covered the work will broaden readers understanding of and appreciation for the people and events that secured civil

rights guarantees and concepts in this country At the same time it will help readers better grasp the reasoning behind and ramifications of 21st century developments like changing applications of Miranda Rights and government access to private Internet data Maintaining an impartial stance throughout the entries objectively explain the varied perspectives on these hot button issues allowing readers to draw their own conclusions **Mapp V. Ohio** Carolyn Nestor Long, 2006 A concise and compelling account of the closely decided Supreme Court ruling that balanced the duties of state and local crime fighters against the rights of individuals from being tried with illegally seized evidence **Law and the Quest for Justice** Marjorie Zatz, Doris Marie Provine, and James Walsh, 2013-01-27 An insightful collection of essays from leading voices on the challenges and promise of justice and law This new book is accessible and interesting to a wide audience It features internationally renowned members of the academy national political figures Pulitzer Prize winning journalists and crusading lawyers The thought provoking topics include Erwin Chemerinsky on reconceptualizing federalism John Echohawk on Native American rights Jack Greenberg on Brown v Board s legacy Linda Greenhouse on how Supreme Court Justices evolve over time Lani Guinier on reframing affirmative action Antonia Hernandez on what citizenship means after 9 11 Anthony Lewis on broadening presidential power to fight terrorism Janet Napolitano on security and rights after 9 11 Charles Ogletree on achieving racial justice Robert Reich on the economic inheritance of our children Judith Resnik on Guantamo Miranda and public rights to fairness Geoffrey Stone on sacrificing civil liberties in wartime The volume originates from a lecture series honoring legal legend John P Frank who represented Ernesto Miranda in the Supreme Court It is edited and presented by Marjorie S Zatz and Doris Marie Provine both professors of Justice Social Inquiry at Arizona State University and Arizona attorney James P Walsh who was also a law partner to John Frank **Habeas Corpus in America** Justin J. Wert, 2023-09-15 For most Americans habeas corpus is the cornerstone of our legal system the principal constitutional check on arbitrary government power allowing an arrested person to challenge the legality of his detention In a study that could not be more timely Justin Wert reexamines this essential individual right and shows that habeas corpus is not necessarily the check that we ve assumed Habeas corpus it emerges is as much a tool of politics as it is of law In this first study of habeas corpus in an American political context Wert shifts our collective emphasis from the judicial to the political toward the changes in the writ influenced by Congress the president political parties state governments legal academics and even interest groups By doing so he reveals how political regimes have used habeas corpus both to undo the legacies of their predecessors and to establish and enforce their own vision of constitutional governance Tracing the history of the writ from the Founding to Hamdi v Rumsfeld and Boumediene v Bush Wert illuminates crucial developmental moments in its evolution He demonstrates that during the antebellum period Reconstruction Gilded Age Great Society and the ongoing war on terrorism habeas corpus has waxed and waned in harmony with the interests of majoritarian politics Along the way Wert identifies and explains the political context of fine points of law that many political scientists and historians may not be aware of such as the exhaustion

rule requiring that a federal habeas participant must first exhaust all possible claims for relief in state court a maneuver by which the post Reconstruction Court abandoned supervision of race relations in the South Especially in light of the new scrutiny of habeas corpus prompted by the Guant namo detainees Wert s book is essential for broadening our understanding of how law and politics continue to intersect after 9 11 Brimming with fresh insights into constitutional development and regime theory it shows that the Great Writ of Liberty may not be so great as we have supposed because while it has the potential to enforce conceptions of rights that are consistent with the best ideals of American politics it also has the potential to enforce its worst aspects as well 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 Burger Court* the late Bernard Schwartz,1998-09-10 Warren E Burger served as Chief Justice of the Supreme Court from 1969 to 1987 an often tumultuous period in which the Court wrestled with several compelling constitutional issues United States v Nixon set the stage for the resignation of a President Roe v Wade created a nationwide debate that is as divisive today as ever before Lemon v Kurtzman attempted to enunciate a clear standard for vexing church state issues and the Pentagon Papers case was a landmark freedom of the press decision An impressive collection of writings by legal scholars and practitioners including many by people who worked directly or indirectly with the Court itself The Burger Court is the first truly systematic review of the Court s activity during Warren Burger s tenure Such distinguished contributors as Derrick Bell Robert Drinan Anthony Lewis and Mark Tushnet review individual cases and jurisprudential trends in order to render comprehensive judgments of the Court s accomplishments and shortcomings The essays in this volume were gathered by the late Bernard Schwartz one of America s most revered scholars of constitutional law and the editor of this book s well received predecessor The Warren Court A Retrospective OUP 1996 As the finest overview to date of this Court s legacy and significance The Burger Court will greatly interest anyone with a taste for constitutional issues or recent American history

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