

Mr. Justice Black and His Critics

BY TINSLEY E. YARBROUGH



Mr Justice Black And His Critics

Steven P. Brown



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 **No Law** David L. Lange, H. Jefferson Powell, 2008-10-27 The original text of the Constitution grants Congress the power to create a regime of intellectual property protection The first amendment however prohibits Congress from enacting any law that abridges the freedoms of speech and of the press While many have long noted the tension between these provisions recent legal and cultural developments have transformed mere tension into conflict No Law offers a new way to approach these debates In eloquent and passionate style Lange and Powell argue that the First Amendment imposes absolute limits upon claims of exclusivity in intellectual property and expression and strips Congress of the power to restrict personal thought and free expression in the name of intellectual property rights Though the First Amendment does not repeal the Constitutional intellectual property clause in its entirety copyright patent and trademark law cannot constitutionally license the private commodification of the public domain The authors claim that while the exclusive rights currently reflected in intellectual property are not in truth needed to encourage intellectual productivity they develop a compelling solution for how Congress even within the limits imposed by an absolute First Amendment can still regulate incentives for intellectual creations Those interested in the impact copyright doctrines have on freedom of expression in the U S and the theoretical and practical aspects of intellectual property law will want to take a closer look at this bracing resonant work *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 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

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