

Mr. Justice Black and His Critics

BY TINSLEY E. YARBROUGH



Mr Justice Black And His Critics

Clare Cushman



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

Supreme Court Justices: Illustrated Biographies Clare Cushman, 2013 Book Description The Supreme Court Justices Illustrated Biographies 1789 2012 Third Edition provides a single volume reference profiling every Supreme Court justice from John Jay through Elena Kagan An original essay on each justice paints a vivid picture of his or her individuality as shaped by family education pre Court career and the times in which he or she lived Each biographical essay also presents the major issues on which the justice presided Essays are arranged in the order of the justices appointments Lively anecdotes along with portraits photographs and political cartoons enrich the text and deepen readers understanding of the justices and of the Court The volume includes an extensive bibliography and is indexed for easy research access New in this edition are a foreword by Chief Justice John G Roberts a revised essay on Chief Justice William H Rehnquist updated essays on sitting or recently retired members of the court new biographies for Chief Justice John G Roberts and Associate Justices Samuel A Alito Elena Kagan and Sonia M Sotomayor an updated listing of members of the Supreme Court with appointment and confirmation dates and an updated bibliography with key sources on the Supreme Court and the justices For insightful background and lively commentary on the individuals who have served on the Supreme Court of the United States there is no better reference than this updated new volume This is a vital reference work for researchers students and others interested in the Supreme Court s past present and future

Justice Robert H. Jackson's Unpublished Opinion in Brown v. Board David M. O'Brien, 2017-11-17 Brown v Board of Education is widely recognized as one of the US Supreme Court s most important decisions in the twentieth century Robert H Jackson an associate justice on the case is generally considered one of the Court s most gifted writers Though much has been written about Brown citing the writing and remarks of the justices who participated in the 1954 decision comparatively little has been said about Jackson or his unpublished opinion which is sometimes even mistakenly taken as a dissenting opinion This book visits Brown v Board of Education from Jackson s perspective and in doing so offers a reinterpretation of the justice s thinking and of the Supreme Court s decision making in a ruling that continues to reverberate through the nation s politics and public life Weaving together judicial biography legal history and judicial politics Justice Robert H Jackson s Unpublished Opinion in Brown v

Board provides a nuanced look at constitutional interpretation and the intersection of law and politics from inside the mind of a justice within the context of a Court deciding a seminal case Through an analysis of six drafts of Jackson's unpublished concurring opinion David M O'Brien explores the justice's evolving thoughts on relevant issues at critical moments in the case His retelling of Brown presents a new view of longstanding arguments confronted by Jackson and the other justices over original intent versus a living Constitution the role of the Court and social change and justice in American political life The book includes the final draft of Jackson's unpublished opinion as well as the Warren Court's opinions in Brown and in *Bolling v Sharpe* for comparison along with a timeline of developments and decision making leading to the Court's landmark ruling

The History of the Supreme Court of the United States William M. Wiecek, 2006-01-23 The Birth of the Modern Constitution recounts the history of the United States Supreme Court in the momentous yet usually overlooked years between the constitutional revolution in the 1930s and Warren Court judicial activism in the 1950s 1941 1953 marked the emergence of legal liberalism in the divergent activist efforts of Hugo Black William O Douglas Frank Murphy and Wiley Rutledge The Stone Vinson Courts consolidated the revolutionary accomplishments of the New Deal and affirmed the repudiation of classical legal thought but proved unable to provide a substitute for that powerful legitimating explanatory paradigm of law Hence the period bracketed by the dramatic moments of 1937 and 1954 written off as a forgotten time of failure and futility was in reality the first phase of modern struggles to define the constitutional order that will dominate the twenty first century

The Reader's Companion to American History Eric Foner, John A. Garraty, 2014-01-14 An A to Z historical encyclopedia of US people places and events with nearly 1 000 entries all equally well written crisp and entertaining Library Journal From the origins of its native peoples to its complex identity in modern times this unique alphabetical reference covers the political economic cultural and social history of America A fact filled treasure trove for history buffs The Reader's Companion is sponsored by the Society of American Historians an organization dedicated to promoting literary excellence in the writing of biography and history Under the editorship of the eminent historians John A Garraty and Eric Foner a large and distinguished group of scholars biographers and journalists nearly four hundred contemporary authorities illuminate the critical events issues and individuals that have shaped our past Readers will find everything from a chronological account of immigration individual entries on the Bull Moose Party and the Know Nothings as well as an article on third parties in American politics pieces on specific religious groups leaders and movements and a larger scale overview of religion in America Interweaving traditional political and economic topics with the spectrum of America's social and cultural legacies everything from marriage to medicine crime to baseball fashion to literature the Companion is certain to engage the curiosity interests and passions of every reader and also provides an excellent research tool for students and teachers

The Oxford Companion to the Supreme Court of the United States, *Justices, Presidents, and Senators* Henry J. Abraham, 2008 Explains how United States presidents select justices for the Supreme Court evaluates the

performance of each justice and examines the influence of politics on their selection **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 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 Warren Court and the Pursuit of Justice** Morton J. Horowitz, 1999-04-30 A study of the Supreme Court under the leadership of Chief Justice Earl Warren from 1953 to 1969 discussing the impact of the liberal court s civil rights and civil liberties decisions on American constitutional law

Justices, Presidents, and Senators Henry Julian Abraham, 1999 This new edition of this classic history of the Supreme Court discusses the selection nomination and appointment of each of the Justices who have sat on the U S Supreme Court since 1789 Abraham provides a fascinating account of the presidential motivations behind each nomination examining how each appointee s performance on the bench fulfilled or disappointed presidential expectations 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 American Judicial Tradition G. Edward White, 2007-01-11 In this revised third edition of a classic in American jurisprudence G Edward White updates his series of portraits of the most famous appellate judges in American history from John Marshall to Oliver W Holmes to Warren E Burger with a new chapter on the Rehnquist Court White traces the development of the American judicial tradition through biographical sketches of the careers and contributions of these renowned judges In this updated edition he argues that the Rehnquist Court's approach to constitutional interpretation may have ushered in a new stage in the American judicial tradition The update also includes a new preface and revised bibliographic note

Encyclopedia of the Fourth Amendment John R. Vile, David L. Hudson, 2012-12-15 This work provides a unique overview for individuals seeking to understand the Fourth Amendment to the U S Constitution It covers key concepts events laws and legal doctrines court decisions and litigators and litigants regarding the law of search and seizure

United States History James Warren Oberly, 1995

The Oxford Companion to the Supreme Court of the United States Kermit L. Hall, 2005-05-19 The Supreme Court has continued to write constitutional history over the thirteen years since publication of the highly acclaimed first edition of *The Oxford Companion to the Supreme Court* Two new justices have joined the high court more than 800 cases have been decided and a good deal of new scholarship has appeared on many of the topics treated in the Companion Chief Justice William H Rehnquist presided over the impeachment trial of President Bill Clinton and the Court as a whole played a decisive and controversial role in the outcome of the 2000 presidential election Under Rehnquist's leadership a bare majority of the justices have rewritten significant areas of the law dealing with federalism sovereign immunity and the commerce power This new edition includes new entries on key cases and fully updated treatment of crucial areas 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 *The Supreme Court in Conference (1940-1985)* Del Dickson, 2001-07-12 The Supreme Court in Conference offers a fascinating and unprecedented look at the private debates between Justices on nearly 300 landmark cases from 1940-1985. Major decisions such as *Roe v. Wade* and *Brown v. Board of Education* are covered and the notes of Justices Felix Frankfurter, William O. Douglas, Frank Murphy, Robert Jackson, Harold Burton, Tom Clark, Earl Warren, and William Brennan are opened to shed light on what goes on behind the closed doors of the secretive conference room. In this unique and revealing work on some of the most profound rulings made at a turbulent time in American history, the reader is given insight into how and why certain decisions were reached. With expert editing by Del Dickson, who provides annotations and an introduction to each case placing them in legal and historical context, cases on issues such as free speech, the rights of the accused, religion, Presidential power, equal protection, affirmative action, and the death penalty are discussed. Dickson also includes a lively and incisive history of the Supreme Court from its beginning to the present, illuminating how the conference works, how it has evolved, its various animosities, triumphant successes, and glaring failures. As the first major reference work on this subject, this easy-to-use book offers the most reliable evidence available on the internal workings of the Supreme Court. It is the ideal source for scholars, law students, historians, and anyone interested in how Supreme Court decisions are truly made.

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.

[ABA Journal](#), 1989-08 The ABA Journal serves the legal profession. Qualified recipients are lawyers and judges, law students, law librarians, and associate members of the American Bar Association.

[Salt of the Earth, Conscience of the Court](#) John M. Ferren, 2006-03-08 The Kentucky-born son of a Baptist preacher with an early tendency toward racial prejudice, Supreme Court Justice Wiley Rutledge (1894-1949) became one of the Court's leading liberal activists and an early supporter of racial equality, free speech, and church-state separation. Drawing on more than 160 interviews, John M. Ferren provides a valuable analysis of Rutledge's life and judicial decisionmaking and offers the most comprehensive explanation to date for the Supreme Court nominations of Rutledge, Felix Frankfurter, and William O. Douglas. Rutledge was known for his compassion and fairness. He opposed discrimination based on gender and poverty and pressed for expanded rights to counsel, due process, and federal review of state criminal convictions. During his brief tenure on the Court, he died following a stroke at age fifty-five; he contributed

significantly to enhancing civil liberties and the rights of naturalized citizens and criminal defendants became the Court's most coherent expositor of the commerce clause and dissented powerfully from military commission convictions of Japanese generals after World War II. Through an examination of Rutledge's life Ferren highlights the development of American common law and legal education, the growth of the legal profession and related institutions, and the evolution of the American court system including the politics of judicial selection.

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