

The Case Against Supreme Court Erwin Chemerinsky

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[A History of the Supreme Court](#) Liveright Publishing
2004 marks the fiftieth anniversary of the Supreme Court's unanimous decision to end segregation in public schools. Many people were elated when Supreme Court Chief Justice Earl Warren delivered *Brown v. Board of Education of Topeka* in May 1954, the ruling that struck down state-sponsored racial segregation in America's public schools. Thurgood Marshall, chief attorney for the black families that launched the litigation, exclaimed later, "I was so happy, I was numb." The novelist Ralph Ellison wrote, "another battle of the Civil War has been won. The rest is up to us and I'm very glad. What a wonderful world of possibilities are unfolded for the children!" Here, in a concise, moving narrative, Bancroft Prize-winning historian James T. Patterson takes readers through the dramatic case and its fifty-year aftermath. A wide range of characters animates the story, from the little-known African Americans who dared to challenge Jim Crow with lawsuits (at great personal cost); to Thurgood Marshall, who later became a Justice himself; to Earl Warren, who shepherded a fractured Court to a unanimous decision. Others include segregationist politicians like Governor Orval Faubus of Arkansas; Presidents Eisenhower, Johnson, and Nixon; and controversial Supreme Court justices such as William Rehnquist and Clarence Thomas. Most Americans still see *Brown* as a triumph--but was it? Patterson shrewdly

explores the provocative questions that still swirl around the case. Could the Court--or President Eisenhower--have done more to ensure compliance with *Brown*? Did the decision touch off the modern civil rights movement? How useful are court-ordered busing and affirmative action against racial segregation? To what extent has racial mixing affected the academic achievement of black children? Where indeed do we go from here to realize the expectations of Marshall, Ellison, and others in 1954?

Landmark Supreme Court Cases Penguin Books

"Demystifies the nation's court of last resort and how it operates. Find out how ordinary citizens can appeal a case to the Supreme Court. Find out how a case moves upward through the court system to be brought before the Supreme Court. Find out how to use the Internet to keep up with the court's latest decisions. Find out how to attend a Supreme Court session."--Jacket.

Supreme Court For Dummies Harvard University Press

This needed resource, written specifically for students and general readers, provides accessible discussions of 74 landmark Supreme Court cases that will help students understand the cases and their importance in American history. Cases selected for this work are those in which the Supreme Court's decisions have had a profound impact on society and the future and a meaning that transcends the impact on the immediate parties. In his own words, Donald Lively, Dean of Florida Coastal School of Law, discusses the facts, background, and significance of each landmark case so that students will be able to easily understand it. Each case features a fact box for quick reference succinctly identifying the issue, year of decision, outcome, vote, and author of the opinion. The narrative discussion of each case puts it in historical perspective, examines the background and constitutional issue involved, the case itself, why it is a landmark case, and its significance and impact. A short bibliography directs readers to a more in-depth discussion of the

case and issue. The work is organized topically into four parts, within which the cases are organized chronologically from the nation's first court through the 1990s so that the reader can trace the progression of the Court's thinking on the issue. Part I focuses upon the separation and distribution of powers among the branches of government. Part II consists of cases that have been crucial in determining the relationship between the nation and its states, the concept of federalism, and regulation of the country's economy. Part III deals with the most important cases involving equality—race, gender, and fundamental rights. Part IV identifies landmark cases on individual rights and liberties—freedom of speech, association, press and other media, religion, search and seizure, self-incrimination, right to counsel, cruel and unusual punishment, economic rights, and the right to privacy. Each part begins with an overview of the issues raised by the cases discussed. A glossary of legal terms, a table of cases, and a handy text of the Constitution will help the student researcher. This work is ideal for the high school library and classroom.

[Supreme Inequality](#) Rowman & Littlefield

There is almost no political question in the United States, wrote Alexis de Tocqueville, that is not resolved sooner or later into a judicial question. The U.S. Supreme Court is the ultimate arbiter of judicial questions, weighing the laws enacted by the people's representatives against the inviolable fundamental law embodied in the U.S. Constitution. Virtually every vital political and social issue comes before the Court: abortion, affirmative action, capital punishment, elections and voting, gay rights, gun control, separation of church and state, and more. This book presents living law, the case-by-case shaping of the law on each of these controversial issues, in the justices' own words and with informative commentary. There is almost no political question in the United States, wrote Alexis de Tocqueville, that is not resolved sooner or later into a judicial question. The U.S. Supreme Court is the ultimate arbiter of judicial questions, weighing the laws enacted by the people's representatives against the inviolable fundamental law embodied in the

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The Supreme Court W. W. Norton & Company

How oral arguments influence the decisions of Supreme Court justices.

Supreme Court Drama Harvard University Press

The U.S. Supreme Court, its decisions, and its nominating process for new justices are often in the news ... but are just as often not well understood. Constitutional law professor David L. Hudson, Jr., explains the cases, processes, and important history with this in-depth primer on the U.S. Supreme Court. How has the Supreme Court justices' thinking on gun rights, abortion, free speech, freedom of religion, and many other controversial issues evolved? What were some of the court's most important and monumental decisions ... and failures? Which justices have—and have had—the most influence on the court? Has the nominating process always been so political and bitter? Covering the history, nominating process, and court decisions on individual and other rights as well as a few fun facts, *The Handy Supreme Court Answer Book: The History and Issues*

Explained by David L. Hudson, Jr., J.D. provides

you with 600 answers to questions such as ... How was the U.S. Supreme Court created? Under the Constitution, who appoints Supreme Court justices? Have any Supreme Court justices been impeached? Which president introduced an infamous court-packing plan in 1937? Which Supreme Court justice in the 20th century did not have a law degree? What are some suggestions for reforming the confirmation process? What did the Rehnquist Court decide in the 2000 presidential election? Why did Justice Ruth Bader Ginsburg dissent in the *Lily Ledbetter* case? Which justice wrote that he

couldn't define obscenity, but "I know it when I see it"? When did the Supreme Court establish the so-called "Miranda Rights"? How did the Supreme Court emphasize privacy protection for cell phone searches? How has the Supreme Court dealt with the death penalty for juveniles? In what infamous decision did the Supreme Court regard African Americans as slaves and property? When did the Supreme Court invalidate a ban on interracial marriages? Why was the decision in *Roe v. Wade* not the leading story in many newspapers on the date of its decision? Why, according to Justice Samuel Alito, was *Roe* such a bad decision? Why is interpreting the Second Amendment perhaps more of a challenge than other amendments in the Bill of Rights? Who was the only Supreme Court Justice to have signed the Declaration of Independence? Which Justice wrote a book about the United States as a Christian nation? Which Justice wrote a book on civil disobedience and protest? What Supreme Court justice was formerly a member of the Ku Klux Klan? What is the nickname of the Supreme Court Building? Which justice was nicknamed "The Lone Ranger"? Analyzing controversial issues and various points of view, *The Handy Supreme Court Answer Book* sheds a light on the differing and changing interpretations of the critical issues before the court, as well as the confirmation process and some of the court's most important justices. Richly illustrated, it also has a helpful bibliography, glossary, and extensive index. Thoroughly updated since it was last published fifteen years ago, this invaluable resource will help you understand the rulings and importance of the U.S. Supreme Court!

The Most Dangerous Branch Bloomsbury Publishing USA

Discusses the Supreme Court's decision making process, based on documentary sources and interviews with justices and law clerks. Provides insight into some of the most important cases to come before the court and includes portraits of many of the justices in action.

Making Minimum Wage Visible Ink Press

Offers a unique behind the scenes look at the capital punishment cases that made it to the highest court in the land.

The Supreme Court and American Democracy Infobase

Publishing

The Supreme Court's decision in the Health Care Case, *NFIB v. Sebelius*, gripped the nation's attention during the spring of 2012. This volume gathers together reactions to the decision from an ideologically diverse selection of the nation's leading scholars of constitutional, administrative, and health law.

The Health Care Case SUNY Press

An unprecedented work of civil rights and legal history, *Presumed Guilty* reveals how the Supreme Court has enabled racist policing and sanctioned law enforcement excesses through its decisions over the last half-century. Police are nine times more likely to kill African-American men than they are other Americans—in fact, nearly one in every thousand will die at the hands, or under the knee, of an officer. As eminent constitutional scholar Erwin Chemerinsky powerfully argues, this is no accident, but the horrific result of an elaborate body of doctrines that allow the police and, crucially, the courts to presume that suspects—especially people of color—are guilty before being charged. Today in the United States, much attention is focused on the enormous problems of police violence and racism in law enforcement. Too often, though, that attention fails to place the blame where it most belongs, on the courts, and specifically, on the Supreme Court. A "smoking gun" of civil rights research, *Presumed Guilty* presents a groundbreaking, decades-long history of judicial failure in America, revealing how the Supreme Court has enabled racist practices, including profiling and intimidation, and legitimated gross law enforcement excesses that disproportionately affect people of color. For the greater part of its existence, Chemerinsky shows, deference to and

empowerment of the police have been the *modi operandi* of the Supreme Court. From its conception in the late eighteenth century until the Warren Court in 1953, the Supreme Court rarely ruled against the police, and then only when police conduct was truly shocking. Animating seminal cases and justices from the Court's history, Chemerinsky—who has himself litigated cases dealing with police misconduct for decades—shows how the Court has time and again refused to impose constitutional checks on police, all the while deliberately gutting remedies Americans might use to challenge police misconduct. Finally, in an unprecedented series of landmark rulings in the mid-1950s and 1960s, the pro-defendant Warren Court imposed significant constitutional limits on policing. Yet as Chemerinsky demonstrates, the Warren Court was but a brief historical aberration, a fleeting liberal era that ultimately concluded with Nixon's presidency and the ascendance of conservative and "originalist" justices, whose rulings—in *Terry v. Ohio* (1968), *City of Los Angeles v. Lyons* (1983), and *Whren v. United States* (1996), among other cases—have sanctioned stop-and-frisks, limited suits to reform police departments, and even abetted the use of lethal chokeholds. Written with a lawyer's knowledge and experience, *Presumed Guilty* definitively proves that an approach to policing that continues to exalt "Dirty Harry" can be transformed only by a robust court system committed to civil rights. In the tradition of Richard Rothstein's *The Color of Law*, *Presumed Guilty* is a necessary intervention into the roiling national debates over racial inequality and reform, creating a history where none was

before—and promising to transform our understanding of the systems that enable police brutality.

The Oxford Guide to United States Supreme Court Decisions Oxford University Press
This is a collection of 1500 quotes from more than 1000 Supreme Court decisions. These excerpts, dating from the beginning of the Republic, are arranged to include the legislative, judicial, and executive branches; states' rights; due process; free speech; equal rights; and freedom of religion.

Murder at the Supreme Court Aspen Publishing
A concise, informative guide to the twenty most momentous Court rulings in American history, including excerpts from the written decisions and dissents. The legislative branch of government creates laws, and the executive branch signs and enforces them. But how does America make sure these laws don't run afoul of the Constitution? That responsibility lies with the final arbiters: the nine justices of the Supreme Court. Every year, thousands of contentious cases are submitted to the court; only about eighty of them are heard. Out of those cases, many are remembered only by the people directly involved. But over the years, many cases heard by the Supreme Court have gone on to affect the lives of many, or even all, American citizens. In *The Supreme Court: Landmark Decisions*, veteran court reporter Tony Mauro picks out the twenty most momentous Supreme Court cases in United States history. In his reviews, from *Marbury v. Madison*, the 1803 case that first affirmed the Supreme Court's status as the country's final legal arbiter, to *Obergefell v. Hodges*, the 2015 case that legalized same-

sex marriage, Mauro summarizes each case and includes cogent summaries of the justices' decisions, as well as notable dissents. From a journalist noted by the *New York Times* for "explaining complex legal issues to laymen without sacrificing accuracy and subtlety," *The Supreme Court: Landmark Decisions* serves as your quick, concise, and informative guide to one of the most important, and sometimes least-understood, institutions in the nation.

One Case at a Time University of Michigan Press
Groundbreaking cases in the American legal system. Through its interpretations of the Constitution and Bill of Rights, the Supreme Court issues decisions that shape American law, define the functioning of government and society,

Race Against the Court St. Martin's Press
This book explores some of the most glaring misunderstandings about the U.S. Supreme Court—and makes a strong case for why our Supreme Court Justices should not be entrusted with decisions that affect every American citizen. *Supreme Myths: Why the Supreme Court is Not a Court and its Justices are Not Judges* presents a detailed discussion of the Court's most important and controversial constitutional cases that demonstrates why it doesn't justify being labeled "a court of law." Eric Segall, professor of law at Georgia State University College of Law for two decades, explains why this third branch of the national government is an institution that makes important judgments about fundamental questions based on the Justices' ideological preferences, not the law. A complete understanding of the true nature of the Court's decision-making process is necessary, he argues, before an intelligent debate over who should serve on the

Court—and how they should resolve cases—can be held. Addressing front-page areas of constitutional law such as health care, abortion, affirmative action, gun control, and freedom of religion, this book offers a frank description of how the Supreme Court truly operates, a critique of life tenure of its Justices, and a set of proposals aimed at making the Court function more transparently to further the goals of our representative democracy.

Oral Arguments and Decision Making on the United States Supreme Court John Wiley & Sons
Should the Supreme Court defer to the will of the majority and uphold most democratically enacted laws? Or does the Constitution empower the Supreme Court to protect a broad range of individual rights from the reach of lawmakers? In this timely and provocative book, Damon Root traces the long war over judicial activism and judicial restraint from its beginnings in the bloody age of slavery, the Civil War, and Reconstruction to its central role in today's blockbuster legal battles over gay rights, gun control, and health care reform. It's a conflict that cuts across the political spectrum in surprising ways and makes for some unusual bedfellows. Judicial deference is not only a touchstone of the Progressive left, for example, it is also a philosophy adopted by many members of the modern right. Today's growing camp of libertarians, however, has no patience with judicial restraint and little use for majority rule. They want the courts and judges to police the other branches of government, and expect Justices to strike down any state or federal law that infringes on their bold constitutional agenda of personal and economic freedom. Overruled is the story of two competing visions, each one with its own take on what role the government and the courts should play in our society, a fundamental debate that goes to the very heart of our

constitutional system.

The Case of Dred Scott in the United States Supreme Court Rowman & Littlefield Publishers
"With Supreme Inequality, Adam Cohen has built, brick by brick, an airtight case against the Supreme Court of the last half-century...Cohen's book is a closing statement in the case against an institution tasked with protecting the vulnerable, which has emboldened the rich and powerful instead."
—Dahlia Lithwick, senior editor, Slate
A revelatory examination of the conservative direction of the Supreme Court over the last fifty years. In *Supreme Inequality*, bestselling author Adam Cohen surveys the most significant Supreme Court rulings since the Nixon era and exposes how, contrary to what Americans like to believe, the Supreme Court does little to protect the rights of the poor and disadvantaged; in fact, it has not been on their side for fifty years. Cohen proves beyond doubt that the modern Court has been one of the leading forces behind the nation's soaring level of economic inequality, and that an institution revered as a source of fairness has been systematically making America less fair. A triumph of American legal, political, and social history, *Supreme Inequality* holds to account the highest court in the land and shows how much damage it has done to America's ideals of equality, democracy, and justice for all.

United States Reports Oxford University Press
This five-volume resource provides exciting details on key events, people and outcomes of approximately 200 major Supreme Court decisions that had a significant impact on American society. Cases are arranged by topic, introduced with an overview essay. Entries are three to five pages in length, and describe the events leading up to the case, key moments in the proceedings and the Supreme Court's decision, including its contemporary relevance. Also featured are helpful callout boxes providing significant court details and sidebars highlighting court justices, key court figures or important facts about the

amendment or part of the Constitution being argued.
The Case Against the Supreme Court University of Oklahoma Press
The US Supreme Court's 1937 decision in *West Coast Hotel v. Parrish*, upholding the constitutionality of Washington State's minimum wage law for women, had monumental consequences for all American workers. It also marked a major shift in the Court's response to President Franklin D. Roosevelt's New Deal agenda. In *Making Minimum Wage*, Helen J. Knowles tells the human story behind this historic case. *West Coast Hotel v. Parrish* pitted a Washington State hotel against a chambermaid, Elsie Parrish, who claimed that she was owed the state's minimum wage. The hotel argued that under the concept of "freedom of contract," the US Constitution allowed it to pay its female workers whatever low wages they were willing to accept. Knowles unpacks the legal complexities of the case while telling the litigants' stories. Drawing on archival and private materials, including the unpublished memoir of Elsie's lawyer, C. B. Conner, Knowles exposes the profound courage and resolve of the former chambermaid. Her book reveals why Elsie—who, in her mid-thirties was already a grandmother—was fired from her job at the Cascadian Hotel in Wenatchee, and why she undertook the outsized risk of suing the hotel for back wages. Minimum wage laws are "not an academic question or even a legal one," Elinore Morehouse Herrick, the New York director of the National Labor Relations Board, said in 1936. Rather, they are "a human problem." A pioneering analysis that illuminates the life stories behind *West Coast Hotel v. Parrish* as well as the case's impact on local, state, and national levels, *Making Minimum Wage*

vividly demonstrates the fundamental truth of Morehouse Herrick's statement.

The Political Constitution Oxford University Press

First published in 1954, this indispensable reference quickly became the gold standard for concise summaries of important U.S. Supreme Court cases. The only reference guide to Supreme Court cases organized both topically and chronologically within chapters so that readers understand how cases fit into a historical context, the 15th edition has been extensively revised to ensure that it remains the most up-to-date resource available. An essential resource for law students, lawyers, and everyone interested in our nation's Constitution and the Supreme Court decisions that explicate it.

Landmark Supreme Court Cases Union Square + ORM

A comprehensive history of the people and cases that have changed history, this is the definitive account of the nation's highest court featuring a forward by Howard Zinn. Recent changes in the Supreme Court have placed the venerable institution at the forefront of current affairs, making this comprehensive and engaging work as timely as ever. In the tradition of Howard Zinn's classic *A People's History of the United States*, Peter Irons chronicles the decisions that have influenced virtually every aspect of our society, from the debates over judicial power to controversial rulings in the past regarding slavery, racial segregation, and abortion, as well as more current cases about school prayer, the Bush/Gore election results, and "enemy combatants." To understand key issues facing the supreme court and the current battle for the court's ideological makeup, there is no better guide than Peter Irons. This revised and updated edition

includes a foreword by Howard Zinn. "A sophisticated narrative history of the Supreme Court . . . [Irons] breathes abundant life into old documents and reminds readers that today's fiercest arguments about rights are the continuation of the endless American conversation."
-Publisher's Weekly (starred review)