

The Supreme Court Under Marshall And Taney

The Constitutional Decisions of John Marshall
John Marshall in the Supreme Court
John Marshall, a life in law
Young Thurgood
The Life of George Washington
The Brethren
The Spirit of the Constitution
American Hero
John Marshall Harlan
Seriati
Marshall, the Courthouse Mouse
John Marshall
A People's History of the Supreme Court
Marbury V. Madison
The Cherokee Cases
John Marshall
Supreme Injustice
The Commerce Clause under Marshall, Taney, and Waite
The Activist
The Marshall Court and Cultural Change, 1815-1835
The Federalist Papers
The Great Chief Justice
John Marshall
The Life of John Marshall
Showdown
The Great Decision
The Supreme Court Under Marshall and Taney
Packing the Court
The Supreme Court
John Marshall Harlan
Gibbons V. Ogden
Without Precedent
John Marshall and the Heroic Age of the Supreme Court
McCulloch v. Maryland at 200
Supreme Justice
The Literary and Legal Genealogy of Native American Dispossession
The Republic according to John Marshall Harlan
Clarence Thomas and the Lost Constitution
John Marshall and the Heroic Age of the Supreme Court
Devil in the Grove

The Constitutional Decisions of John Marshall

Uses a tale about mice disagreeing over laws requiring that all mice eat the same cheese every day of the week to introduce readers to the workings of the Supreme Court.

John Marshall in the Supreme Court

John Marshall (1755--1835) was arguably the most important judicial figure in American history. As the fourth chief justice of the United States Supreme Court, serving from 1801 to 1835, he helped move the Court from the fringes of power to the epicenter of constitutional government. His great opinions in cases like Marbury v. Madison and McCulloch v. Maryland are still part of the working discourse of constitutional law in America. Drawing on a new and definitive edition of Marshall's papers, R. Kent Newmyer combines engaging narrative with new historiographical insights in a fresh interpretation of John Marshall's life in the law. More than the summation of Marshall's legal and institutional accomplishments, Newmyer's impressive study captures the nuanced texture of the justice's reasoning, the complexity of his mature jurisprudence, and the affinities and tensions between his system of law and the transformative age in which he lived. It substantiates Oliver Wendell Holmes Jr.'s view of Marshall as the most representative figure in American law.

John Marshall, a life in law

"The author of The Butler presents a revelatory biography of the first African-American Supreme Court justice--one of the giants of the civil rights movement, and one of the most transforming Supreme Court justices of the 20th century, "--Novelist.

Young Thurgood

The life of John Marshall, Founding Father and America's premier chief justice. In 1801, a genial and brilliant Revolutionary War veteran and politician became the fourth chief justice of the United States. He would hold the post for 34 years (still a record), expounding the Constitution he loved. Before he joined the Supreme Court, it was the weakling of the federal government, lacking in dignity and clout. After he died, it could never be ignored again. Through three decades of dramatic cases involving businessmen, scoundrels, Native Americans, and slaves, Marshall defended the federal government against unruly states, established the Supreme Court's right to rebuke Congress or the president, and unleashed the power of American commerce. For better and for worse, he made the Supreme Court a pillar of American life. In *John Marshall*, award-winning biographer Richard Brookhiser vividly chronicles America's greatest judge and the world he made.

The Life of George Washington

A leading Supreme Court expert recounts the personal and philosophical rivalries that forged our nation's highest court and continue to shape our daily lives. The Supreme Court is the most mysterious branch of government, and yet the Court is at root a human institution, made up of very bright people with very strong egos, for whom political and judicial conflicts often become personal. In this compelling work of character-driven history, Jeffrey Rosen recounts the history of the Court through the personal and philosophical rivalries on the bench that transformed the law—and by extension, our lives. The story begins with the great Chief Justice John Marshall and President Thomas Jefferson, cousins from the Virginia elite whose differing visions of America set the tone for the Court's first hundred years. The tale continues after the Civil War with Justices John Marshall Harlan and Oliver Wendell Holmes, who clashed over the limits of majority rule. Rosen then examines the Warren Court era through the lens of the liberal icons Hugo Black and William O. Douglas, for whom personality loomed larger than ideology. He concludes with a pairing from our own era, the conservatives William H. Rehnquist and Antonin Scalia, only one of whom was able to build majorities in support of his views. Through these four rivalries, Rosen brings to life the perennial conflict that has animated the Court—between those justices guided by strong ideology and those who forge coalitions and adjust to new realities. He illuminates the relationship between judicial temperament and judicial success or failure. The stakes are nothing less than the future of American jurisprudence.

The Brethren

A soul-stirring biography of John Marshall, the young republic's great chief justice, who led the Supreme Court to power and brought law and order to the nation.

The Spirit of the Constitution

"John Marshall remains one of the towering figures in the landscape of American law. From the Revolution to the age of Jackson, he played a critical role in defining the "province of the judiciary" and the constitutional limits of legislative action. In this masterly study, Charles Hobson clarifies the coherence and thrust of Marshall's jurisprudence while keeping in sight the man as well as the jurist." "Hobson argues

that contrary to his critics, Marshall was no ideologue intent upon appropriating the lawmaking powers of Congress. Rather, he was deeply committed to a principled jurisprudence that was based on a steadfast devotion to a "science of law" richly steeped in the common law tradition. As Hobson shows, such jurisprudence governed every aspect of Marshall's legal philosophy and court opinions, including his understanding of judicial review." "The chief justice, Hobson contends, did not invent judicial review (as many have claimed) but consolidated its practice by adapting common law methods to the needs of a new nation. In practice, his use of judicial review was restrained, employed almost exclusively against acts of the state legislatures. Ultimately, he wielded judicial review to prevent the states from undermining the power of a national government still struggling to establish sovereignty at home and respect abroad."--BOOK JACKET.Title Summary field provided by Blackwell North America, Inc. All Rights Reserved

American Hero

John Marshall Harlan

Seriatim

In recognition of the 200th anniversary of the Supreme Court's landmark decision in *McCulloch v. Maryland*, AEI's Program on American Citizenship commissioned five distinguished scholars to author essays keyed to that decision. The program hosted a panel discussion with the authors to present their initial drafts in February 2019. The chapters of this edited volume are the finalized versions of those essays.

Marshall, the Courthouse Mouse

G. Edward White's monumental study on the Marshall Court, originally published as Volumes III-IV of the *Oliver Wendell Holmes Devise History of the Supreme Court*, shows how the decisions made between 1815 and 1835 reveal an active reinterpretation of the Constitution and its principles of republicanism to suit the requirements of a rapidly changing nation. Placing the Marshall Court within the cultural and ideological context of early nineteenth-century America, White argues that the Court recast the language of the Constitution to give certain crucial terms the appearance of timeless legal principles, and promoted a style of judicial decision-making that concealed the discretionary elements of constitutional interpretation from public scrutiny, thus fostering the impression of an objective, non-partisan Court. Now available in an abridged paperback edition, *The Marshall Court and Cultural Change, 1815-1835* will be essential for courses in American legal and constitutional history.

John Marshall

"John Marshall (1755-1835) was a good son, a kind older brother, a loving father and husband, and a dear friend to many. He was a soldier for the Revolutionary Army, a successful lawyer, a congressman, and Secretary of State. Most

importantly, he was Chief Justice of the United States. As Chief Justice, John Marshall made the Supreme Court the strong and powerful body it is today."--Back cover.

A People's History of the Supreme Court

Seldom has American law seen a more towering figure than Chief Justice John Marshall. Indeed, Marshall is almost universally regarded as the "father of the Supreme Court" and "the jurist who started it all." Yet even while acknowledging the indelible stamp Marshall put on the Supreme Court, it is possible--in fact necessary--to examine the pre-Marshall Court, and its justices, to gain a true understanding of the origins of American constitutionalism. The ten essays in this tightly edited volume were especially commissioned for the book, each by the leading authority on his or her particular subject. They examine such influential justices as John Jay, John Rutledge, William Cushing, James Wilson, John Blair, James Iredell, William Paterson, Samuel Chase, Oliver Ellsworth, and Bushrod Washington. The result is a fascinating window onto the origins of the most powerful court in the world, and on American constitutionalism itself.

Marbury V. Madison

To understand fully the complexities of Thurgood Marshall's work as a practicing lawyer, civil rights advocate for the NAACP Legal Defense Fund, federal judge, and the first African American appointed Solicitor General of the United States and Justice of the United States Supreme Court, these texts are indispensable. The early speeches assembled by J. Clay Smith, Jr., focus on the Detroit riots of the 1940s and 1950s, one of the most important periods of Marshall's life, culminating in his arguments before the Supreme Court in *Brown v. Board of Education* and *Bolling v. Sharpe*, which in 1954 struck down de jure segregation in public education. Throughout the materials from the next four decades, Marshall comes to life as a teacher, leader, and strategist, explaining, preaching, and cajoling audiences to stand up for their rights. The addresses collected by Smith present a less formal picture of Marshall, from which one can learn much about the depth of his skills and strategies to conquer racism, promote democracy, and create a world influenced by his vision for a just and moral society. Supreme Justice reveals Marshall as a dogged opponent of unequal schools and a staunch proponent of the protection of black people from violence and the death penalty. Through his own words we see the genius of a man with an ability to inspire diverse crowds in clear language and see him also demonstrate his powers of persuasion in formal settings outside the court. His writings not only enhance our understanding of his groundbreaking advocacy in law and social conflicts, they reveal the names of men and women of all races who made significant contributions leading to *Brown v. Board of Education* and beyond.

The Cherokee Cases

John Marshall biographies -- The Chief Justice's colleagues -- The Supreme Court in the Marshall era -- Historiography

John Marshall

Devil in the Grove, winner of the Pulitzer Prize for general nonfiction, is a gripping true story of racism, murder, rape, and the law. It brings to light one of the most dramatic court cases in American history, and offers a rare and revealing portrait of Thurgood Marshall that the world has never seen before. As Isabel Wilkerson's The Warmth of Other Suns did for the story of America's black migration, Gilbert King's Devil in the Grove does for this great untold story of American legal history, a dangerous and uncertain case from the days immediately before Brown v. Board of Education in which the young civil rights attorney Marshall risked his life to defend a boy slated for the electric chair—saving him, against all odds, from being sentenced to death for a crime he did not commit.

Supreme Injustice

Examines the events that led up to the historic case, Marbury vs. Madison, and the important work of John Marshall who empowered the Supreme Court and reestablished the concept of separation of powers, forever impacting the formative years of the United States and pulling the government back from the real possibility of a second revolution.

The Commerce Clause under Marshall, Taney, and Waite

Chronicles one of the most famous and frequently-cited cases of the early Supreme Court. Shows its impact on both commerce in the Early Republic and the understanding and growth of federal power during the past 200 years.

The Activist

This compact history is the first to explore two landmark U.S. Supreme Court cases of the early 1830s: Cherokee Nation v. Georgia and Worcester v. Georgia. Legal historian Jill Norgren details the extraordinary story behind these cases, describing how John Ross and other leaders of the Cherokee Nation, having internalized the principles of American law, tested their sovereignty rights before Chief Justice John Marshall in the highest court of the land. The Cherokees' goal was to solidify these rights and to challenge the aggressive actions that the government and people of Georgia carried out against them under the aegis of law. Written in a style accessible both to students and to general readers, The Cherokee Cases is an ideal guide to understanding the political development of the Cherokee Nation in the early nineteenth century and the tragic outcome of these cases so critical to the establishment of U.S. federal Indian law.

The Marshall Court and Cultural Change, 1815-1835

Annotated bibliography: p. 153-166.

The Federalist Papers

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 Great Chief Justice

John Marshall [1755-1835] was appointed Chief Justice of the United States Supreme Court in 1801 and ushered in its era of power and independence. He presided over the court for 34 years. The major decisions that are included here demonstrate his formulation of fundamental principles of American constitutional law. This collection presents all of John Marshall's decisions in the Supreme Court and on the circuit in context of their times and their effect on constitutional history, through notes to each case written by Joseph P. Cotton, Jr., the editor of this work. 2 vols. xxxvi, 462; v, 464 pp.

John Marshall

Supreme Court Justice John Marshall Harlan (1833-1911) is best known for condemning racial segregation in his dissent from *Plessy v. Ferguson* in 1896, when he declared, "Our Constitution is color-blind." But in other judicial decisions--as well as in some areas of his life--Harlan's actions directly contradicted

the essence of his famous statement. Similarly, Harlan was called the people's judge for favoring income tax and antitrust laws, yet he also upheld doctrines that benefited large corporations. Examining these and other puzzles in Harlan's judicial career, Linda Przybyszewski draws on a rich array of previously neglected sources--including the verbatim transcripts of his 1897-98 lectures on constitutional law, his wife's 1915 memoirs, and a compilation of opinions, drawn up by Harlan himself, that he wanted republished. Her thoughtful examination demonstrates how Harlan inherited the traditions of paternalism, nationalism, and religious faith; how he reshaped these traditions in light of his experiences as a lawyer, political candidate, and judge; and how he justified the vision of the law he wrote. An innovative combination of personal and judicial biography, this book makes an insightful contribution to American constitutional and intellectual history.

The Life of John Marshall

A comprehensive history of the people and cases that have changed history, this is the definitive account of the nation's highest court. 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)

Showdown

We take for granted today the tremendous power of the Supreme Court to interpret our laws and overrule any found in conflict with the Constitution. Yet our nation was a quarter-century old before that power of "judicial review" was fully articulated by the Court itself in *Marbury v. Madison* (1803). William Nelson's concise study of that landmark case provides an insightful and readable guide for students and general readers alike. On the surface, the case itself seems a minor one at best. William Marbury, a last-minute judicial appointee of outgoing Federalist president John Adams, demanded redress from the Supreme Court when his commission was not delivered. But Chief Justice John Marshall could clearly see the danger his demand posed for a weak court filled with Federalist judges. Wary of the Court's standing with the new Republican administration of Thomas Jefferson, Marshall hit upon a solution that was both principled and pragmatic. He determined that while Marbury was justified in his suit, the law on which his claim was based was in conflict with the Constitution. It was the first time that the Court struck down an act of Congress as unconstitutional, thus establishing the doctrine of judicial review, which designates the Court as chief interpreter of the

Constitution. Nelson relates the story behind Marbury and explains why it is a foundational case for understanding the Supreme Court. He reveals how Marshall deftly avoided a dangerous political confrontation between the executive and judicial branches by upholding the rule of law. He also shows how Marshall managed to shore up the Court's prestige and power rather than have it serve partisan political agendas. Nelson clarifies how the Marshall court sought to preserve what was best in eighteenth-century constitutionalism while accommodating nineteenth-century political realities and also traces the gradual transformation of Marbury-style judicial review since Marshall's time. Although the Supreme Court did not assert its power of judicial review for another fifty-four years after Marbury, it has since then invalidated numerous acts of Congress. From Marshall's modest bid for consensus to what some consider the modern Court's "activist" excesses, judicial review has been a cornerstone in the edifice of the federal judiciary. Nelson's analysis helps us better understand how this fundamental principle emerged and why it still matters.

The Great Decision

2019 marks the 200th anniversary of one of the most important Supreme Court decisions in American history: *McCulloch v. Maryland*. The state of Maryland tried to impede the establishment of the Bank of the United States, but Chief Justice John Marshall decided that the Necessary and Proper clause of the Constitution gave the federal government implied powers that allowed it to charter the bank without hindrance. The decision expanded the power of the national government vis-à-vis the states, and it still figures in contemporary debates about the scope of national legislative power. Indeed, Chief Justice Roberts' 2012 decision upholding the Affordable Care Act relied on it. In *The Spirit of the Constitution*, David S. Schwartz tells the story of the decision's long-term impact and the evolution of Justice Marshall's reputation. By tracing the rich history of *McCulloch*'s influence from 1819 to the present, he shows that its meaning--and significance--for judges, political leaders, and the public varied greatly over time. The case was alternately celebrated, denounced, ignored, and reinterpreted to suit the needs of the moment. While Marshall was never reviled, he was not seen as especially influential until the late nineteenth century. Competing parties utilized *McCulloch* in constitutional debates over national power in the early republic; over the question of slavery in the late antebellum period; and over Congress's role in regulating the economy and civil rights in the twentieth century. Even after *McCulloch*'s meaning seemed fixed by the mid-twentieth century, new debates about its implications have emerged in recent times. Schwartz's analysis of *McCulloch*'s remarkable impact reaffirms the case's importance and unveils the circuitous process through which American constitutional law and ideology are made.

The Supreme Court Under Marshall and Taney

Harlan. Known today to every student of constitutional law, principally for his dissenting opinions in early racial discrimination cases, Harlan was an important actor in every major public issue that came before the Supreme Court during his thirty-three-year tenure. Named by a hopeful father for Chief Justice John Marshall, Harlan began his career as a member of the Kentucky Whig slavocracy. Loren Beth

traces the young lawyer's development from these early years through the secession crisis and Civil War, when Harlan remained loyal to the Union, both as a politician and as a soldier. As Beth demonstrates, Harlan gradually shifted during these years to an antislavery Republicanism that still emphasized his adherence to the Whig principles of Unionism and national power as against states' rights. Harlan's Supreme Court career (1877-1911) was characterized by his fundamental disagreement with nearly every judicial colleague of his day. His ultimate stance -- as the Great Dissenter, the champion of civil rights, the upholder of the powers of Congress -- emerges as the logical outgrowth of his pre-Court life. Harlan's significance for today's reader is underlined by the Supreme Court's adoption, beginning in the 1930s, of most of his positions on the Fourteenth Amendment and the Commerce Clause of the Constitution. This fine biography is also an important contribution to constitutional history. Historians, political scientists, and legal scholars will come from its pages with renewed appreciation for one of our judicial giants.

Packing the Court

In the waning days of his presidency, in January 1801, John Adams made some historic appointments to preserve his Federalist legacy. Foremost among them, he named his secretary of state, John Marshall, Chief Justice of the Supreme Court--neither of them anticipating that Marshall would soon need to decide the most crucial case in Supreme Court history--*Marbury vs. Madison*. The Activist is the story of that case and its impact on American history. It revolved around a suit brought by Federalist William Marbury and 3 others that unwittingly set off a Constitutional debate that has reverberated for more than two centuries, for the case introduced a principle ("judicial review") at the heart of our democracy: does the Supreme Court have the right to interpret the Constitution and the law. Acclaimed narrative historian Larry Goldstone makes this early American legal drama come alive for readers today as a seminal moment in our history, chronicling, as it does, the formation and foundation of the Supreme Court. But it has ever since given cover to justices, like Antonin Scalia today, who assert the Court's power over the meaning of the Constitution. That Marshall's opinion was also the very height of the judicial activism that Scalia, John Roberts, and their fellow conservatives deplore promises to be one of American history's great ironies. The debate began in 1801, and continues to this day--and in Lawrence Goldstone's hands, it has never been more interesting or relevant for general readers.

The Supreme Court

John Marshall (1755--1835) was arguably the most important judicial figure in American history. As the fourth chief justice of the United States Supreme Court, serving from 1801 to 1835, he helped move the Court from the fringes of power to the epicenter of constitutional government. His great opinions in cases like *Marbury v. Madison* and *McCulloch v. Maryland* are still part of the working discourse of constitutional law in America. Drawing on a new and definitive edition of Marshall's papers, R. Kent Newmyer combines engaging narrative with new historiographical insights in a fresh interpretation of John Marshall's life in the law. More than the summation of Marshall's legal and institutional accomplishments, Newmyer's impressive study captures the nuanced texture of the justice's

reasoning, the complexity of his mature jurisprudence, and the affinities and tensions between his system of law and the transformative age in which he lived. It substantiates Oliver Wendell Holmes Jr.'s view of Marshall as the most representative figure in American law.

John Marshall Harlan

In ruling after ruling, the three most important pre-Civil War justices--Marshall, Taney, and Story--upheld slavery. Paul Finkelman establishes an authoritative account of each justice's proslavery position, the reasoning behind his opposition to black freedom, and the personal incentives that embedded racism ever deeper in American civic life.

Gibbons V. Ogden

The Brethren is the first detailed behind-the-scenes account of the Supreme Court in action. Bob Woodward and Scott Armstrong have pierced its secrecy to give us an unprecedented view of the Chief and Associate Justices—maneuvering, arguing, politicking, compromising, and making decisions that affect every major area of American life.

Without Precedent

From renowned political theorist James MacGregor Burns, an incisive critique of the overreaching power of an ideological Supreme Court For decades, Pulitzer Prize-winner James MacGregor Burns has been one of the great masters of the study of power and leadership in America. In *Packing the Court*, he turns his eye to the U.S. Supreme Court, an institution that he believes has become more powerful, and more partisan, than the founding fathers ever intended. In a compelling and provocative narrative, Burns reveals how the Supreme Court has served as a reactionary force in American politics at critical moments throughout the nation's history, and concludes with a bold proposal to rein in the court's power.

John Marshall and the Heroic Age of the Supreme Court

A New York Times Notable Book of 1996 It was in tolling the death of Supreme Court Chief Justice John Marshall in 1835 that the Liberty Bell cracked, never to ring again. An apt symbol of the man who shaped both court and country, whose life "reads like an early history of the United States," as the Wall Street Journal noted, adding: Jean Edward Smith "does an excellent job of recounting the details of Marshall's life without missing the dramatic sweep of the history it encompassed." Working from primary sources, Jean Edward Smith has drawn an elegant portrait of a remarkable man. Lawyer, jurist, scholars; soldier, comrade, friend; and, most especially, lover of fine Madeira, good food, and animated table talk: the Marshall who emerges from these pages is noteworthy for his very human qualities as for his piercing intellect, and, perhaps most extraordinary, for his talents as a leader of men and a molder of consensus. A man of many parts, a true son of the Enlightenment, John Marshall did much for his country, and *John Marshall: Definer of a Nation* demonstrates this on every page.

McCulloch v. Maryland at 200

When Clarence Thomas joined the Supreme Court in 1991, he found with dismay that it was interpreting a very different Constitution from the one the framers had written—the one that had established a federal government manned by the people’s own elected representatives, charged with protecting citizens’ inborn rights while leaving them free to work out their individual happiness themselves, in their families, communities, and states. He found that his predecessors on the Court were complicit in the first step of this transformation, when in the 1870s they defanged the Civil War amendments intended to give full citizenship to his fellow black Americans. In the next generation, Woodrow Wilson, dismissing the framers and their work as obsolete, set out to replace laws made by the people’s representatives with rules made by highly educated, modern, supposedly nonpartisan “experts,” an idea Franklin Roosevelt supersized in the New Deal agencies that he acknowledged had no constitutional warrant. Then, under Chief Justice Earl Warren in the 1950s and 1960s, the Nine set about realizing Wilson’s dream of a Supreme Court sitting as a permanent constitutional convention, conjuring up laws out of smoke and mirrors and justifying them as expressions of the spirit of the age. But Thomas, who joined the Court after eight years running one of the myriad administrative agencies that the Great Society had piled on top of FDR’s batch, had deep misgivings about the new governmental order. He shared the framers’ vision of free, self-governing citizens forging their own fate. And from his own experience growing up in segregated Savannah, flirting with and rejecting black radicalism at college, and running an agency that supposedly advanced equality, he doubted that unelected experts and justices really did understand the moral arc of the universe better than the people themselves, or that the rules and rulings they issued made lives better rather than worse. So in the hundreds of opinions he has written in more than a quarter century on the Court—the most important of them explained in these pages in clear, non-lawyerly language—he has questioned the constitutional underpinnings of the new order and tried to restore the limited, self-governing original one, as more legitimate, more just, and more free than the one that grew up in its stead. The Court now seems set to move down the trail he blazed. A free, self-governing nation needs independent-minded, self-reliant citizens, and Thomas’s biography, vividly recounted here, produced just the kind of character that the founders assumed would always mark Americans. America’s future depends on the power of its culture and institutions to form ever more citizens of this stamp.

Supreme Justice

The power of the commerce clause touches most intimately the relations between government and economic enterprises, and the process by which the conflicting claims of the nation and states are mediated through the Supreme Court is of continuing interest. This study is a clear exposition of the various interpretations of the commerce clause under three great chief justices. Originally published in 1937. A UNC Press Enduring Edition -- UNC Press Enduring Editions use the latest in digital technology to make available again books from our distinguished backlist that were previously out of print. These editions are published unaltered from the original, and are presented in affordable paperback formats, bringing readers both historical and cultural value.

The Literary and Legal Genealogy of Native American Dispossession

Classic Books Library presents this brand new edition of "The Federalist Papers", a collection of separate essays and articles compiled in 1788 by Alexander Hamilton. Following the United States Declaration of Independence in 1776, the governing doctrines and policies of the States lacked cohesion. "The Federalist", as it was previously known, was constructed by American statesman Alexander Hamilton, and was intended to catalyse the ratification of the United States Constitution. Hamilton recruited fellow statesmen James Madison Jr., and John Jay to write papers for the compendium, and the three are known as some of the Founding Fathers of the United States. Alexander Hamilton (c. 1755–1804) was an American lawyer, journalist and highly influential government official. He also served as a Senior Officer in the Army between 1799-1800 and founded the Federalist Party, the system that governed the nation's finances. His contributions to the Constitution and leadership made a significant and lasting impact on the early development of the nation of the United States.

The Republic according to John Marshall Harlan

Like the movie Marshall, this book--the only biography of Thurgood Marshall to be endorsed by Marshall's immediate family--focuses on his early civil rights struggles and successes before Brown v. Board of Education. Thurgood Marshall was the most important American lawyer of the twentieth century. He transformed the nation's legal landscape by challenging the racial segregation that had relegated millions to second-class citizenship. He won twenty-nine of thirty-three cases before the United States Supreme Court, was a federal appeals court judge, served as the US solicitor general, and, for twenty-four years, sat on the Supreme Court. Marshall is best known for achievements after he relocated to New York in 1936 to work for the NAACP. But Marshall's personality, attitudes, priorities, and work habits had crystallized during earlier years in Maryland. This work is the first close examination of the formative period in Marshall's life. As the author shows, Thurgood Marshall was a fascinating man of contrasts. He fought for racial justice without becoming a racist. Simultaneously idealistic and pragmatic, Marshall was a passionate advocate, yet he maintained friendly relationships with his opponents. Young Thurgood reveals how Marshall's distinctive traits were molded by events, people, and circumstances early in his life. Professor Gibson presents fresh information about Marshall's family, youth, and education. He describes Marshall's key mentors, the special impact of his high school and college competitive debating, his struggles to establish a law practice during the Great Depression, and his first civil rights cases. The author sheds new light on the NAACP and its first lawsuits in the campaign that led to the 1954 Brown v. Board of Education school desegregation decision. He also corrects some of the often-repeated stories about Marshall that are inaccurate. The only biography of Thurgood Marshall to be endorsed by Marshall's immediate family, Young Thurgood is an exhaustively researched and engagingly written work that everyone interested in law, civil rights, American history, and biography will want to read.

Clarence Thomas and the Lost Constitution

The remarkable story of John Marshall who, as chief justice, statesman, and diplomat, played a pivotal role in the founding of the United States. No member of America's Founding Generation had a greater impact on the Constitution and the Supreme Court than John Marshall, and no one did more to preserve the delicate unity of the fledgling United States. From the nation's founding in 1776 and for the next forty years, Marshall was at the center of every political battle. As Chief Justice of the United States - the longest-serving in history - he established the independence of the judiciary and the supremacy of the federal Constitution and courts. As the leading Federalist in Virginia, he rivaled his cousin Thomas Jefferson in influence. As a diplomat and secretary of state, he defended American sovereignty against France and Britain, counseled President John Adams, and supervised the construction of the city of Washington, D.C. This is the astonishing true story of how a rough-cut frontiersman - born in Virginia in 1755 and with little formal education - invented himself as one of the nation's preeminent lawyers and politicians who then reinvented the Constitution to forge a stronger nation. Without Precedent is the engrossing account of the life and times of this exceptional man, who with cunning, imagination, and grace shaped America's future as he held together the Supreme Court, the Constitution, and the country itself.

John Marshall and the Heroic Age of the Supreme Court

The Literary and Legal Genealogy of Native American Dispossession offers a unique interpretation of how literary and public discourses influenced three U.S. Supreme Court Rulings written by Chief Justice John Marshall with respect to Native Americans. These cases, *Johnson v. M'Intosh* (1823), *Cherokee Nation v. Georgia* (1831) and *Worcester v. Georgia* (1832), collectively known as the Marshall Trilogy, have formed the legal basis for the dispossession of indigenous populations throughout the Commonwealth. The Trilogy cases are usually approached as 'pure' legal judgments. This book maintains, however, that it was the literary and public discourses from the early sixteenth through to the early nineteenth centuries that established a discursive tradition which, in part, transformed the American Indians from owners to 'mere occupants' of their land. Exploring the literary genesis of Marshall's judgments, George Pappas draws on the work of Michel Foucault, Edward Said and Homi Bhabha, to analyse how these formative U.S. Supreme Court rulings blurred the distinction between literature and law.

Devil in the Grove

Comprehensive biography of John Marshall, soldier, lawyer, diplomat, and fourth Chief Justice of the United States.

Where To Download The Supreme Court Under Marshall And Taney

[ROMANCE](#) [ACTION & ADVENTURE](#) [MYSTERY & THRILLER](#) [BIOGRAPHIES & HISTORY](#) [CHILDREN'S](#) [YOUNG ADULT](#) [FANTASY](#) [HISTORICAL FICTION](#) [HORROR](#) [LITERARY FICTION](#) [NON-FICTION](#) [SCIENCE FICTION](#)