

“He Shall Not Pass This Way Again”

*The Legacy of
Justice William O. Douglas*



EDITED BY STEPHEN L. WASBY

He Shall Not Pass This Way Again The Legacy Of Justice William O Douglas

James Ciment



He Shall Not Pass This Way Again The Legacy Of Justice William O Douglas:

He Shall Not Pass This Way Again Stephen L. Wasby, 2010-11-23 After a successful career as a law professor and government regulator William O Douglas was appointed to the Supreme Court by Franklin D Roosevelt in 1939 During his thirty six years on the court he became known as one of its most outspoken and controversial members In this volume which was originally published for the William O Douglas Institute distinguished scholars examine four major aspects of Justice Douglas s work his relations with his colleagues his views on civil liberties which primarily led to his reputation as a liberal his stance as an environmentalist and his views as an internationalist

The Warren Court in Historical and Political Perspective Mark V. Tushnet, 1993 The tenure of Earl Warren as chief justice of the United States Supreme Court 1953-69 was marked by a series of decisions unique in the history of the Court for the progressive agenda they bespoke What made the Warren Court special How can students of history and political science understand the Warren Court as part of constitutional history and politics To answer such questions nine well known legal scholars and historians explore how each justice contributed to the distinctiveness of the Warren Court in Supreme Court history

The Federal Courts Peter Charles Hoffer, William James Hoffer, N. E. H. Hull, 2016 There are moments in American history when all eyes are focused on a federal court when its bench speaks for millions of Americans and when its decision changes the course of history More often the story of the federal judiciary is simply a tale of hard work of finding order in the chaotic system of state and federal law local custom and contentious lawyering The Federal Courts is a story of all of these courts and the judges and justices who served on them of the case law they made and of the acts of Congress and the administrative organs that shaped the courts But even more importantly this is a story of the courts development and their vital part in America s history Peter Charles Hoffer William James Hull Hoffer and N E H Hull s retelling of that history is framed the three key features that shape the federal courts narrative the separation of powers the federal system in which both the national and state governments are sovereign and the widest circle the democratic republican framework of American self government The federal judiciary is not elective and its principal judges serve during good behavior rather than at the pleasure of Congress the President or the electorate But the independence that lifetime tenure theoretically confers did not and does not isolate the judiciary from political currents partisan quarrels and public opinion Many vital political issues came to the federal courts and the courts decisions in turn shaped American politics The federal courts while the least democratic branch in theory have proved in some ways and at various times to be the most democratic open to ordinary people seeking redress for example Litigation in the federal courts reflects the changing aspirations and values of America s many peoples The Federal Courts is an essential account of the branch that provides what Massachusetts Supreme Judicial Court Judge Oliver Wendell Holmes Jr called a magic mirror wherein we see reflected our own lives

Scorpions Noah Feldman, 2011-01-26 A history of the careers and constitutional visions of four U S Supreme Court Justices appointed by Franklin Roosevelt A tiny ebullient Jew who started as

America's leading liberal and ended as its most famous judicial conservative A Klansman who became an absolutist advocate of free speech and civil rights A backcountry lawyer who started off trying cases about cows and went on to conduct the most important international trial ever A self-invented tall tale Westerner who narrowly missed the presidency but expanded individual freedom beyond what anyone before had dreamed Four more different men could hardly be imagined Yet they had certain things in common Each was a self-made man who came from humble beginnings on the edge of poverty Each had driving ambition and a will to succeed Each was in his own way a genius Hugo Black William O Douglas Felix Frankfurter and Robert Jackson began as close allies and friends of FDR But the quest to shape a new Constitution led them to competition and sometimes outright warfare Scorpions tells the story of these four great justices their relationship with Roosevelt with each other and with the turbulent world of the Great Depression World War II and the Cold War It also serves as a history of the modern Constitution itself Praise for Scorpions Smart and engaging New York Times Book Review Full of high stakes intellectual drama Washington Post A first rate work of narrative history that succeeds in bringing the intellectual and political battles of the post Roosevelt Court vividly to life Publishers Weekly Religion and the Law in America Scott A. Merriman, 2007-05-18 This work is a comprehensive survey of one of the oldest and hottest debates in American history the role of religion in the public discourse The relationship between church and state was contentious long before the framers of the Constitution undertook the bold experiment of separating the two sparking a debate that would rage for centuries What is the role of religion in government and vice versa Religion and the Law in America explores the many facets of this question from prayer in public schools to the addition of the phrase under God to the Pledge of Allegiance from government investigation of religious fringe groups to federal grants for faith based providers of social services In more than 250 A-Z entries along with a series of broad thematic essays it examines the groups laws and court cases that have framed this ongoing debate Through its careful balanced exploration of the interaction between government and religion throughout the history of the United States the work provides all Americans students scholars and lay readers alike with a deep understanding of one of the central enduring issues in our history **The Warren Court: A Retrospective** the late Bernard Schwartz, 1996-10-10 A judge made revolution The very term seems an oxymoron yet this is exactly what the Supreme Court under Chief Justice Earl Warren achieved In Bernard Schwartz's latest work based on a conference at the University of Tulsa College of Law we get the first retrospective on the Warren Court a detailed analysis of the Courts accomplishments including original pieces by well known judges professors lawyers popular writers such as Anthony Lewis David Halberstam David J Garrow and a rare personal remembrance by Justice William J Brennan Jr The Warren Court A Retrospective begins with an examination of the Courts decisions in a variety of different fields such as equal protection freedom of speech freedom of the press and criminal law The work continues with The Justices an intimate look at the principal protagonists in the Courts operation Then in A Broader Perspective the book looks at the Court from an historical

perspective demonstrating its impact on the legal profession and jurisprudence its international impact and its legacy Both readable and informative *The Warren Court A Retrospective* provides an invaluable source for anyone interested in the Court that did so much to change America **Salt of the Earth, Conscience of the Court** John M. Ferren, Wiley Rutledge, 2004 In this analysis of Supreme Court Justice Wiley Rutledge's life and judicial decision making the author highlights the development of American common law and legal education and the evolution of the American court system Dissent and the Supreme Court Melvin I. Urofsky, 2015 Melvin Urofsky's major new book looks at the role of dissent in the Supreme Court and the meaning of the Constitution through the greatest and longest lasting public policy debate in the country's history among members of the Supreme Court between the Court and the other branches of government and between the Court and the people of the United States Dust jacket Citizen Justice Mary Margaret McKeown, 2022 *Citizen Justice* The Environmental Legacy of William O Douglas Public Advocate and Conservation Champion highlights William O Douglas's dual role in fulfilling his constitutional duty as justice while catering to his personal commitment to serve the public as a citizen advocate Inherit the Holy Mountain Mark Stoll, 2015-04-30 *Inherit the Holy Mountain* puts religion at the center of the history of American environmentalism rather than at its margins demonstrating how religion provided environmentalists with content direction and tone for the environmental causes they espoused "He's a Natural" Adam M. Sowards, 2001

International Legal Theory Jeffrey L. Dunoff, Mark A. Pollack, 2022-08-04 Over the past decades international affairs have been increasingly legalized International law has dramatically expanded into new fields and taken on new challenges Despite this development there has been little in depth scholarship on what impact these changes have had on the field of international legal theory how it is taught and where it is going This volume investigates the major developments in the field and explores the core assumptions and concepts analytical tools and key challenges associated with different approaches An outstanding team of legal academics provides an accessible overview of competing theoretical movements and a more in depth understanding of the strengths preoccupations insights and limits of those schools of thought The contributions provide an authoritative account of current thinking about the theoretical foundations of contemporary international law and will serve as an indispensable resource for students scholars and practitioners *In a Time of Total War* Joshua E.

Kastenberg, Eric Merriam, 2016-03-17 This book is a judicial military and political history of the period 1941 to 1954 As such it is also a United States legal history of both World War II and the early Cold War Civil liberties mass conscription expanded military jurisdiction property rights labor relations and war crimes arising from the conflict were all issues to come before the federal judiciary during this period and well beyond since the Supreme Court and the lower courts heard appeals from the government's wartime decisions well into the 1970s A detailed study of the judiciary during World War II evidences that while the majority of the justices and judges determined appeals partly on the basis of enabling a large disciplined and reliable military to either deter or fight a third world war there was a recognition of the existence of a tension between civil

rights and liberties on the one side and military necessity on the other While the majority of the judiciary tilted toward national security and deference to the military establishment the judiciary's recognition of this tension created a foundation for persons to challenge governmental narrowing of civil and individual rights after 1954 Kastenberg and Merriam present a clearer picture as to why the Court and the lower courts determined the issues before them in terms of external influences from both national and world wide events This book is also a study of civil military relations in wartime so whilst legal scholars will find this study captivating so will military and political historians as well as political scientists and national security policy makers

A History of the Supreme Court the late Bernard Schwartz, 1995-02-23 When the first Supreme Court convened in 1790 it was so ill esteemed that its justices frequently resigned in favor of other pursuits John Rutledge stepped down as Associate Justice to become a state judge in South Carolina John Jay resigned as Chief Justice to run for Governor of New York and Alexander Hamilton declined to replace Jay pursuing a private law practice instead As Bernard Schwartz shows in this landmark history the Supreme Court has indeed travelled a long and interesting journey to its current preeminent place in American life In *A History of the Supreme Court* Schwartz provides the finest most comprehensive one volume narrative ever published of our highest court With impeccable scholarship and a clear engaging style he tells the story of the justices and their jurisprudence and the influence the Court has had on American politics and society With a keen ability to explain complex legal issues for the nonspecialist he takes us through both the great and the undistinguished Courts of our nation's history He provides insight into our foremost justices such as John Marshall who established judicial review in *Marbury v Madison* an outstanding display of political calculation as well as fine jurisprudence Roger Taney whose legacy has been overshadowed by *Dred Scott v Sanford* Oliver Wendell Holmes Louis Brandeis Benjamin Cardozo and others He draws on evidence such as personal letters and interviews to show how the court has worked weaving narrative details into deft discussions of the developments in constitutional law Schwartz also examines the operations of the court until 1935 it met in a small room under the Senate so cramped that the judges had to put on their robes in full view of the spectators But when the new building was finally opened one justice called it almost bombastically pretentious and another asked What are we supposed to do ride in on nine elephants He includes fascinating asides on the debate in the first Court for instance over the use of English style wigs and gowns the decision gowns no wigs and on the day Oliver Wendell Holmes announced his resignation the same day that Earl Warren as a California District Attorney argued his first case before the Court The author brings the story right up to the present day offering balanced analyses of the pivotal Warren Court and the Rehnquist Court through 1992 including of course the arrival of Clarence Thomas In addition he includes four special chapters on watershed cases *Dred Scott v Sanford* *Lochner v New York* *Brown v Board of Education* and *Roe v Wade* Schwartz not only analyzes the impact of each of these epoch making cases he takes us behind the scenes drawing on all available evidence to show how the justices debated the cases and how they settled on their opinions Bernard Schwartz is one of the most highly

regarded scholars of the Supreme Court author of dozens of books on the law and winner of the American Bar Association's Silver Gavel Award In this remarkable account he provides the definitive one volume account of our nation's highest court

One Man Out Robert Michael Goldman, 2008 Chronicles star baseball player Curt Flood's attempt to overthrow the reserve clause system of professional baseball which bound players to teams as a form of property Although he lost his legal battle the Court left the door open for the players to eventually negotiate a version of free agency **The Human**

Tradition in the American West Benson Tong, Regan A. Lutz, 2001-08-01 The Human Tradition in the American West is an engrossing collection of 13 biographies of men and women whose contributions to the development of the American West have largely been left untold in the history books This volume goes beyond the traditional biographical reader by including the lives that collectively offer racial and gender diversity as well as differing class and sexual orientation backgrounds Editors Benson Tong and Regan A Lutz have assembled an impressive group of scholars whose succinct and well written accounts will give students a more complete understanding of this diverse dynamic region of the United States This book is an excellent resource for courses on the American West U S history survey courses and courses in American social and cultural history *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 Human Tradition in America* Charles William Calhoun, 2003 Calhoun history East Carolina U Greenville offers a reader of 19 biographical essays from a series surveying modern US history from the perspective of a diversity of citizens e g a former slave interned Japanese immigrants and champions of various causes Annotation c Book News Inc Por

Liberty and Sexuality David J. Garrow, 2015-07-07 Pulitzer Prize winning author David J Garrow's stirring and essential history of the politics of abortion and America's battle for the right to choose In 1973 the Supreme Court handed down its

landmark Roe v Wade decision legalizing abortion and more than forty years later the issue continues to spark controversy and divisiveness But behind this historic legal case lie the battles women fought to establish their rights to use contraceptives and choose to have an abortion Liberty and Sexuality traces these political and legal struggles in the decades leading up to Roe v Wade including the momentous 1965 Supreme Court ruling in Griswold v Connecticut that established a constitutional right to privacy Garrow personalizes the struggles by detailing the vital contributions made by dozens of crusaders who tirelessly paved the way This expansive and substantial work also addresses the threats to sexual privacy and the legality of abortion that have risen since Roe v Wade With abortion still a contentious subject on the national political landscape Liberty and Sexuality is not just a historical account of the right to choose but an indispensable read about preserving a freedom that continues to divide America

Postwar America James Ciment, 2015-03-26 From the outbreak of the Cold War to the rise of the United States as the last remaining superpower the years following World War II were filled with momentous events and rapid change Diplomatically economically politically and culturally the United States became a major influence around the globe On the domestic front this period witnessed some of the most turbulent and prosperous years in American history Postwar America An Encyclopedia of Social Political Cultural and Economic History provides detailed coverage of all the remarkable developments within the United States during this period as well as their dramatic impact on the rest of the world A Z entries address specific persons groups concepts events geographical locations organizations and cultural and technological phenomena Sidebars highlight primary source materials items of special interest statistical data and other information and Cultural Landmark entries chronologically detail the music literature arts and cultural history of the era Bibliographies covering literature from the postwar era and about the era are also included as are illustrations and specialized indexes

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