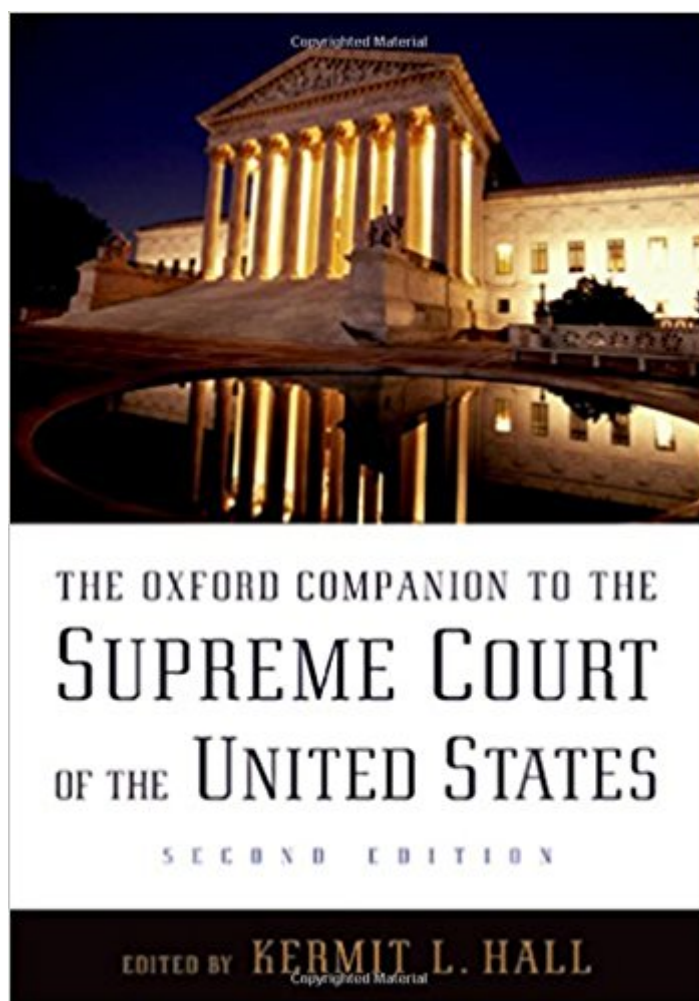


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# The Oxford Companion To The Supreme Court Of The United States



## Synopsis

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.

## Book Information

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## Customer Reviews

Oxford has published a second edition of this accessible and authoritative reference to Supreme Court cases, justices, legal issues, and terminology. With 86 new articles that include biographies of Clinton appointees Ginsberg and Breyer and commentaries on *Boy Scouts v. Dale*, *Bush v. Gore*,

McConnell v. Federal Election Commission, and other important cases, Oxford has brought the companion into the twenty-first century. The extra 200 pages make the book a little difficult to pull from a high shelf, but librarians and readers will find it worth the effort. New essays on the Age Discrimination in Employment Act, Detainee cases, and Hate speech remind us of the continuing influence of the Supreme Court in U.S. politics and in the everyday lives of its citizens. Almost 100 articles have been revised and updated, including entries on current justices, Abortion, Impeachment, Religion, and the Second Amendment. The features that made the first edition so convenient and easy for the layperson to use remain. Each case entry includes a U.S. Reports citation, date argued, date decided, and authors of majority, concurring, and dissenting opinions. Longer entries have brief bibliographies made up predominantly of citations to books and law review articles. See and see also references are abundant but not overwhelming. There are several appendixes, including a useful chart of Supreme Court justices and their years of service, a chronology of the justices' succession, and a list of "Trivia and Traditions of the Court." The volume concludes with case-name and topical indexes. The companion will likely find its way to most of the 2,800-plus libraries that have the first edition. Its value as a quick reference source on the Supreme Court has not diminished with the passage of time. It still belongs in every library, high school and up. Jan Lewis Copyright © American Library Association. All rights reserved

"This obviously impressive and highly needed collection of over 1000 entries on the Supreme Court is sure to become the standard in the field.... This fine volume is a must-have collection for any serious student of the court. Highly recommended."--Library Journal

It is difficult to say whether the contentious atmosphere that currently exists regarding the legal opinions of the Supreme Court is greater than any other time in the history of the United States. There have been times, especially during the Civil War and World War I when the Supreme Court raised the ire of many a citizen. Some of the "activist" justices, as some of them are now called, could perhaps be designated as "activist light" if compared with some of the justices of the past. This book gives ample evidence for this comparison, but also gives information on a wide variety of legal issues that the Supreme Court has had to deal with throughout its history. It would probably not be read from cover to cover, but instead serves as a general reference for those readers who are not and do not intend to become legal scholars, but are curious as to the reasoning patterns deployed by the justices who sat on the Court. Readers who are approaching this subject for the first time will find many surprises about the Court, both in the opinions expressed by the judges and

in their personal histories and backgrounds. It is fair to say that legal opinions are guided predominantly by the historical context in which they are put forth, and this claim seems to gain more substantiation as more articles in this book are read and studied. One of the more surprising things to learn from this book is that the Supreme Court never really considered free speech issues with the First Amendment until as late as 1919, in *Schenck v. United States*. This case is also discussed in this book, and revolves around Charles Schenck, who was general secretary of the Socialist party of the time. Schenck and a few other defendants were convicted with a violation of the 1917 Espionage Act by conspiring to obstruct military recruiting and enlistment via the circulation of pamphlet. Justice Oliver Wendell Holmes wrote the unanimous opinion for the court ruling against Schenck and defendants and thus upholding their conviction. This case was the first time the famous statement of "crying fire in a public theatre" was used to restrict an "absolutist" interpretation of the First Amendment. It could also be viewed as an example of how even legal authorities, who are supposed to be calm and rational during emergencies or times of war, can succumb to the pressures of the times (in this case the pre- and post-war hysteria of World War I) and not be able to divorce themselves from their past personal histories (Holmes himself was wounded three times while serving in the Union Army during the Civil War). The Holmes Court effectively said that the First Amendment is not to be taken literally, and if speech presents a "clear and present danger" then governmental agencies have the right to punish the purveyors of this speech. Free speech issues dominant legal discussions at the present time, and the legal standing of "hate speech" is discussed in an article in this book. One can find solace in knowing that the Supreme Court has not found "hate speech" to be prohibited by the Constitution, despite attempts of many groups to justify its prohibition by appeals to constitutional law. The article on "hate speech" discusses some of these cases and gives a few references. Without doubt the most despicable legal decision ever put forth by the Supreme Court was the case *Scott v. Sandford* in 1857. Known famously as the 'Dred Scott Case', it is characterized in this book as one of the most important cases in American constitutional law. The decision essentially said that blacks are not citizens of the United States and therefore could not sue in federal courts. In addition, slaves were "property" that was "protected" by the Constitution. Naturally, and justifiably from a moral standpoint, the decision provoked hostile reaction against the Court, and the justices who ruled against Scott clearly were "activist heavy". In reference to the Dred Scott decision, the abolitionist William Garrison was justified in his statement that the Constitution was a "a covenant with death, and an agreement with hell." The case *Roe v. Wade* is also discussed at length in this book, as expected. It will be interesting to see whether this case is overturned in the near future. If it is it might be because of a

kind of 'legal fatigue' that seems to be setting in dialog about the case. The arguments both for and against *Roe v. Wade* are repeated over and over again and have become almost platitudes. Rather than being a complicated Constitutional issue, it seems that the legal reasoning surrounding *Roe v. Wade* has become desiccated and has exhausted itself, offering no further insights or justifications for privacy.

Seems comprehensive, haven't read it yet as it is about 3+ inches thick

For a good look at the Supreme Court, its beginnings, its members from the start, and an alphabetical array of all of its decisions from day one, besides a dictionary-like definition of legal terms commonly used, this weighty (in every sense of the word) reference is hard to beat, for the everyday person with interest and the diligent law student.

I bought this as a reference work, but I have found that it is a good read, also. Discussions of cases go into the details of what the issues of each case were, what the decision of the majority and minority of the court was, and the reasoning behind the decision. It also gives a clear understanding of the place of the Supreme Court in American government and life. This is a must for those who wish to understand the Supreme Court and how it came to be what it is now.

This is the best resource short of a law library.

this is an awesome buy and everyone should get it. This is a must buy! Very good quality and everyone should get it

I have used this and the previous edition to teach Civil Liberties & Civil Rights since the publication of the first edition. The book is essential for pivotal information pertaining to the hundreds of cases highlighted in the various areas of the law. Any student with an interest in the law, simple history of the Supreme Court, or anyone who wants to attain a better understanding in the historical events surrounding a particular case, this book is a wonderful review. Both editions are simply wonderful, and anyone who teaches government/history at the college level should have this in their personal library! I am eagerly awaiting the publication of the third edition.

This volume was published in 1991 and has since been re-edited to inform readers of more current

opinions and changes. The Chief Editor Kermit Hall and Associate Editors James W. Ely, Jr., Joel B. Grossman, and Wimmiam M. Wiecek did a good job of organizing the materials and essays in this book. The cases and events re the history of the U.S. Supreme Court are arranged alphabetically. The editors did a good job of organizing the cases and giving the historical/legal background of each case. One current complaint re the U.S. Supreme Court Justices is that they have been too active. The editors were clear that the members of the U.S. Supreme Court were just as active if not more so in early U.S. National History. The first well known case titled MARBURY VS. MADISON (1803) was historically interesting. John Marshall and his Associate Justices knew they did not have the "clout" to uphold the "Midnight" Appointments made by John Adams (1735-1826) who was the U.S. President from 1797-1801. When these appointments were refused by President Jefferson, the case was appealed to the U.S. Supreme Court. What the Surpreme Court Justices did was declare that part of the Judiciary Act of 1789 under which the Midnight Appointments were made was unconstitutional. The Supreme Court Justices removed themselves from a weak position and set a legal precedent for Judicial Review which was part of the English Constitutional system for centuries. The editors included cases that were heard during the 1820s upholding the Contracts Clause of the U.S. Constitution (Article I, Section 10, Paragraph 1). This decision involved Dartmouth College and was decided in 1819. These cases which were decided in early National U.S. History set the precedent and example for cases decided in Post Bellum U.S. History. The Post W.W. I cases were interesting and demonstrated an active U.S. Supreme Court. Many stupid state laws that were enacted by state legislatures. For example, the case titled MEYER V. NEBRASKA (1923) overturned a stupid Nebraska law that forbade the teaching of foreign languages prior to the 8th. grade and German to anyone under 18. The short presentation in this book explained the Supreme Court's reasoning re privacy and useful knowledge. Another interesting case involving freedom of religion and expression was titled PIERCE VS THE SOCIETY OF SISTERS. The Oregon state legislature, influecned by Ku Klux Klan and anti-Catholic groups passed another stupid law outlawing Catholic schools. The nuns prevailed in the Oregon Appeals Courts and eventually in the U.S. Supreme Court by a 9-0 ruling. This ruling, which the book's editors noted, was important involving other religious groups such as the Mennonites. A case that should get more attention was titled GITLOW VS. NEW YORK (1925). This is a "landmark" case. Benjamin Gitlow was convicted in the state of New York in 1923 for writing and publishing "Communist and Syndicalist" books and pamphlets which New York state law had criminalized. While Gitlow lost his appeal by a 7-2 decision, the civil libertarians won the war. Chief Justice Sanford agreed with Gitlow that his First Amendment Rights were protected from infringement by the states via the first

paragraph of the Fourteenth Amendment (1868). While Chief Justice Sanford upheld Gitlow's conviction, he did agree that the Fourteenth Amendment protected individual liberty via the Fourteenth Amendment which was the first time the U.S. Supreme Court Justices incorporated the Bill of Rights to the states via the Fourteenth Amendment. This meant that oppressive state laws could be more easily challenged. As an aside, Justice Holmes made a terse remark in dissent when he challenged the comment that Gitlow's books were an incitement to action. Holmes retorted that every idea is an incitement to action. Readers should note that Gitlow DID NOT preach nor incite violence in his work. This reviewer was intrigued by a 1956 case titled PENNSYLVANIA VS. NELSON. Nelson was convicted under a stupid Pennsylvania law that targeted him because he was a member of the Communist Party. The Pennsylvania Supreme Justices and the U.S. Supreme Court Justices overturned his conviction. The undersigned lived in Pennsylvania at the time and remembers the anti-communist hysteria that prevailed among some self imposed professional anti-communists and their blind followers. College presidents and teachers were communists for simply insisting on First Amendment Rights. The editors did a good job re another case about privacy in a case titled GRISWOLD V. CONNECTICUT (1965). The case was decided by a 7-2 decision whereby a Connecticut law passed in 1879 outlawing medical advice, medicine, devices, etc. that prevented contraception. The decision focused on Fourth Amendment Rights protecting U.S. citizens from unreasonable search and seizure. However, Justice Goldberg further ruled that Ninth Amendment Rights were an issue because a married couple's decision about having children is an unenumerated right. The editors' explanation of this case was clear. The editors also had clear explanations of criminal defendants' Miranda Rights. The fact that poor defendants who are not aware of their rights can be pressured into confessing to crimes they did not commit was taken into account. Legal representation for those who cannot afford it can give those who with low or no income some chance of defending themselves in criminal cases. The editors explained the background to case title GIDEON VS WAINWRIGHT (1963) whereby the defendant was eventually acquitted of a false charge. The case titled MIRANDA VS ARIZONA (1966) was covered very well in this book. The editors did a good job in providing readers with short biographical material on the Justices of the Supreme Court. There is a case and topic index for quick reference. As one reviewer noted, this book is a good source to get an accurate view of Supreme Court decisions regardless of legal background. This book is a good companion to a casebook re Constitutional Law. James E. Egolf August 16, 2009

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