



The Supreme Court and McCarthy-Era Repression

One Hundred Decisions

ROBERT M. LICHTMAN



The Supreme Court And Mccarthy Era Repression One Hundred Decisions

Paul Zwier



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The Supreme Court and McCarthy-Era Repression Robert M. Lichtman, 2012-07-31 In Fred Vinson's term as chief justice 1946-53 the court largely rubber stamped government action against accused Communists and subversives After Earl Warren replaced Vinson as chief justice in 1953 however the Court began to rule against the government in Communist cases choosing the narrowest of grounds but nonetheless outraging public opinion and provoking fierce attacks from the press and Congress Legislation to curb the Court flooded Congress and seemed certain to be enacted The Court's situation was aggravated by its 1954 school desegregation decision *Brown v Board of Education* which led to an anti Court alliance between southern Democrats and anti Communists in both parties Although Lyndon Johnson's remarkable talents as Senate majority leader saved the Court from highly punitive legislation the attacks caused the Court to retreat with Felix Frankfurter leading a five justice majority that decided major constitutional issues for the government and effectively nullified earlier decisions Only after August 1962 when Frankfurter retired and was replaced by Arthur Goldberg did the Court again begin to vindicate individual rights in Communist cases its McCarthy era was over Provided by publisher

The Supreme Court and McCarthy-Era Repression Robert M. Lichtman, 2012-08-15 In this volume attorney Robert M Lichtman provides a comprehensive history of the U S Supreme Court's decisions in Communist cases during the McCarthy era Lichtman shows the Court's vulnerability to public criticism and attacks by the elected branches during periods of political repression The book describes every Communist related decision of the era none is omitted placing them in the context of political events and revealing the range and intrusiveness of McCarthy era repression In Fred Vinson's term as chief justice 1946-53 the Court largely rubber stamped government action against accused Communists and subversives After Earl Warren replaced Vinson as chief justice in 1953 however the Court began to rule against the government in Communist cases choosing the narrowest of grounds but nonetheless outraging public opinion and provoking fierce attacks from the press and Congress Legislation to curb the Court flooded Congress and seemed certain to be enacted The Court's situation was aggravated by its 1954 school desegregation decision *Brown v Board of Education* which led to an anti Court alliance between southern Democrats and anti Communists in both parties Although Lyndon Johnson's remarkable talents as Senate majority leader saved the Court from highly punitive legislation the attacks caused the Court to retreat with Felix Frankfurter leading a five justice majority that decided major constitutional issues for the government and effectively nullified earlier decisions Only after August 1962 when Frankfurter retired and was replaced by Arthur Goldberg did the Court again begin to vindicate individual rights in Communist cases its McCarthy era was over Demonstrating keen insight into the Supreme Court's inner workings and making extensive use of the justices papers Lichtman examines the dynamics of the Court's changes in direction and the relationships and rivalries among its justices including such towering figures as Hugo Black Felix Frankfurter Earl Warren William O Douglas and William J Brennan Jr *The Supreme Court and McCarthy Era Repression One*

Hundred Decisions tells the entire story of the Supreme Court during this unfortunate period of twentieth century American history

Harvard Law Review Harvard Law Review, 2012-11-08 The Harvard Law Review is offered in a digital edition for ereaders featuring active Contents linked footnotes legible tables and proper ebook formatting This current issue of the Review is November 2012 the first issue of academic year 2012 2013 Volume 126 The November issue is the special annual review of the Supreme Court's previous term Each year the issue is introduced by noteworthy and extensive articles from recognized scholars In this issue the Foreword is authored by Pamela Karlan on democracy and disdain Extensive Comments by Gillian Metzger and Martha Minow explore the Supreme Court's decision on the Affordable Health Care Act and Chief Justice Roberts's reasoning while Stephanos Bibas discusses the gray market of plea bargaining and the potential involvement of neutral judges in the process In addition the first issue of each new volume provides an extensive summary of the important cases of the previous Supreme Court docket covering a wide range of legal political and constitutional subjects

Critical Race Theory and the Struggle at the Heart of Legal Education Paul Zwier, 2023-09-21 This book is an examination of the reception of critical race theory CRT in America's legal education system Critical race theory has been roiling legal education since the aftermath of Obama's presidency The killings of unarmed Black people fueled Black Lives Matter BLM protests in law schools which created a sense of urgency behind the plea for the law to do more to stop the killings of unarmed Black people Some BLM led protests called for faculty and administrators to be fired if they didn't act There has been an upsurge of states legislating against the teaching of CRT and law schools are struggling to respond How should legal education view CRT What are the neutral unifying values in the law that offer hope in the fight to alleviate the wave of racism that seems to continually batter law schools and society as a whole This book looks for answers and encourages the recommitment to the foundationalist beliefs of free speech equality and the due process of law

Critical Race Theory and the American Justice System Paul Zwier, 2023-02-27 When a trial lawyer stands before a jury to argue a case about a Black victim killed by a white person how should the lawyer best argue the case Critical race theorists CRTs are pessimistic that a white jury can set aside its own racism in judging the Black victim's actions and are skeptical of a jury's ability to fairly judge a white actor's motives Before the George Floyd and Ahmaud Arbery killings there was strong evidence The Innocence Project that the CRTs were right After all the prosecutors in the Ahmaud Arbery case were so convinced that a white jury in a Georgia county would not convict white vigilantes that they initially didn't even charge the killers with a crime However then back to back in both cases prosecutors prosecuted and the jury returned guilty verdicts They convicted Derrick Chauvin of murder They convicted Travis and Gregory McMichael and Roddie William Bryant of murder This book examines the how and why of these verdicts and asks whether they hold lessons vital to withstanding CRT challenges to the American justice system

Pushback Dave Bridge, 2024-03-22 In this interdisciplinary book in an interdisciplinary series Dave Bridge crosses methodological boundaries to offer readers insights on the political push back that historically follows Supreme Court rulings

with which most Americans disagree After developing a framework for identifying the Court's rare countermajoritarian decisions Bridge shows how those decisions that liberals backed in the 1950s through the 1970s consistently upset conservative factions in the Democratic Party which always managed to weather the storms that is until *Roe v Wade* in 1973 In Pushback Bridge offers compelling hypotheses about how the two major parties can use unpopular Supreme Court rulings to shift the political momentum and win elections He then puts those hypotheses to the test analyzing the political fallout of recent rulings on controversial issues such as Obamacare same sex marriage and religious liberty Certain to appeal to anyone interested in American political science and history Pushback closes with a detailed examination of the unequivocally countermajoritarian Supreme Court ruling of our lifetimes *Dobbs v Jackson Women's Health Organization* which overturned *Roe* For the first time in 50 years conditions are ripe for a party to win votes by campaigning against the will of the Court Upcoming elections will tell if the Republicans overplayed their hand or if Democrats will play theirs as skillfully as did the GOP after *Roe*

The 1950s James S. Olson, Mariah Gumpert, 2018-10-01 This volume serves as an invaluable guide to key political social and cultural concepts of the 1950s This volume covers the entire decade of the 1950s from the uneasy peace following World War II to the beginnings of cultural discontent that would explode in the 1960s It highlights key historical social and cultural elements of the period including the Cold War and perceived communist threat the birth of the middle class and establishment of consumer culture the emergence of the civil rights movement and the normalization of youth rebellion and rock and roll An introduction presents the historical themes of the period and an alphabetical encyclopedic entries relating to period specific themes comprises the core reference material in the book The book also contains a range of primary documents with introductions and a sample Documents Based Essay Question Other features are a list of Top Tips for answering Documents Based Essay Questions a thematically tagged chronology and a list of specific learning objectives readers can use to gauge their working knowledge and understanding of the period

The Liberal Consensus Reconsidered Robert Mason, Iwan Morgan, 2019-10-14 Here leading scholars including Hodgson himself confront the longstanding theory that a liberal consensus shaped the United States after World War II The essays draw on fresh research to examine how the consensus related to key policy areas how it was viewed by different factions and groups what its limitations were and why it fell apart in the late 1960s

From Parchment to Dust Louis Michael Seidman, 2021-11-02 The prominent constitutional law scholar's fascinating and yes mind boggling argument that we don't need the Constitution after all For some to oppose the Constitution is to oppose the American experiment itself But leading constitutional scholar Louis Michael Seidman argues that our founding document has long passed its sell by date It might sound crazy but Seidman's arguments are both powerful and well convincing As Seidman shows constitutional skepticism and disobedience have been present from the beginning of American history even worming their way into the *Federalist Papers* And as Seidman also points out no one alive today has agreed to be bound by these rules In *From Parchment to Dust* Seidman offers a brief history

of the phenomenon of constitutional skepticism and then proceeds to a masterful takedown of our most cherished constitutionally enshrined institutions and beliefs from the Supreme Court an arrogant elite in robes to the very concepts of civil rights due process and equal protection all of which he argues are just pretenses for preserving a fundamentally rigged and inequitable status quo Rather than rely on the specific wording of a flawed and outdated document rife with Madison s mistakes Seidman proposes instead a version that better reflects our shared values and leaves it to people currently alive to determine how these values will play out in contemporary society From Parchment to Dust is a short sharp and iconoclastic book questioning the value and ultimately the hypocrisy of embracing the Constitution which after all was written more than 230 years ago as our moral and political lodestar G-Man (Pulitzer Prize Winner) Beverly Gage, 2022-11-22 Winner of the 2023 Pulitzer Prize in Biography Winner of the 2022 National Book Critics Circle Award in Biography the 2023 Bancroft Prize in American History and Diplomacy and the 43rd LA Times Book Prize in Biography Finalist for the 2023 PEN Jacqueline Bograd Weld Award for Biography Named a Best Book of 2022 by The Atlantic The Washington Post and Smithsonian Magazine and a New York Times Top 100 Notable Books of 2022 Masterful This book is an enduring formidable accomplishment a monument to the power of biography that now becomes the definitive work The Washington Post A nuanced portrait in a league with the best of Ron Chernow and David McCullough The Wall Street Journal A major new biography of J Edgar Hoover that draws from never before seen sources to create a groundbreaking portrait of a colossus who dominated half a century of American history and planted the seeds for much of today s conservative political landscape We remember him as a bulldog squat frame bulging wide set eyes fearsome jowls but in 1924 when he became director of the FBI he had been the trim dazzling wunderkind of the administrative state buzzing with energy and big ideas for reform He transformed a failing law enforcement backwater riddled with scandal into a modern machine He believed in the power of the federal government to do great things for the nation and its citizens He also believed that certain people many of them communists or racial minorities or both did not deserve to be included in that American project Hoover rose to power and then stayed there decade after decade using the tools of state to create a personal fiefdom unrivaled in U S history Beverly Gage s monumental work explores the full sweep of Hoover s life and career from his birth in 1895 to a modest Washington civil service family through his death in 1972 In her nuanced and definitive portrait Gage shows how Hoover was more than a one dimensional tyrant and schemer who strong armed the rest of the country into submission As FBI director from 1924 through his death in 1972 he was a confidant counselor and adversary to eight U S presidents four Republicans and four Democrats Franklin Roosevelt and Lyndon Johnson did the most to empower him yet his closest friend among the eight was fellow anticommunist warrior Richard Nixon Hoover was not above blackmail and intimidation but he also embodied conservative values ranging from anticommunism to white supremacy to a crusading and politicized interpretation of Christianity This garnered him the admiration of millions of Americans He stayed in office for so long because many people

from the highest reaches of government down to the grassroots wanted him there and supported what he was doing thus creating the template that the political right has followed to transform its party G Man places Hoover back where he once stood in American political history not at the fringes but at the center and uses his story to explain the trajectories of governance policing race ideology political culture and federal power as they evolved over the course of the 20th century

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