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THE SUPREME COURT
IN AMERICAN POLITICS

DAVID M. O'BRIEN

SEVENTH EDITION

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David M. O'Brien



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Storm Center David M. O'Brien, 2003 Previous editions published 5th 2000 and 1st 1986 The American Supreme Court Robert G. McCloskey, 2016-05-02 The sixth edition of the classic and concise account of the US Supreme Court its history and its place in American politics For more than fifty years Robert G McCloskey s classic work on the Supreme Court s role in constructing the US Constitution has introduced generations of students to the workings of our nation s highest court As in prior editions McCloskey s original text remains unchanged In his historical interpretation he argues that the strength of the Court has always been its sensitivity to the changing political scene as well as its reluctance to stray too far from the main currents of public sentiment In this new edition Sanford Levinson extends McCloskey s magisterial treatment to address developments since the 2010 election including the Supreme Court s decisions regarding the Defense of Marriage Act the Affordable Care Act and gay marriage The best and most concise account of the Supreme Court and its place in American politics McCloskey s wonderfully readable book is an essential guide to the past present and future prospects of this institution Praise for The American Supreme Court The classic account of the American Supreme Court by the mid twentieth century s most astute student of American constitutionalism updated by the early twenty first century s most astute student of American constitutionalism This is the first work constitutional beginners should and constitutional scholars do turn to Mark Graber University of Maryland School of Law Essential This fifth edition carries on the tradition of earlier iterations keeping McCloskey s keen insights analytical framework and normative instincts intact Levinson supplements the original argument with chapters that draw on his remarkable intellectual range and invite readers to continue asking the still salient questions McCloskey set forth a half century earlier Choice on the fifth edition The US Supreme Court and the Centralization of Federal Authority Michael A. Dichio, 2018-11-01 Traces the US Supreme Court s effect on federal government growth from the founding era forward This book explores the US Supreme Court s impact on the constitutional development of the federal government from the founding era forward The author s research is based on an original database of several hundred landmark decisions compiled from constitutional law casebooks and treatises published between 1822 and 2010 By rigorously and systematically interpreting these decisions he determines the extent to which the court advanced and consolidated national governing authority The result is a portrait of how the high court regardless of constitutional issue and ideology persistently expanded the reach and scope of the federal government Dichio takes a fairly unique approach to thinking about the relationship between the US Supreme Court and the development of the American state Scholars interested in American political development and historical work on the law and the courts should grapple with the evidence on offer here Keith E Whittington coauthor of American Constitutionalism Second Edition *Supreme Court Decision-Making* Cornell W. Clayton, Howard Gillman, 1999 What influences decisions of the U S Supreme Court For decades social scientists focused on the ideology of individual justices Supreme Court Decision Making moves beyond this focus by

exploring how justices are influenced by the distinctive features of courts as institutions and their place in the political system Drawing on interpretive historical institutionalism as well as rational choice theory a group of leading scholars consider such factors as the influence of jurisprudence the unique characteristics of supreme courts the dynamics of coalition building and the effects of social movements The volume s distinguished contributors and broad range make it essential reading for those interested either in the Supreme Court or the nature of institutional politics Original essays contributed by Lawrence Baum Paul Brace Elizabeth Bussiere Cornell Clayton Sue Davis Charles Epp Lee Epstein Howard Gillman Melinda Gann Hall Ronald Kahn Jack Knight Forrest Maltzman David O Brien Jeffrey Segal Charles Sheldon James Spriggs II and Paul Wahlbeck

Public Reaction to Supreme Court Decisions Valerie J. Hoekstra, 2003-09-01 In The Supreme Court and Local Public Opinion Valerie Hoekstra looks at reactions to Supreme Court decisions in the local communities where the controversies began She finds considerable media coverage of these cases and a highly informed local populace While the rulings did not have a significant impact on how citizens felt about the issues in these cases the rulings did have an important effect on how citizens felt about the Court The evidence Hoekstra uses comes from a series of two wave panel studies conducted prior to and following the Supreme Court s decisions This book provides important insights into how the public learns about Supreme Court decisions and how support for the Court is incrementally gained and lost as it announces its decisions

May It Please the Court Brian L. Porto, 2008-10-17 Despite their clarity and sophistication most judicial process texts currently available have two significant limitations First they understate the effects of legal factors such as stare decisis on judicial decision making and second they fail to convey the human emotions involved in litigation Reflecting the author s experience as a political scientist law student judicial clerk practicing attorney and law professor May It Please the Court Judicial Processes and Politics in America Second Edition redresses this imbalance by giving well deserved attention to legal influences on judicial decisions and to the human drama of litigation Each chapter reflects the book s premise that the judicial process operates at the intersection of law and politics and this theme guides the discussions The coverage in the book is far reaching exploring numerous topics including the structure of federal and state courts the selection and removal of judges and the legal profession s history and culture It discusses two hypothetical cases outlining their trial and appellate proceedings It also presents an engaging debate about the legitimacy and the utility of judicial policy making New to this edition Expanded appendices including a discussion of computerized legal research New illustrative cases documents and web references All chapters updated to reflect changes since the first publication in 2001 The final chapter summarizes the theme of the book noting that courts not only enforce norms and resolve disputes but also as a coequal branch of government shape the fundamental power relationships that drive American politics The chapter ends by observing that the judicial process offers a window on the entire American political system This book clarifies the view from that window

The Supreme Court Helena Silverstein, 2021-03-29 This accessible guide to the U S Supreme Court explains

the Court's history and authority its structure and processes its most important and enduring legal decisions and its place in the U.S. political system A 2018 Pew Research Center poll found that while 78 percent of Democrats and Democratic leaning independents believed that the Supreme Court should base its decisions on the modern meaning of the Constitution 67 percent of Republicans and Republican leaning independents asserted that Justices should rely on the Constitution's original meaning The Court often is the final arbiter of polarizing battles that originate in other branches of government At the same time however its structural insulation from Congress the Presidency and electoral politics make the Supreme Court at least in theory well positioned to rise above the rough and tumble of politics This book examines the power of the Supreme Court in America's system of democratic governance in several ways These include reviewing debates over whether justices should interpret the Constitution in line with its original meaning or in accordance with present day understandings exploring the processes and factors that shape how cases are chosen and decided considering contentious battles over the selection of justices and examining the impact of the Court on American culture and society

The Federalist Papers and Institutional Power In American Political Development D. Wirls, 2015-04-08 This book reconnects The Federalist Papers to the study of American politics and political development arguing that the papers contain previously unrecognized theory of institutional power a theory that enlarges and refines the contribution of the papers to political theory but also reconnects the papers to the study of American politics

Political Control of America's Courts Helena Silverstein, 2023-01-18 This volume explores the many ways in which politics shapes the allegedly nonpartisan judicial system in America ranging from how judges are selected to the bench to how they rule when they get there Each title in the Contemporary Debates series examines the veracity of controversial claims or beliefs surrounding a major political cultural issue in the United States Each book gives readers a clear and unbiased understanding of current high interest issues by informing them about falsehoods half truths and misconceptions and confirming the factual validity of other assertions that have gained traction in America's cultural and political discourse This volume in the series provides a deeply researched and even handed account of the relationship between America's judicial branch which is supposed to view law through a nonpartisan lens and the sometimes poisonous partisanship that is such a notorious factor in the nation's other two branches of government Is political combat over judicial nominations worse than ever before What impact is the politicization of the courts having on public faith in the legitimacy of the courts and our wider political system Was former Supreme Court justice Sandra Day O'Connor right when she asserted that judicial independence is a bedrock principle of our court system and we are losing it This work will provide insights into all these questions and more

Supreme Court Confirmation Hearings and Constitutional Change Paul M. Collins, Lori A. Ringhand, 2013-06-24 This book demonstrates that the hearings to confirm Supreme Court nominees are in fact a democratic forum for the discussion and ratification of constitutional change

The Rehnquist Court and Criminal Justice Christopher E. Smith, Christina DeJong, Michael McCall, 2011-11-16 This book examines the criminal justice decisions

of the Rehnquist Court era through analyses of individual justices contributions to the development of law and policy The Rehnquist Court era 1986 2005 produced a period of opportunity for the U S Supreme Court s judicial conservatives to reshape constitutional law concerning rights in the criminal justice process It was an era in which the Court produced many hotly debated decisions concerning such issues as capital punishment search and seizure police interrogations and prisoners rights The Court s most conservative justice William H Rehnquist ascended to the key leadership position of Chief Justice and he was joined on the Court by two new appointees Antonin Scalia and Clarence Thomas who were equally supportive of both greater authority for police and limited definitions of constitutional rights for suspects defendants and criminal offenders The Rehnquist Court era decisions refined and narrowed many of the rights expanding decisions of the Warren Court era 1953 1969 However the Supreme Court did not ultimately eliminate the Warren era s foundational rights concepts in criminal justice such as the exclusionary rule and Miranda warnings As the leading liberal voices of the Warren era William Brennan and Thurgood Marshall retired early in the Rehnquist era the Court experienced continued advocacy of broad conceptions for many rights through the increased assertiveness of Republican appointees Harry Blackmun John Paul Stevens and David Souter as well as the arrival of new Democratic appointees Ruth Bader Ginsburg and Stephen Breyer In many important cases the justices advocating the preservation of constitutional protections could prevail even on a generally conservative Court by persuading one or more of President Ronald Reagan s appointees to support a particular right for suspects and defendants Sandra Day O Connor and Anthony Kennedy in particular shaped outcomes within a divided Court as they determined which of the Court s wings with which they would align in a particular case The contributors to this volume identify and highlight the unique perspectives and influential decisions of individual justices as the means for understanding the Rehnquist Court s imprint on criminal justice

Liberty and Union Edgar McManus, Tara Helfman, 2013-12-04 This the first of two volumes of *Liberty and Union* is a comprehensive constitutional history of the United States from the Anglo American origins of the Constitution through the colonial and antebellum periods to the Civil War and the consequent restructuring of the nation Written in a clear and engaging narrative style it successfully unites thorough chronological coverage with a thematic approach offering critical analysis of core constitutional history topics set in the political social and economic context that made them constitutional issues in the first place Combining a thoughtful and balanced narrative with an authoritative stance on key issues the authors explain the past in the light of the past without imposing upon it the standards of later generations Authored by two experienced professors of History and Law this textbook has been thoughtfully constructed to offer an accessible alternative to dense scholarly works avoiding unnecessary technical jargon defining legal terms and historical personalities where appropriate and making explicit connections between constitutional themes and historical events For students in an undergraduate or postgraduate constitutional history course or anyone with a general interest in constitutional developments this book will be essential reading Useful features include Full glossary of

legal terminology Recommended reading A table of cases Extensive supporting artwork Companion website Useful documents provided Declaration of Independence Articles of Confederation Constitution of the United States of America Chronological list of Supreme Court justices

American Constitutional History: A Brief Introduction Jack Fruchtmann, 2016-03-21 American Constitutional History presents a concise introduction to the constitutional developments that have taken place over the past 225 years treating trends from history law and political science Presents readers with a brief and accessible introduction to more than two centuries of U S constitutional history Explores constitutional history chronologically breaking U S history into five distinct periods Reveals the full sweep of constitutional changes through a focus on issues relating to economic developments civil rights and civil liberties and executive power Reflects the evolution of constitutional changes all the way up to the conclusion of the June 2015 Supreme Court term

The Taft Court: Volume 10 Robert C. Post, 2023-11-09 The Taft Court offers the definitive history of the Supreme Court from 1921 to 1930 when William Howard Taft was Chief Justice Using untapped archival material Robert C Post engagingly recounts the ambivalent effort to create a modern American administrative state out of the institutional innovations of World War I He shows how the Court sought to establish authoritative forms of constitutional interpretation despite the culture wars that enveloped prohibition and pervasive labor unrest He explores in great detail how constitutional law responds to altered circumstances The work provides comprehensive portraits of seminal figures such as Oliver Wendell Holmes Jr and Louis Brandeis It describes William Howard Taft s many judicial reforms and his profound alteration of the role of Chief Justice A critical and timely contribution The Taft Court sheds light on jurisprudential debates that are just as relevant today as they were a century ago

The Supreme Court Compendium Lee Epstein, Jeffrey A. Segal, Harold J. Spaeth, Thomas G. Walker, 2015-07-29 The Supreme Court Compendium provides historical and statistical information on the Supreme Court its institutional development caseload decision trends the background nomination and voting behavior of its justices its relationship with public governmental and other judicial bodies and its impact With over 180 tables and figures this new edition is intended to capture the full retrospective picture through the 2013 2014 term of the Roberts Court and the momentous decisions handed down within the last four years including *United States v Windsor* *National Federation of Independent Business v Sebelius* and *Shelby County v Holder*

American Constitutional History Jack Fruchtmann, 2022-03-09 Reveals how the Constitution has evolved over the past 235 years featuring updated coverage of the 2020 presidential election and constitutional changes made by the Supreme Court up to June 2021 American Constitutional History A Brief Introduction Second Edition presents a concise and accessible history of the 235 year development of the Constitution since its ratification The book is organized around five distinct periods in U S history the New Republic the Slave Republic the Free Market Republic the Social Welfare Republic and the Contemporary Republic to demonstrate the evolution of the American republic and its founding document over time With an engaging narrative approach author Jack

Fruchtman describes how constitutional changes have occurred through both formal amendments and informal decisions by the president Congress and the Supreme Court Updated to cover the period from 2015 to 2021 the second edition examines the controversial presidential election of 2020 in which Donald Trump despite losing the electoral and popular vote claimed victory and espoused charges of widespread election fraud New coverage of the addition of Neil Gorsuch Brett Kavanaugh and Amy Coney Barrett to the Supreme Court is complemented by discussion of important decisions made after 2015 including affirming same sex marriage a woman s right to abortion under certain circumstances the right to own and carry a firearm and the central place of religious liberty in American society This book also Highlights the Constitution s evolution through government regulation of the economy individual and civil rights and executive power Reflects the evolution of constitutional changes made by the Supreme Court up to June 2021 Discusses topics such as the ideological origins of the U S Constitution the Civil War and Reconstruction the civil rights movement and growth of executive power Includes chapter overviews summaries and descriptions of formal constitutional amendments ratified by the states American Constitutional History A Brief Introduction Second Edition is an excellent introductory textbook for upper level undergraduate and graduate courses in American history and political science and a must read for general readers seeking insights into the origins and evolution of the U S Constitution *The Judicial Process* Christopher P. Banks, David M. O'Brien, 2015-02-19 The Judicial Process Law Courts and Judicial Politics is an all new concise yet comprehensive core text that introduces students to the nature and significance of the judicial process in the United States and across the globe It is social scientific in its approach situating the role of the courts and their impact on public policy within a strong foundation in legal theory or political jurisprudence as well as legal scholarship Authors Christopher P Banks and David M O'Brien do not shy away from the politics of the judicial process and offer unique insight into cutting edge and highly relevant issues In its distinctive boxes Contemporary Controversies over Courts and In Comparative Perspective the text examines topics such as the dispute pyramid the law and morality of same sex marriages the hardball politics of judicial selection plea bargaining trends the right to counsel and pay as you go justice judicial decisions limiting the availability of class actions constitutional courts in Europe the judicial role in creating major social change and the role lawyers juries and alternative dispute resolution techniques play in the U S and throughout the world Photos cartoons charts and graphs are used throughout the text to facilitate student learning and highlight key aspects of the judicial process **American Government** Cal Jillson, 2007-07-30 In this introductory American politics text Cal Jillson provides not only a sense of how politics works today but also how institutions systems political participation and policies have developed over time to produce today s political environment in the United States This historical context provides the necessary backdrop for students to understand why things work the way they do now Going one step further the book identifies critical reforms and how American democracy might work better In a streamlined presentation Jillson delivers a concise and engaging narrative to help students understand the complexities and

importance of American politics Key features The 4th edition is thoroughly updated including full analysis of the 2006 mid term elections and shift in partisan control of Congress Chapter opening Focus Questions illustrative figures and charts Let s Compare and Pro key terms time lines and end of chapter suggested readings and web resources Companion website for students <http://americangovernment.routledge.com> features chapter summaries focus questions practice quizzes glossary flashcards participation activities and links Instructor s resources on the web and on CD ROM including Testbank Instructor s Manual figures and tables from the text and lecture outlines

The Logic of American Politics Samuel Kernell, Gary C. Jacobson, Thad Kousser, Lynn Vavreck, Timothy R. Johnson, 2021-01-20 Why does the American political system work the way it does Find the answers in The Logic of American Politics This bestselling text arms students with a toolkit of institutional design concepts command veto agenda control voting rules and delegation to help them comprehend how the American political system was designed and why it works the way it does The authors build students critical thinking through a simple yet powerful idea politics is about solving collective action problems This thoroughly updated Tenth Edition considers the most recent events and data including rising political polarization the country s reaction to changing demographics and Americans growing emotional involvement in politics With a fresh analysis of the 2020 election results this bestseller provides students the tools they need to make sense of the government they have Digital Option Courseware SAGE Vantage is an intuitive digital platform that delivers this text s content and course materials in a learning experience that offers auto graded assignments and interactive multimedia tools all carefully designed to ignite student engagement and drive critical thinking Built with you and your students in mind it offers si Assignable Video with Assessment Assignable video available with SAGE Vantage is tied to learning objectives and curated exclusively for this text to bring concepts to life LMS Cartridge formerly known as SAGE Coursepacks Import this title s instructor resources into your school s learning management system LMS and save time Don t use an LMS You can still access all of the same online resources for this title via the password protected Instructor Resource Site CQ Press Lecture Spark Designed to save you time and ignite student engagement these free weekly lecture launchers focus on current event topics tied to key concepts in American Government

American Constitutional Law Alpheus Thomas Mason, Grier Stephenson, 2015-08-07 This classic collection of carefully selected and edited Supreme Court case excerpts and comprehensive background essays explores constitutional law and the role of the Supreme Court in its development and interpretation Well grounded in both theory and politics it endeavors to heighten students understanding of and interest in these critical areas of our governmental system

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