

The Due Process Revolution

**The Warren Court's Impact
on Criminal Law**

Fred P. Graham

Formerly ... The Self-Inflicted Wound

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The Due Process Revolution The Warren Courts Impact On Criminal Law

Richard Pacelle



The Due Process Revolution The Warren Courts Impact On Criminal Law:

The Due Process Revolution Fred P. Graham, 1970 *The Warren Court* Melvin I. Urofsky, 2001-03-06 A survey and analysis of the historical context key figures and lasting legacy of the Warren Court Earl Warren served as chief justice of the U S Supreme Court from 1953 until the end of the tumultuous 1960s This book shows why conservative critics still view this court as out of control and leftist while its liberal fans still cheer what they view as the court s progressive activism Among this court s contributions to American life are the rights accorded to the accused in *Miranda v Arizona* the limits it placed on school prayer and the abolition of school segregation in *Brown v Board of Education* To understand such basic American principles as equal protection freedom of speech freedom of the press freedom of religion separation of church and state the rights of the accused and the right to privacy every citizen should understand the Warren Court *The Greatest Criminal Cases* J. Michael Martinez, 2014-03-28 This fascinating book recounts the compelling stories behind 14 of the most important criminal procedure cases in American legal history Many constitutional protections that Americans take for granted today the right to exclude illegally obtained evidence the right to government financed counsel and the right to remain silent among others were not part of the original Bill of Rights but were the result of criminal trials and judicial interpretations The untold stories behind these cases reveal circumstances far more interesting than any legal dossier can evoke Author J Michael Martinez provides a brief introduction to the drama and intrigue behind 14 leading court cases in American law This engaging text presents a short summary of high profile legal proceedings from the late 19th century through recent times and includes key landmark cases in which the court established the parameters of probable cause for searches the features of due process and the legality of electronic surveillance The work offers concise explanations and analysis of the facts as well as the lasting significance of the cases to criminal procedure **The Supreme Court in a Separation of Powers**

System Richard Pacelle, 2015-01-09 The U S Supreme Court is not a unitary actor and it does not function in a vacuum It is part of an integrated political system in which its decisions and doctrine must be viewed in a broader context In some areas the Court is the lead policy maker In other areas the Court fills in the gaps of policy created in the legislative and executive branches In either instance the Supreme Court s work is influenced by and in turn influences all three branches of the federal government as well as the interests and opinions of the American people Pacelle analyzes the Court s interaction in the separation of powers system detailing its relationship to the presidency Congress the bureaucracy public opinion interest groups and the vast system of lower courts The niche the Court occupies and the role it plays in American government reflect aspects of both the legal and political models The Court has legal duties and obligations as well as some freedom to exercise its collective political will Too often those studying the Court have examined it in isolation but this book urges scholars and students alike to think more broadly and situate the highest court as the balance wheel in the American system

Document Retrieval Index , 1974 **Keeping the Compound Republic** Martha Derthick, 2004-06-23 The framers of the

U S Constitution focused intently on the difficulties of achieving a workable middle ground between national and local authority They located that middle ground in a new form of federalism that James Madison called the compound republic The term conveys the complicated and ambiguous intent of the framing generation and helps to make comprehensible what otherwise is bewildering to the modern citizenry a form of government that divides and disperses official power between majorities of two different kinds one composed of individual voters and the other of the distinct political societies we call states America s federalism is the subject of this collection of essays by Martha Derthick a leading scholar of American government She explores the nature of the compound republic with attention both to its enduring features and to the changes wrought in the twentieth century by Progressivism the New Deal and the civil rights revolution Interest in federalism is likely to increase in the wake of the 2000 presidential election There are demands for reform of the electoral college given heightened awareness that it does not strictly reflect the popular vote The U S Supreme Court under Chief Justice William H Rehnquist has mounted an explicit and controversial defense of federalism and new nominees to the Court are likely to be questioned on that subject and appraised in part by their responses Derthick s essays invite readers to join the Court in weighing the contemporary importance of federalism as an institution of government

The Miranda Ruling Lawrence S. Wrightsman, Mary L. Pitman, 2010-05-19 Can the original goal of the authors of the Miranda law be salvaged This book examines the state of interrogations and the state of the law before the Miranda decision was made the purposes and nature of the decision and proposes recommendations for reinstituting the original goals

Kids, Cops, and Confessions Barry Feld, 2023-11-21 Juveniles possess less maturity intelligence and competence than adults heightening their vulnerability in the justice system For this reason states try juveniles in separate courts and use different sentencing standards than for adults Yet when police bring kids in for questioning they use the same interrogation tactics they use for adults including trickery deception and lying to elicit confessions or to produce incriminating evidence against the defendants In Kids Cops and Confessions Barry Feld offers the first report of what actually happens when police question juveniles Drawing on remarkable data Feld analyzes interrogation tapes and transcripts police reports juvenile court filings and sentences and probation and sentencing reports describing in rich detail what actually happens in the interrogation room Contrasting routine interrogation and false confessions enables police lawyers and judges to identify interrogations that require enhanced scrutiny to adopt policies to protect citizens and to assure reliability and integrity of the justice system Feld has produced an invaluable look at how the justice system really works

The Transformation of Criminal Due Process in the Administrative State Rosann Greenspan, 2014-01-24 A classic study in law and society is now readily available to scholars researchers and others in the field of criminal justice due process policing and administrative procedure It adds a new Preface by the author and a new Foreword by Berkeley law professor Malcolm M Feeley As the author reflects I think it was my first day in the field that the police liaison to the district attorney s probation revocation program exclaimed Forget

rights Forget right to jury Forget right to bail There are no rights As Malcolm Feeley says in his Foreword what I discovered over the course of researching and writing this study was in plain view from the beginning The criminal process has largely been subsumed as an administrative process and the procedural rights enshrined in the Bill of Rights have long since faded away What I hope my work explains is how this happened doctrinally how the expansion of criminal due process was halted and redirected by the very administrative due process revolution it gave birth to And how it happened in practice how police prosecutors and corrections came to realize that they had the tools to bypass the criminal process in enforcing the criminal sanction In his new Foreword Feeley describes the book as a brilliant analysis of the criminal process and explains why its relevance and theoretical power have increased over time In a nation where legal rights and process became enhanced in criminal courts and formal processes of adjudication Greenspan showed the bypassing of much of this framework by the substitution of parole revocation probation and the like by what Feeley summarizes as the triumph of the administrative model Her thesis shows how this occurred The backlash to the Warren Court s criminal due process revolutions was not a wholesale abandonment of rights but an embrace of a lower standard of due process administrative due process Some of these changes are well known of course but Greenspan s study is brilliant precisely because it problematizes these developments It identifies the central issue how thinking about the criminal process has been so fundamentally yet unwittingly transformed This book is a powerful look at these reforms and transformations presented in the Classic Dissertation Series by Quid Pro Books Quality ebook formatting includes properly presented tables active contents and linked notes A new paperback edition of this book is also available

Prisoners' Rights Susan Easton, 2011-03-10 Prisoners Rights Principles and Practice considers prisoners rights from socio legal and philosophical perspectives and assesses the advantages and problems of a rights based approach to imprisonment At a time of record levels of imprisonment and projected future expansion of the prison population this work is timely The discussion in this book is not confined to a formal legal analysis although it does include discussion of the developing jurisprudence on prisoners rights It offers a socio legal rather than a purely black letter approach and focuses on the experience of imprisonment It draws on perspectives from a range of disciplines to illuminate how prisoners rights operate in practice The text also contributes to debates on imprisonment and citizenship the treatment of women prisoners and social exclusion This book will be of interest to both undergraduate and postgraduate students of penology and criminal justice as well as professionals working within the penal system

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