

STEPHEN J. FIELD

CRAFTSMAN OF THE LAW

BY
CARL BRENT SWESHER

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Stephen J Field Craftsman Of The Law

J Elliott



Stephen J Field Craftsman Of The Law:

Stephen J. Field Carl Brent Swisher, 1969 **Stephen J. Field, Craftsman of the Law** C. B. Swisher, 1930 **Justice Stephen Field** Paul Kens, 1997 Outspoken and controversial Stephen Field served on the Supreme Court from his appointment by Lincoln in 1863 through the closing years of the century No justice had ever served longer on the Court and few were as determined to use the Court to lead the nation into a new and exciting era Paul Kens shows how Field ascended to such prominence what influenced his legal thought and court opinions and why both are still very relevant today One of the famous gold rush forty niners Field was a founder of Marysville California a state legislator and state supreme court justice His decisions from the state bench and later from the federal circuit court often placed him in the middle of tense conflicts over the distribution of the land and mineral wealth of the new state Kens illuminates how Field's experiences in early California influenced his jurisprudence and produced a theory of liberty that reflected both the ideals of his Jacksonian youth and the teachings of laissez faire economics During the time that Field served on the U S Supreme Court the nation went through the Civil War and Reconstruction and moved from an agrarian to an industrial economy in which big business dominated Fear of concentrated wealth caused many reformers of the time to look to government as an ally in the preservation of their liberty In the volatile debates over government regulation of business Field became a leading advocate of substantive due process and liberty of contract legal doctrines that enabled the Court to veto state economic legislation and heavily influenced constitutional law well into the twentieth century In the effort to curb what he viewed as the excessive power of government Field tended to side with business and frequently came into conflict with reformers of his era Gracefully written and filled with sharp insights Kens study sheds new light on Field's role in helping the Court define the nature of liberty and determine the extent of constitutional protection of property By focusing on the political economic and social struggles of his time it explains Field's jurisprudence in terms of conflicting views of liberty and individualism It firmly establishes Field as a persuasive spokesman for one side of that conflict and as a prototype for the modern activist judge while providing an important new view of capitalist expansion and social change in Gilded Age America Servants of the Law Donald R. Burrill, 2011 Among the judicial immigrants were the southerner David S Terry of Texas and the northerner Stephen J Field of New York These men served on California's highest court during its formative strenuous years from 1855 to 1863 The intellectual similarities and differences that these two shared played themselves out over a period of 35 years and brought about a series of events that neither man could have envisioned Their exchanges began as wary judicial amity within the courtroom but in short order spilled out into the community as public grudges Neither judge could tolerate the other's regional provincialism hence lifelong resentments inevitably turned into a bitterness that led to tragedy Foreword p vii *We the Corporations* Adam Winkler, 2018-02-27 National Book Award for Nonfiction Finalist National Book Critics Circle Award for Nonfiction Finalist A New York Times Notable Book of the Year A Washington Post Notable Book of the Year

A PBS Now Read This Book Club Selection Named one of the Best Books of the Year by the Economist and the Boston Globe A landmark expos and deeply engaging legal history of one of the most successful yet least known civil rights movements in American history Washington Post In a revelatory work praised as excellent and timely New York Times Book Review front page Adam Winkler author of Gunfight once again makes sense of our fraught constitutional history in this incisive portrait of how American businesses seized political power won equal rights and transformed the Constitution to serve big business Uncovering the deep roots of Citizens United he repositions that controversial 2010 Supreme Court decision as the capstone of a centuries old battle for corporate personhood Tackling a topic that ought to be at the heart of political debate Economist Winkler surveys more than four hundred years of diverse cases and the contributions of such legendary legal figures as Daniel Webster Roger Taney Lewis Powell and even Thurgood Marshall to reveal that the history of corporate rights is replete with ironies Wall Street Journal We the Corporations is an uncompromising work of history to be read for years to come

Justices and Journalists Richard Davis, 2011-02-14 Justices and Journalists examines whether justices are becoming more publicity conscious and why that might be happening The book discusses the motives of justices going public and details their recent increased number of television and print interviews and amount of press coverage of their speeches The book describes the interactions justices have with the journalists who cover them These interactions typically are not discussed publicly by justices or journalists The book explains why justices care about press and public relations how they employ external strategies to affect press portrayals of themselves and their institution and how and why journalists participate in that interaction Drawing on the papers of Supreme Court justices in the nineteenth and twentieth centuries the book examines these interactions over the history of the Court It includes a content analysis of print and broadcast media coverage of Supreme Court justices covering a 40 year period from 1968 to 2007

Harvard Guide to American History Frank Freidel, Frank Burt Freidel, Richard K. Showman, 1974 Editions for 1954 and 1967 by O Handlin and others *Liberty, Property, and Privacy* Edward Keynes, 1996-02-15 In this book Edward Keynes examines the fundamental rights philosophy and jurisprudence that affords constitutional protection to unenumerated liberty property and privacy rights He is critical of the failure of the U S Supreme Court to adopt a coherent theory for identifying which rights are to be considered fundamental and how these private rights are to be balanced against the public interests that the government has a duty to articulate and promote Keynes develops his argument by first surveying how substantive due process grew out of the tradition of Anglo American jurisprudence and came to evolve over time He pays special attention to the shift in its application early in the twentieth century from protecting liberty of contract against economic regulation to protecting privacy and other noneconomic rights as in Roe v Wade against social regulation

The Lives of the Constitution Joseph Tartakovsky, 2019-10-08 In a fascinating blend of biography and history Joseph Tartakovsky tells the epic and unexpected story of our Constitution through the eyes of ten extraordinary individuals some renowned like Alexander Hamilton and

Woodrow Wilson and some forgotten like James Wilson and Ida B Wells Barnett Tartakovsky brings to life their struggles over our supreme law from its origins in revolutionary America to the era of Obama and Trump Sweeping from settings as diverse as Gold Rush California to the halls of Congress and crowded with a vivid Dickensian cast Tartakovsky shows how America's unique constitutional culture grapples with questions like democracy racial and sexual equality free speech economic liberty and the role of government Joining the ranks of other great American storytellers Tartakovsky chronicles how Daniel Webster sought to avert the Civil War how Alexis de Tocqueville misunderstood America how Robert Jackson balanced liberty and order in the battle against Nazism and Communism and how Antonin Scalia died warning Americans about the ever growing reach of the Supreme Court From the 1787 Philadelphia Convention to the clash over gay marriage this is a grand tour through two centuries of constitutional history as never told before and an education in the principles that sustain America in the most astonishing experiment in government ever undertaken

The Justices, Judging, and Judicial Reputation Kermit L. Hall, 2000 First Published in 2001 Routledge is an imprint of Taylor Francis an informal company *Supreme Court Justices: Illustrated Biographies* Clare Cushman, 2013 Book Description The Supreme Court Justices Illustrated Biographies 1789 2012 Third Edition provides a single volume reference profiling every Supreme Court justice from John Jay through Elena Kagan An original essay on each justice paints a vivid picture of his or her individuality as shaped by family education pre Court career and the times in which he or she lived Each biographical essay also presents the major issues on which the justice presided Essays are arranged in the order of the justices appointments Lively anecdotes along with portraits photographs and political cartoons enrich the text and deepen readers understanding of the justices and of the Court The volume includes an extensive bibliography and is indexed for easy research access New in this edition are a foreword by Chief Justice John G Roberts a revised essay on Chief Justice William H Rehnquist updated essays on sitting or recently retired members of the court new biographies for Chief Justice John G Roberts and Associate Justices Samuel A Alito Elena Kagan and Sonia M Sotomayor an updated listing of members of the Supreme Court with appointment and confirmation dates and an updated bibliography with key sources on the Supreme Court and the justices For insightful background and lively commentary on the individuals who have served on the Supreme Court of the United States there is no better reference than this updated new volume This is a vital reference work for researchers students and others interested in the Supreme Court's past present and future

Religion and American Law Paul Finkelman, 2003-12-16 The First Encyclopedia available On The Subject Of Religion And American Law The interplay of religion and law has long been a major political and social issue in the United States From the Salem Witch Trials to the current debate over school vouchers court rulings have had a profound effect on people's lives Now a new encyclopedia provides detailed entries on all of the major Supreme Court decisions dealing with church and state topical and theoretical essays relating to the issue and cogent biographies of those Justices whose decisions have achieved landmark status in the debate Comprehensive In Coverage And

Scope Encompassing cases from the colonial period to the Supreme Court's important decisions in 1997 this pioneering volume is written in a clear concise style that will be useful to professionals and specialists and accessible by students With contributions by leading scholars in the field this encyclopedia will benefit all reference libraries students of law and religion and anyone working in the field of church and state Biography by Americans, 1658-1936 Edward H. O'Neill, 2016-11-11 This volume is the most comprehensive bibliography of purely biographical material written by Americans It covers every possible field of life but by design excludes autobiographies diaries and journals *Encyclopedia of American Civil Liberties* Paul Finkelman, 2021-02-25 Originally published in 2006 the Encyclopedia of American Civil Liberties is a comprehensive 3 volume set covering a broad range of topics in the subject of American Civil Liberties The book covers the topic from numerous different areas including freedom of speech press religion assembly and petition The Encyclopedia also addresses areas such as the Constitution the Bill of Rights slavery censorship crime and war The book's multidisciplinary approach will make it an ideal library reference resource for lawyers scholars and students **No Duty to Retreat** Richard Maxwell Brown, 1992-01-23 In 1865 Wild Bill Hickok killed Dave Tutt in a Missouri public square in the West's first notable walkdown One hundred and twenty nine years later Bernhard Goetz shot four threatening young men in a New York subway car Apart from gunfire what could the two events possibly have in common Goetz writes Richard Maxwell Brown was acquitted of wrongdoing in the spirit of a uniquely American view of self defense a view forged in frontier gunfights like Hickok's When faced with a deadly threat we have the right to stand our ground and fight We have no duty to retreat No Duty to Retreat offers an engrossing account of how this idea of self defense emerged focusing in particular on the gunfights of the frontier and their impact on our legal traditions The right to stand one's ground Brown tells us appeared relatively recently Under English common law the threatened party had a legal duty to retreat to the wall before fighting back But from the nineteenth century on such authorities as Justice Oliver Wendell Holmes rejected this doctrine as unsuited to both the American mind and the age of firearms Brown sketches the influence of frontier violence demonstrating the tremendous impact of the famous gunmen and the prevalence of what he calls grassroots gunfighters unsung men who resorted to their guns at a moment's notice These duels ambushes and firefights he writes were more than personal vendettas They were part of a Western Civil War of Incorporation pitting gunmen usually Republicans and Unionists who sided with the expanding banks railroads and businesses against cowboys and independent farmers who were often Democrats sympathizing with the Confederacy Brown examines the gunfight near the O K Corral in this light showing how it was a climax of tensions between Tombstone's Republican businessmen represented by Wyatt Earp and the county's cowboys led by the Clantons and McLaurys He also looks at such lesser known battles as the Mussel Slough war in which resisting farmers imbued with the no retreat ethic fought for their independent lifestyle against encroaching rail barons This Civil War of Incorporation fed the violence of the West and reinforced the legal doctrine of no duty to retreat The frontier days are long past but Brown shows

how the ethic of no retreat continues to shape everything from our entertainment to our foreign policy including President Bush's line drawn in the sand to our politics to cases like that of Bernhard Goetz. Though challenged as never before by the values of peace and social activism it remains a central theme in American thought and character.

The Constitution in the Supreme Court David P. Currie, 2015-02-27 The Constitution in the Supreme Court The Second Century traces the development of the Supreme Court from Chief Justice Fuller 1888 1910 to the retirement of Chief Justice Burger 1969 1986. Currie argues that the Court's work in its second century revolved around two issues: the constitutionality of the regulatory and spending programs adopted to ameliorate the hardships caused by the Industrial Revolution and the need to protect civil rights and liberties. Organizing the cases around the tenure of specific chief justices, Currie distinguishes among the different methods of constitutional exegesis, analyzes the various techniques of opinion writing, and evaluates the legal performance of different Courts. Elegant and readable. Whether you are in favor of judicial restraint or judicial activism, whatever your feelings about the Warren Court or the Rehnquist Court, this is a book that justifies serious study. Robert Stevens, New York Times Book Review.

The Court That Tamed the West Richard Cahan, Pia Hinckle, Jessica Royer Ocken, 2016-06-01 This unique history reveals how a century of Federal Court drama and influential rulings shaped the development and culture of Northern California. From the gold rush to the Internet boom, the US District Court for the Northern District of California has played a major role in how business is done and life is lived on the Pacific Coast. When California was first admitted to the Union, pioneers were busy prospecting for new fortunes, building towns and cities, and suing each other. San Francisco became the epicenter of a litigious new world of fortune seekers and corporate interests. Northern California's federal court set precedents on issues ranging from shanghaiing sailors to Mexican land grants and the civil rights of Chinese immigrants. Through the era of Prohibition and the labor movement to World War II and the tumultuous sixties and seventies, the court's historic rulings have defined the Bay Area's geography, culture, and commerce.

The Path to and From the Supreme Court Kermit L. Hall, 2018-12-07 Available as a single volume or part of the 10 volume set *Supreme Court in American Society*.

[Property Rights in the Age of Enterprise](#), 1997

A History of American Law, Revised Edition Lawrence M. Friedman, 2010-06-15 A History of American Law has become a classic for students of law, American history, and sociology across the country. In this brilliant and immensely readable book, Lawrence M. Friedman tells the whole fascinating story of American law from its beginnings in the colonies to the present day. By showing how close the life of the law is to the economic and political life of the country, he makes a complex subject understandable and engrossing. A History of American Law presents the achievements and failures of the American legal system in the context of America's commercial and working world, family practices, and attitudes toward property, slavery, government crime, and justice. Now Professor Friedman has completely revised and enlarged his landmark work, incorporating a great deal of new material. The book contains newly expanded notes, a bibliography, and a bibliographical essay.

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