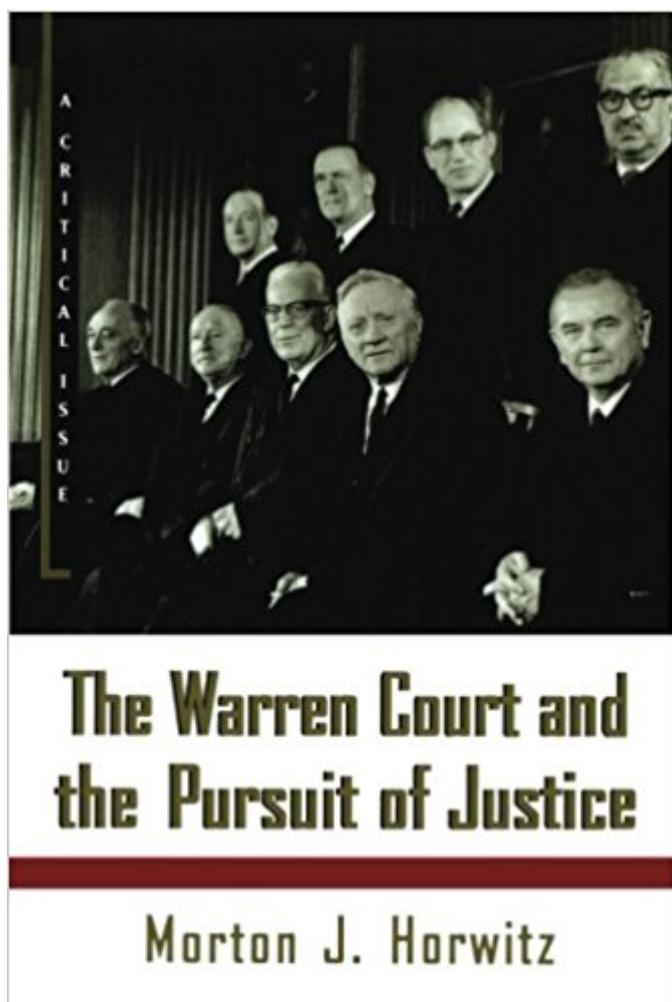


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# The Warren Court And The Pursuit Of Justice (Hill And Wang Critical Issues)



## Synopsis

The Hill and Wang Critical Issues Series: concise, affordable works on pivotal topics in American history, society, and politics. The men who made up the Supreme Court when Earl Warren was Chief Justice (1953-69) changed America forever, and their decisions are still affecting constitutional law today. This overview of the Warren Court focuses on its landmark cases and enduring legacy.

## Book Information

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## Customer Reviews

Morton Horwitz's *The Warren Court and the Pursuit of Justice* is a book for the layperson outlining the changes the Warren Court created in America's civil liberties jurisprudence. While the book is in no sense a polemic, Horwitz assumes the reader shares his view that what the Warren Court wrought was progress, and he criticizes the justices only when they failed to reach liberal results. Justice Byron White would have winced at the way Horwitz characterizes decisions and justices as being simply "liberal" or "conservative," and one could argue that such a politicization is a problem rather than a virtue. But ACLU members and casual students of American legal history will find the book a quick read that touches upon all of the substantial decisions in a critical period of the Supreme Court's life. --Ted Frank --This text refers to an out of print or unavailable edition of this title.

Less an introduction to the Warren Court than a paean to it. Harvard law professor Horwitz developed the material for this very short book through teaching an undergraduate course on the

subject. The result has little to offer readers who are familiar with the constitutional struggles of the past few decades, but may be of some use for those needing a primer, especially high-school and college students with little knowledge of the law. Horwitz finds a common biographical thread among the liberals who dominated the Supreme Court in the 1950s and '60s: Warren, Black, Douglas, Brennan, Goldberg, Fortas, and Marshall all came from ``socially marginal'' backgrounds, by reason of poverty, religion, or race. Without being reductionist, he contends that this psychological factor made the Warren Court majority more eager than previous courts to extend constitutional protection to racial, religious, and political minorities, criminal defendants, and the poor. It was the Warren Court that ruled school desegregation unconstitutional, applied the Bill of Rights to state criminal cases, compelled the states to apportion their legislatures on a ``one-person, one-vote'' basis, made dissent less dangerous by adopting Holmes's ``clear and present danger'' test for political speech, discovered a constitutional right of privacy, made it virtually impossible to prosecute obscenity cases, greatly restricted libel actions, and found that welfare benefits were an entitlement rather than merely a privilege. However controversial these examples of judicial activism were (and still are), Horwitz's approval of them is almost uncritical. Although he provides sympathetic analyses of Justice Frankfurter's advocacy of judicial restraint and Justice Black's departure from his liberal brethren over the issue of civil disobedience, Horwitz has produced a very narrow account of the Warren era. (He also, unfortunately, repeats the canard that Eisenhower traded the promise of a Supreme Court appointment for Warren's support at the 1952 Republican Convention.) -- Copyright ©1998, Kirkus Associates, LP. All rights reserved. --This text refers to an out of print or unavailable edition of this title.

It was a an excellent, short version of the intrigues of the time - Brown v Board of Education, One man, one vote, McCarthy, and the courage that it took to see them through.

A great introduction to the Warren Court. If you are looking research this era of the Supreme Court, this is surely the book to start at.

Throughout most of its history, the Supreme Court has been dominated by the forces of private property and white privilege. The Court has tortured the plain language of the Constitution to accommodate Southern apartheid, to disenfranchise minorities, and to tolerate the repression of labor unions and socialists. Progressives who look to the Court to enlarge American democracy ignore the history of the institution. Instead, they seek inspiration from the anomalous Warren Court

of the 1950s and '60s. This book explains why. "The Warren Court and the Pursuit of Justice" is a gem of popular legal history. It tells the story of how the Warren Court breathed life into the Constitution by ending school segregation, expanding freedom of speech, constitutionalizing state criminal justice systems, and requiring states to draw electoral districts on the principle of one man/one vote. Horwitz writes clearly and economically, and packs a great deal of legal, historical, and biographical material into a small space. His focus is not on technical legal doctrine. Instead, he aims to situate the Warren Court within the political and social history of the era, in the process offering the reader mini-essays on topics such as the civil rights movement and McCarthyism. His hero is William Brennan. His book is a total success. For honoring our best democratic traditions, the Warren Court was vilified by racists, McCarthyites, and Richard Nixon. As Horwitz observes, "Impeach Earl Warren" signs blossomed in the states of the Old Confederacy. This was telling. Conservatives may hate to admit it, but modern conservative court-bashing predates Roe v. Wade by many years. Its social and political roots can be traced to the massive extralegal resistance to desegregation in the South. To the extent a Court can be judged by its enemies, the Warren Court was on the side of the angels. That was long ago. The politics of the Supreme Court have undergone a seachange since the time of Earl Warren. No one should be surprised if the new Roberts Court pushes a conservative agenda that strengthens Presidents and prosecutors, while disempowering consumers, workers, and minorities. All the while, progressives will wring their hands and act as if the Court is betraying its traditions. In reality, it will be reverting to norm. Much will depend on who wins the White House and the Senate in 2008, for, as Horwitz demonstrates, the bottomline is politics.

Professor Horowitz provides a very accessible accounting of the Warren Court's impact on America and American jurisprudence. For those with legal training, this short history puts all the doctrines learned in law school—the void for vagueness application to the First Amendment, the Carolene Products Footnote Four analysis—into a tidy, compact context. For the non-lawyer, Horowitz avoids the legalese and shows how the Warren Court rulings affected the course of American events. Horowitz examines the court's impact in several areas: civil rights, democratic principles of governance, free speech, and the incorporation doctrine as applied to criminal procedure. Horowitz truly has admiration for his subject, but that admiration is not unqualified, and he takes the court to task for buckling under McCarthyism and for not standing up for its First Amendment principles, although Horowitz clearly blames one justice, Justice Frankfurter, for the court's reluctance to take on McCarthy. An excellent summary of the Warren Court, its decisions, and the justices who

together made up its collective personality.

I just took a class with Professor Horwitz of the same title here at Harvard, and this book clearly summarizes the major themes of the Warren Court. It is wonderfully written, moves very fast, but there are details given about this wonderful era of change. The book centers on the Warren Court's view of substantive democracy as a central organizing principle for the many decisions. It espouses the ideal that while responding to times, the Court also had higher ideals and used these two together. The book works through major case areas and is divided as such, looking first at the race relations and civil rights cases, then moving on to the response to McCarthyism with Free Speech, and views of Rights and Democracy. Each section builds on each other until Horwitz's great theme is revealed. It really gives the reader a great understanding of the Court, and one can come out of it feeling great. It works well with the course and would work very well on its own too.

Interesting book on the judicial court and how it came about for todays laws.

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