

Holmes and Frankfurter: Their Correspondence, 1912-1934

DESCRIPTION

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<https://lilinmanissatu.blogspot.com/?read=0874517583> | [PDF] DOWNLOAD Holmes and Frankfurter: Their Correspondence, 1912-1934 | Nearly 400 previously unpublished letters capture the essence of an extraordinary and in some ways unlikely friendship between one of America's preeminent jurists and a younger, reform-minded colleague who would himself one day ascend to the Supreme Court. Oliver Wendell Holmes was 71 when introduced to fiery, effervescent Felix Frankfurter, who'd come to Washington at age 30 to serve President Taft. The two couldn't have had more different backgrounds: Holmes a Civil War hero of Boston Brahmin stock, and Frankfurter a Jewish immigrant whose reformist views would lead him to help found the American Civil Liberties Union and act as key advisor to Franklin Roosevelt and his New Deal. With an introduction providing historical background and annotations that supply context for cases mentioned, this unique collection illuminates a strong and mutually satisfying personal and professional relationship between two men whose exchanges on the meaning of law in general and American law in particular, the editors write, "found expression in their work and influenced legal and political change in their own lifetimes and in ours as well."

Holmes And Frankfurter Their Correspondence 1912 1934

Brad Snyder



Holmes And Frankfurter Their Correspondence 1912 1934:

Holmes and Frankfurter Oliver Wendell Holmes (Jr.), Felix Frankfurter, 1996 The first publication of an extensive correspondence between two of the century's greatest American jurists Oliver Wendell Holmes Jr., Pragmatism, and the Jurisprudence of Agon Allen Mendenhall, 2016-12-14 This book argues that Oliver Wendell Holmes Jr helps us see the law through an Emersonian lens by the way in which he wrote his judicial dissents Holmes's literary style mimics and enacts two characteristics of Ralph Waldo Emerson's thought superfluity and the poetics of transition concepts ascribed to Emerson and developed by literary critic Richard Poirier Using this aesthetic style borrowed from Emerson and carried out by later pragmatists Holmes not only made it more likely that his dissents would remain alive for future judges or justices because how they were written was itself memorable whatever the value of their content but also shaped our understanding of dissents and in this our understanding of law By opening constitutional precedent to potential change Holmes's dissents made room for future thought moving our understanding of legal concepts in a more pragmatic direction and away from formalistic understandings of law Included in this new understanding is the idea that the canon of judicial cases involves oppositional positions that must be sustained if the law is to serve pragmatic purposes This process of precedent making in a common law system resembles the construction of the literary canon as it is conceived by Harold Bloom and Richard Posner

Oliver Wendell Holmes Jr. G. Edward White, 2006-03 Discussion of the views decisions and influence of Supreme Court justice Oliver Wendell Holmes Jr **Three Generations, No Imbeciles** Paul A. Lombardo, 2022-02-01 This updated edition includes a new afterword that identifies the role the Buck story plays in the Supreme Court's review of emerging state laws that seek to limit access to abortion Three generations of imbeciles are enough Few lines from U S Supreme Court opinions are as memorable as this declaration by Justice Oliver Wendell Holmes Jr in the landmark 1927 case *Buck v Bell* The ruling allowed states to forcibly sterilize residents in order to prevent feeble-minded and socially inadequate people from having children It is the only time the Supreme Court endorsed surgery as a tool of government policy Though *Buck* set the stage for more than sixty thousand involuntary sterilizations in the United States and was cited at the Nuremberg trials in defense of Nazi sterilization experiments it has never been overturned It has been more than a decade since Paul A Lombardo's classic *Three Generations No Imbeciles* first exposed the *Buck* case's fraudulent roots During that time several of the remaining twentieth century eugenic sterilization statutes have finally been repealed and reparations to sterilization survivors have been paid in two states Discussion of the *Buck* case has once again engendered controversy in the courts The Wisconsin Supreme Court invoked *Buck* most recently in a debate over the power of the state to enact restrictions on citizens and businesses during the COVID 19 crisis and the US Supreme Court cited *Three Generations No Imbeciles* in arguments over the newest state laws seeking to limit access to abortion This updated edition collects and analyzes information related to events and trends discussed in the earlier volume and includes a completely new afterword Looking Back at *Buck* that

explains how the case remains a key feature of public discourse about disability government power and reproductive rights It also presents restored copies of the letters of Carrie Buck and points readers to an online archive of legal documents images and other material relevant to the case The book remains a key resource for law school faculties legal and medical historians and anyone with an interest in the history of reproduction in the United States Startling Reason Compelling and well researched Three Generations No Imbeciles gives Carrie Buck s long untold story the attention it deserves Harvard Law Review Three Generations provides valuable new and timely revelations for students and professional scholars across many disciplines Disability Studies Quarterly Meticulously detailed and researched history this book is enjoyable thought provoking and troubling in equal measure I highly recommend it Psychiatric Services Habeas Corpus Eric M. Freedman,2003-05 Habeas Corpus is the process by which state prisoners particularly those on death row appeal to federal courts to have their convictions overturned Its proper role in our criminal justice system has always been hotly contested especially in the wake of 1996 legislation curtailing the ability of prisoners to appeal their sentences In this timely volume Eric M Freedman reexamines four of the Supreme Court s most important habeas corpus rulings one by Chief Justice John Marshall in 1807 concerning Aaron Burr s conspiracy two arising from the traumatic national events of the 1915 Leo Frank case and the 1923 cases growing out of murderous race riots in Elaine County Arkansas and one case from 1953 that dramatized some of the ugliest features of the Southern justice of the period In each instance Freeman uncovers new original sources and tells the stories of the cases through such documents as the Justices draft opinions and the memos of law clerk William H Rehnquist In bracing and accessible language Freedman then presents an interpretation that rewrites the conventional view Building on these results he challenges legalistic limits on habeas corpus and demonstrates how a vigorous writ is central to implementing the fundamental conceptions of individual liberty and constrained government power that underlie the Constitution Jewish Justices of the Supreme Court David G. Dalin,2017-04-04 The first history of the eight Jewish men and women who have served or who currently serve as justices of the Supreme Court *A Worse Place Than Hell: How the Civil War Battle of Fredericksburg Changed a Nation* John Matteson,2021-02-09 Pulitzer Prize winning author John Matteson illuminates three harrowing months of the Civil War and their enduring legacy for America December 1862 drove the United States toward a breaking point The Battle of Fredericksburg shattered Union forces and Northern confidence As Abraham Lincoln s government threatened to fracture this critical moment also tested five extraordinary individuals whose lives reflect the soul of a nation The changes they underwent led to profound repercussions in the country s law literature politics and popular mythology Taken together their stories offer a striking restatement of what it means to be American Guided by patriotism driven by desire all five moved toward singular destinies A young Harvard intellectual steeped in courageous ideals Oliver Wendell Holmes Jr confronted grave challenges to his concept of duty The one eyed army chaplain Arthur Fuller pitted his frail body against the evils of slavery Walt Whitman a gay Brooklyn poet condemned by the guardians of propriety

and Louisa May Alcott a struggling writer seeking an authentic voice and her father's admiration tended soldiers wracked bodies as nurses On the other side of the national schism John Pelham a West Point cadet from Alabama achieved a unique excellence in artillery tactics as he served a doomed and misbegotten cause *A Worse Place Than Hell* brings together the prodigious forces of war with the intimacy of individual lives Matteson interweaves the historic and the personal in a work as beautiful as it is powerful

Free Speech and Unfree News Sam Lebovic, 2016-03-14 Does America have a free press Many who say yes appeal to First Amendment protections against censorship Sam Lebovic shows that free speech on its own is not sufficient to produce a free press and helps us understand the crises that beset the press amid media consolidation a secretive national security state and the daily newspaper's decline

Louis D. Brandeis Melvin I. Urofsky, 2012-09-04 As a young lawyer in the late nineteenth and early twentieth centuries Louis Brandeis born into a family of reformers who came to the United States to escape European anti-Semitism established the way modern law is practiced He was an early champion of the right to privacy and pioneer the idea of pro bono work by attorneys Brandeis invented savings bank life insurance in Massachusetts and was a driving force in the development of the Clayton Antitrust Act the Federal Reserve Act and the law establishing the Federal Trade Commission Brandeis witnessed and suffered from the anti-Semitism rampant in the United States in the early twentieth century and with the outbreak of World War I became at age fifty eight the head of the American Zionist movement During the brutal six month congressional confirmation battle that ensued when Woodrow Wilson nominated him to the Supreme Court in 1916 Brandeis was described as a disturbing element in any gentlemen's club But once on the Court he became one of its most influential members developing the modern jurisprudence of free speech and the doctrine of a constitutionally protected right to privacy and suggesting what became known as the doctrine of incorporation by which the Bill of Rights came to apply to the states In this award winning biography Melvin Urofsky gives us a panoramic view of Brandeis's unprecedented impact on American society and law

The Evangelical Origins of the Living Constitution John W. Compton, 2014-03-17 John Compton shows how evangelicals not New Deal reformers paved the way for the most important constitutional developments of the twentieth century Their early 1800s crusade to destroy property that made immorality possible challenged founding era legal protections of slavery lotteries and liquor sales and opened the door to progressivism

The White Court Rebecca S. Shoemaker, 2004-04-05 An in depth examination of the U S Supreme Court under the 11 year reign of Chief Justice Edward Douglass White *The White Court Justices Rulings and Legacy* examines the workings and legacies of the Supreme Court during the tenure of Chief Justice Edward Douglass White Through detailed discussions of landmark cases this reference work explores the role the Court played in steering the country through an era of economic growth racial discrimination and international warfare *The White Court* reveals how the Court established its greatest legacy the rule of reason in antitrust cases against the American Tobacco Company and Standard Oil and how it resolved controversies concerning the expansion of executive power during wartime Individual

profiles of the 13 White Court justices describe their rise to prominence and controversies surrounding their nominations their work on the Court judicial philosophies important decisions and overall impact Kill Now, Talk Forever Richard Newby, 2006 Principally an abridgement of the transcript of the trial as published in The Sacco Vanzetti case 2nd ed Mamaroneck N Y P P Appel 1969 followed by a collection of remarks over the past 80 years about the trial and its significance *The Dawn of Conservation Diplomacy* Kurkpatrick Dorsey, 2009-11-17 In the first decades of the twentieth century fish in the Great Lakes and Puget Sound seals in the North Pacific and birds across North America faced a common threat over harvesting that threatened extinction for many species Progressive era conservationists saw a need for government intervention to protect threatened animals And because so many species migrated across international political boundaries their protectors saw the necessity of international conservation agreements In *The Dawn of Conservation Diplomacy* Kurkpatrick Dorsey examines the first three comprehensive wildlife conservation treaties in history all between the United States and Canada the Inland Fisheries Treaty of 1908 the North Pacific Fur Seal Convention of 1911 and the Migratory Bird Treaty of 1916 In his highly readable text Dorsey argues that successful conservation treaties came only after conservationists learned to marshal scientific evidence public sentiment and economic incentives in their campaigns for protective legislation The first treaty intended to rescue the overfished boundary waters failed to gain the necessary support and never became law Despite scientific evidence of the need for conservation politicians and the general public were unable to counter the vocal opposition of fishermen across the continent A few years later conservationists successfully rallied popular sympathy for fur seals threatened with slaughter and the North Pacific Fur Seal Convention was adopted By the time of the Migratory Bird Treaty of 1916 the importance of aesthetic appeal was clear North American citizens were joining chapters of the Audubon Society in efforts to protect beautiful songbirds Conservationists also presented economic evidence to support their efforts as they argued that threatened bird species provided invaluable service to farmers Dorsey recounts the story of each of these early treaties examining the scientific research that provided the basis for each effort acknowledging the complexity of the issues and presenting the personalities behind the politics He argues that these decades old treaties both directly affect us today and offer lessons for future conservation efforts *The House of Truth* Brad Snyder, 2017-01-05 In 1912 a group of ambitious young men including future Supreme Court justice Felix Frankfurter and future journalistic giant Walter Lippmann became disillusioned by the sluggish progress of change in the Taft Administration The individuals started to band together informally joined initially by their enthusiasm for Theodore Roosevelt s Bull Moose campaign They self mockingly called the 19th Street row house in which they congregated the House of Truth playing off the lively dinner discussions with frequent guest and neighbor Oliver Wendell Holmes Jr about life s verities Lippmann and Frankfurter were house mates and their frequent guests included not merely Holmes but Louis Brandeis Herbert Hoover Herbert Croly founder of the New Republic and the sculptor and sometime Klansman Gutzon Borglum later the creator of the

Mount Rushmore monument Weaving together the stories and trajectories of these varied fascinating combative and sometimes contradictory figures Brad Snyder shows how their thinking about government and policy shifted from a firm belief in progressivism the belief that the government should protect its workers and regulate monopolies into what we call liberalism the belief that government can improve citizens lives without abridging their civil liberties and eventually civil rights Holmes replaced Roosevelt in their affections and aspirations His famous dissents from 1919 onward showed how the Due Process clause could protect not just business but equality under the law revealing how a generally conservative and reactionary Supreme Court might embrace even initiate political and social reform Across the years from 1912 until the start of the New Deal in 1933 the remarkable group of individuals associated with the House of Truth debated the future of America They fought over Sacco and Vanzetti s innocence the dangers of Communism the role the United States should play the world after World War One and thought dynamically about things like about minimum wage child welfare laws banking insurance and Social Security notions they not only envisioned but worked to enact American liberalism has no single source but one was without question a row house in Dupont Circle and the lives that intertwined there at a crucial moment in the country s history

Oliver Wendell Holmes, Jr. Susan-Mary Grant, 2015-07-24 Oliver Wendell Holmes Jr was one of the most influential jurists of his time From the antebellum era and the Civil War through the First World War and into the New Deal years Holmes long life and career as a Supreme Court Justice spanned an eventful period of American history as the country went from an agrarian republic to an industrialized world power In this concise engaging book Susan Mary Grant puts Holmes life in national context exploring how he both shaped and reflected his changing country She examines the impact of the Civil War on his life and his thinking his role in key cases ranging from the issue of free speech in Schenck v United States to the infamous ruling in favor of eugenics in Buck v Bell showing how behind Holmes reputation as a liberal justice lay a more complex approach to law that did not neatly align with political divisions Including a selection of key primary documents Oliver Wendell Holmes Jr introduces students of U S Civil War and legal history to a game changing figure and his times

The Second Greatest American Daniel Kornstein, 2017-06-15 The extraordinary wartime incident at Fort Stevens fascinates us Pause for a minute and just think about it A twenty three year old American soldier screams at the president of the United States in the midst of a battle calls him a damned fool and gets him out of harms way And then with bullets whizzing by they both proceed as if nothing unusual happened All in a days work Nothing special No medal no White House ceremony no photo op Nothing What a scene It is almost too fantastic too dramatic to be real too amazing to be true A movie director like Steven Spielberg could do wonders with it Imagine the cinematic possibilities Daniel Day Lewis could reprise his role as Lincoln and Jake Gyllenhaal or Ryan Gosling could play the youthful Holmes It would be a box office hit a patriotic classic and what Variety would call socko boffo

Justices, Presidents, and Senators Henry Julian Abraham, 1999 This new edition of this classic history of the Supreme Court discusses the selection nomination and

appointment of each of the Justices who have sat on the U S Supreme Court since 1789 Abraham provides a fascinating account of the presidential motivations behind each nomination examining how each appointee s performance on the bench fulfilled or disappointed presidential expectations *Drawing The Global Colour Line* Henry Reynolds,Marilyn Lake,2018-07-04 At last a history of Australia in its dynamic global context In the late nineteenth and early twentieth centuries in response to the mobilisation and mobility of colonial and coloured peoples around the world self styled white men s countries in South Africa North America and Australasia worked in solidarity to exclude those peoples they defined as not white including Africans Chinese Indians Japanese and Pacific Islanders Their policies provoked in turn a long international struggle for racial equality Through a rich cast of characters that includes Alfred Deakin WEB Du Bois Mahatma Gandhi Lowe Kong Meng Tokutomi Soho Jan Smuts and Theodore Roosevelt leading Australian historians Marilyn Lake and Henry Reynolds tell a gripping story about the circulation of emotions and ideas books and people in which Australia emerged as a pace setter in the modern global politics of whiteness The legacy of the White Australia policy still casts a shadow over relations with the peoples of Africa and Asia but campaigns for racial equality have created new possibilities for a more just future Remarkable for the breadth of its research and its engaging narrative *Drawing the Global Colour Line* offers a new perspective on the history of human rights and provides compelling and original insight into the international political movements that shaped the twentieth century Winner of the Ernest Scott Prize 2009 Winner of the Queensland Premier s Prize for History 2009 Winner of the Prime Minister s Prize for Non Fiction 2009 **We Must Not Be Afraid to Be Free** Ronald K.L. Collins,Sam Chaltain,2011-02-25 In a stinging dissent to a 1961 Supreme Court decision that allowed the Illinois state bar to deny admission to prospective lawyers if they refused to answer political questions Justice Hugo Black closed with the memorable line We must not be afraid to be free Black saw the First Amendment as the foundation of American freedom the guarantor of all other Constitutional rights Yet since free speech is by nature unruly people fear it Consequently the impulse to curb or limit it has been a constant danger throughout American history In *We Must Not Be Afraid to Be Free* two of America s leading free speech scholar activists Ron Collins and Sam Chaltain provide an authoritative history of free speech in modern America Each chapter is an engaging narrative account of a landmark First Amendment case that foregrounds the colorful people involved judges plaintiffs attorneys defendants and the issue at stake Cumulatively the chapters provide a definitive account of how the First Amendment evolved over the course of a century Tracing the development of free speech rights from a more restrictive era the early twentieth century through the Warren Court revolution of the 1960s and up to the current post 9 11 era of heightened security concerns Collins and Chaltain not only cover the history of an ideal but explain in accessible language how the law surrounding the ideal transformed Essential for anyone interested in this most essential of rights *We Must Not Be Afraid to Be Free* will be a standard work on free speech for years to come *Overruled* Damon Root,2014-11-04 From Damon Root a senior editor of Reason magazine

Overruled The Long War for Control of the U S Supreme Court is the most thorough account of the libertarian conservative debate over judicial review a valuable guide to both the past and the potential future of these important issues The Washington Post Should the Supreme Court defer to the will of the majority and uphold most democratically enacted laws Or does the Constitution empower the Supreme Court to protect a broad range of individual rights from the reach of lawmakers In this timely and provocative book Damon Root traces the long war over judicial activism and judicial restraint from its beginnings in the bloody age of slavery the Civil War and Reconstruction to its central role in today s blockbuster legal battles over gay rights gun control and health care reform It s a conflict that cuts across the political spectrum in surprising ways and makes for some unusual bedfellows Judicial deference is not only a touchstone of the Progressive left for example it is also a philosophy adopted by many members of the modern right But many libertarians have no patience with judicial restraint and little use for majority rule They want the courts and judges to police the other branches of government and expect Justices to strike down any state or federal law that infringes on their bold constitutional agenda of personal and economic freedom Overruled is the story of two competing visions each one with its own take on what role the government and the courts should play in our society a fundamental debate that goes to the very heart of our constitutional system

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