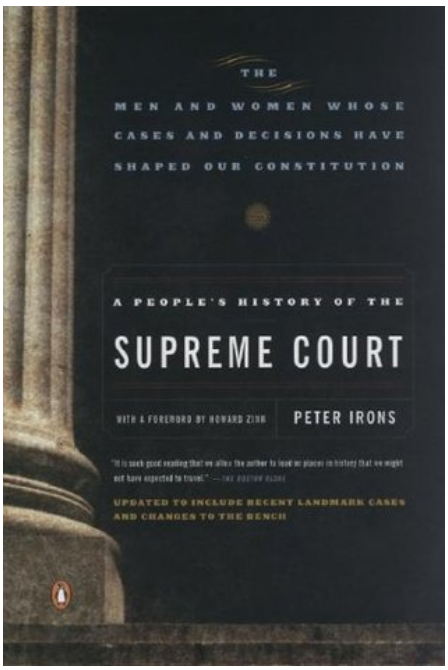

A People's History of the Supreme Court: The Men and Women Whose Cases and Decisions Have Shaped Our Constitution

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A comprehensive history of the people and cases that have changed history, this is the definitive account of the nation's highest court

Recent changes in the Supreme Court have placed the venerable institution at the forefront of current affairs, making this comprehensive and engaging work as timely as ever. In the tradition of Howard Zinn's classic *A People's History of the United States*, Peter Irons chronicles the decisions that have influenced virtually every aspect of our society, from the debates over judicial power to controversial rulings in the past regarding slavery, racial segregation, and abortion, as well as more current cases about school prayer, the Bush/Gore election results, and "enemy combatants." To understand key issues facing the supreme court and the current battle for the court's ideological makeup, there is no better guide than Peter Irons. This revised and updated edition includes a foreword by Howard Zinn.

"A sophisticated narrative history of the Supreme Court . . . [Irons] breathes abundant life into old documents and reminds readers that today's fiercest arguments about rights are the continuation of the endless American conversation." -*Publisher's Weekly* (starred review)

A People's History of the Supreme Court: The Men and Women Whose Cases and Decisions Have Shaped Our Constitution Details

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From Reader Review A People's History of the Supreme Court: The Men and Women Whose Cases and Decisions Have Shaped Our Constitution for online ebook

Cheryl says

Because it's mentioned in The Supremes' Greatest Hits, Revised & Updated Edition: The 37 Supreme Court Cases That Most Directly Affect Your Life. But probably not worth bothering with, (for me), because it's no newer.

Ok, I've looked over a copy and read several pages (in the middle, about cases that interest me). And it turns out that the reason it doesn't particularly interest me is because it's more about the people rather than the cases themselves. I'm weird that way, but I do prefer my lessons more 'dry.'

Ted Hunt says

This book is a very dense, informative history of the Court, filled with details of the backgrounds of the Justices and the cases under consideration. The title "The People's History of the Supreme Court" conveys the author's slant on the workings of the Court (its foreword is written by the author's mentor, Howard Zinn, so there's no mystery about his approach). Irons believes that the Court's mission has always been to protect "liberty and justice for all," although it has often come up short. Like Zinn's "People's History of the U.S.," the focus is on the destinies of slaves, workers, women, etc. I'm not sure how Irons can believe that the Court in the early history of the republic would have done anything but defend property rights, as this was one of, if not the key issue of the American Revolution. It bothered me a little that he couched his objections to the Marshall Court in the way that it interfered in state business. That did not seem to be an issue for the author when the Warren Court was overturning state Jim Crow laws. My biggest complaint, however, was that the book contained a number of historical errors. Marshall's tenure ended in 1835, not 1833, the "Jay Treaty of 1783" is called the Treaty of Paris(!), the Battle of Antietam was a Union victory (hence the Emancipation Proclamation), the Sunday School bombing in Birmingham was in 1963, not 1964, and the Federalists did NOT simply become the Whigs (and they did not simply become the Republicans). There were other errors as well, which left me wondering if he got all the facts of the court cases correct. In any event, I guess the overriding message of the book is that the Supreme Court, which was designed to be "above" politics, has always been a political body, reflecting the views of its members, as well as popular opinion on the issues of the day.

Emily Rice says

I really really liked this. I didn’t know a ton about the Supreme Court, and this is exactly what it says: an overview of the court’s decisions placed in the context of history. At times I thought it got kind of vague or just threw names at me, but I get why: it’s an overview, not a deep dive. Overall tho the discussion of political factors in the decisions and the overall trends that impacted the court was super illuminating.

Joseph Richmiller says

This book was an excellent read. Peter Irons goes into great detail about the people that shaped the U.S. Constitution, it's various interpretations and the decisions that have shaped our democracy. Structured chronologically from the first settlers until roughly 1990, the books expounds dozens of opinions while shining a critical light on the personalities and social conditions that brought these cases forward. The Marshall court flexing its muscle, The Four Horsemen that dogged FDR, The Warren Court and it's momentous expansion of rights all fly off the page and into the imagination. It felt important to read, to learn about and appreciate. I was absolutely captivated by the language and how accessible it felt. This book is packed with interesting tidbits and commentary about periods of American History that are too often forgotten.

Before reading this book I could not remember what Dred Scott was, or why Plessy v Ferguson was important. After reading this book I have become interested in the current activities of the Supreme Court, its recent rulings, its members and so forth. It has sparked a greater interest in US history, policy making, law, and activism.

I not only recommend this book I implore you to read it. The amount of information contained in this book has been expertly woven together to form a compelling narrative about the profound changes American society has undergone. Reflected in our laws is our national character, a summation of beliefs that have defined who and what is ultimately American (and who is not). The judges who shaped that character deserve our attention and the plaintiffs who have challenged the status quo time and time again deserve to be remembered for their acts of bravery.

Sean Sullivan says

I bought this one at the beginning of my first semester of law school thinking it would be a good idea to get an overview of the major Supreme Court decisions, and a bonus if I got that overview from a progressive perspective.

Well, I got an overview, and from a progressive perspective as well. This is the first popular book of Supreme Court history I have read, so its hard for me to say if they are all this dryly written, but seriously, my constitutional law casebook has got more razzle dazzle.

The book is comprehensive. It covers every case you need to know about if you’re interested in individual rights from Dred Scott to Rasul v. Bush. Still, I’m a law nerd and it took me months to finally finish this one. Then again, when I get home at night the last thing I want to do is read more about interstate commerce and labor.

Kressel Housman says

This 500+ page legal history was a long slog, but worth it. I learned so much, I feel ready to take the LSATs. It was especially cool to have finished it on the very day that the Court upheld the Affordable Health Care Act. As you’ll see by my status updates, that’s not the result I predicted.

I read this book to supplement what I’m learning in paralegal school. With a title like *A People’s History of*

the Supreme Court, I figured it would be more readable than legal opinions and textbooks because 1) "People's history" made me think it was written for the layperson and 2) The subtitle, *The Men and Women Whose Cases and Decision Shaped Our Constitution* , made me think it told the human story behind the Court. Sometimes, both assumptions were proven correct. Sometimes, though, the book was as dull as any legal opinion or textbook. As another GR reviewer put it, "My law school texts have more razzle dazzle than this."

Because it was such a long slog, I began doing status updates to keep myself going. I was tracking my milestones. And now that I've gotten to the end of the book, it seems like ages ago that I was reading the initial chapters about the framing of the Constitution. So I think the best way for me to review the book is to list all my status updates in chronological order. As you'll see, the book really was a review of American history. I highly recommend it, but watch the PBS documentary on the Supreme Court first. It's a pleasant and easy way to get some of the background that this book will fill out in greater detail.

May 24, p. 66 - I'm up to the framing of the Constitution, and boy was the 3/5 compromise disgusting! The small Southern states wanted the slaves to count toward the population, but wouldn't count them as humans when it came to legal rights. Those are the seeds of the Civil War right there. And all the arguments! It's almost like today, except that now, nobody compromises.

May 29, p. 111 - I'm finally done with the framing of the Constitution and up to the Marshall court! But I'm very glad I saw the Supreme Court documentary TV series. I couldn't get through this book without that background.

May 30, p. 126 - Finished McColloch v. Maryland, which created the Federal Reserve and asserted the "elastic clause" of the Constitution. On to Dartmouth v. Woodword.

May 31, p. 142 - I've finished with the Marshall court, and now I no longer lionize as much as I did. Marbury and McColloch were great decisions, but he often ruled in favor of property rights. As the author states, a man of Marshall's position who surely wasn't afraid to wield his authority might have done more to end slavery. He had the chance in "The Antelope" case.

June 1, p. 162 - I'm up to the Dred Scott case, which is so far the fastest reading of the whole book. This author was a civil rights activist, so slavery is getting special focus. I feel like such an ignoramus. I never knew about the Amistad - now I've got to read up on it!

June 4, p. 190 - The Civil War is over, and Lincoln is dead. You know, I saw that film, "The Confederate States of America," and I remember it singling out Judah Benjamin for inventing the legal concept that slaves were property not people, but it's much older than him, and Chief Justice Taney, who wrote the opinion in Dred Scott, seems just as bad if not worse.

June 6, p. 208 - I'm happy to have passed the 200 mark, but American history just gets worse and worse. It's post-Civil War, the Klan is waging terror in the South, and Cruikshanks, a Klansman, literally got away with murder because of the ruling of the Supreme Court. Outrageous!

June 7, p. 228 - I'm up to Plessy v. Ferguson now, but in fact, there were several Civil Rights cases that preceded it. In one, the case of a black woman on a train between states, Justice Harlan wrote that keeping her in a segregated car was an interference of interstate commerce, the defense ultimately used in the Civil Rights Act of 1964. It only took 100 years! (More comments coming soon.)

June 7, p. 230 - Justice Harlan wrote the dissent in Plessy, for which he is celebrated in history, but the author compares him to Lincoln. Both men fought for the legal rights of blacks, but still saw them as inferior. Also, another discrimination case, Yick Wo. v. Hopkins, should have served as precedent to defeat Plessy,

but it's a case largely forgotten today.

June 15, p. 306 - I've gotten through the tenure of Oliver Wendell Holmes, the justice I wanted to learn about most. Unfortunately, it turns out he had clay feet. I didn't realize the "falsely yelling fire in a theater" example was his. But the case he applied it to was a protestor of WW I, arguable if it really applied. I also read about the Schecter brothers' case, involving kosher butchers. Shameful!

June 17, p. 347 - Finished with the J- Witness cases, which got a fair amount of details since the author was able to interview Lillian Gobitas, whose refusal to pledge allegiance to the flag became so famous. Ironically, the first J Witness to do that was in Hitler's Germany, and then the people of that religion began doing it as a whole, refusing to pledge allegiance to any national symbol.

June 18, p. 362 - Read about how the Supreme Court upheld the internment of Japanese Americans in World War II. After all this, I guess I shouldn't be surprised if they strike down the Affordable Health Care Act. After all, this is the age of Citizens United.

June 21, p. 381 - I've read Thurgood Marshall's pre-Brown strategy, ie deal with higher education and housing cases first, and now I'm in an interlude about the Red Scare. Boy, will I celebrate when I reach page 400!

June 21, p. 396 - I said I'd celebrate at p. 400, but I'm not quite there. Meanwhile, I'm reading Brown and the school cases that went with it. It's the fastest reading of the whole book; you can tell that this is the part that the author is really excited about. Part of their argument was based on self-esteem. They gave black kids brown-skinned and pink-skinned dolls and asked, "Which is the nice one?" Most kids chose white.

June 24, p. 420 - Read about the throngs of people, mostly blacks, who turned out for Chief Justice Earl Warren's funeral in 1974. Brown v. Board of Ed was the best decision the Court ever made. I wonder what they'll do with health care. My hopes aren't high.

June 28, p. 460 - Justice Harry Blackmun is most famous for writing the Roe v. Wade opinion, but I like what he said on Bakke, a challenge to affirmative action: "In order to get beyond racism, we must first take account of race. There is no other way. In order to treat some persons equally, we must treat them differently. We cannot - we dare not - let the 14th Amendment perpetuate racial supremacy."

Stephan Burton says

This book gives an overview of the history of the Supreme court and the major decisions it made throughout history. I started out liking the book and was interested in the premise. Eventually the book started harping on how everybody (including Lincoln) was a racist. I don't find it constructive or insightful to judge 19th century people by 21st century values. I would much rather try to understand why they thought the way they did, and see what lessons I can carry forward to my time and values. I couldn't get myself to finish this book because I got tired of the author calling everybody a racist.

Thomas says

Not bad. Irons is interesting, and provides a lot of great vignettes of the cases, and particularly the people, that make up our Constitutional law. His legal knowledge and qualifications can't be denied. He is, however,

not a historian, and his bias, like that of his mentor Howard Zinn, is open and overt. His heroes (particularly Earl Warren) loom large and change the country for the better, dying mourned and beloved, while his villains are usually consigned to mediocrity or dismissed with a phrase such as "He was rated a 'failure' by modern scholars." While my own views may correspond with his more often than not, he approaches history as a tool for his own use, and a way to prove the virtue of his teleological perspective. History should deal with the past on its own terms - reading our own values back to color the choices its participants made is something we all do, certainly, but that historians try to minimize as anachronistic. Kudos to Irons for taking on the task, for being a good read, and for providing one of the very few comprehensive histories out there, but I really wish he had worked harder to leave himself out of it.

Justin Lee says

For those with an interest in the Supreme Court, this book is for you. I thoroughly enjoyed this book, its tone, and the history behind the cases it writes about. Most probably know *Plessy v Ferguson* or *Brown v Board of Education* but most might not know the backstory to these and other cases that come across the SCOTUS.

Mr. Irons does not hide his bias and you can clearly tell which side of the spectrum he falls. I found this refreshing. He was blatant about it, but he was informed. You can tell how he came across his opinion and I don't fault him that. I didn't feel like he was forcing his point of view on the reader, but rather, guiding the reader. It never seemed overbearing to me.

One of the interesting things about this book is that you can see what women, african americans, glbt, asian people have had to go through to get where we are today. He makes you feel what it would be like to be living in those eras and having these events take place. Most of the times, it makes me glad I'm living in the early 21st Century and not earlier. A fascinating current that runs through the book, amidst the cases, is the reader gets little tidbits of information on the Presidents' choices of the justices and the reader gets exposed the discussion of the judicial philosophies of the justices that left a legacy. This, to me, was my favorite part.

With so many types of cases that the SCOTUS has heard, I was a bit disappointed with the lack of environmental cases discussed- mainly none. Otherwise, this book is a great introduction to the world of the Supreme Court. I can understand why law students don't enjoy Constitutional Law

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India says

Reading "A People's History of the Supreme Court" by Peter Irons was neither prosaic or an unloved thing in my hands, and instead it became a companion on my red leather seats traveling from San Diego to Orange County then to Los Angeles. In addition it was a "prop" of wisdom during interviews of many shining stars.

The Supreme Court at its very mention is something that silences people just as readings from a bible or holy illuminated text. This book was a sheer page turning sensation by Peter Irons (Supreme Court maven and Professor of Political Science at University of California San Diego).

After reading I posses a conflagration for our legal system as we dance through pages with Louis Brandeis, John Marshall and Earl Warren and how their rulings are a part of the Supreme Court and are standing today as a silent constitutional sentinel over America.

Chrisiant says

I gave this book a good try, I really think I did. And I still think I might go back and make an effort at reading the entirety of the book at some point. The main problem I had with it is that it's billed as a book about the people behind the most influential Supreme Court cases, which sounded fascinating: Plessy, Brown, Roe, Dred Scott, and all the other lesser known figures who were part of making history, sometimes unwittingly or unwillingly. But 100 pages in (about when I quit) Irons was still analyzing the original make-up of the court, and the personalities of each justice and why they complained about having to be circuit riders. This was after 90 pages of analysis on the Constitutional Convention, highlighting the framers' lack of attention to Article 3 (the article that established the Supreme Court).

While I might well have read a book about the Constitutional Convention, it's not what I was expecting out of this book, and so by the time I arrived at the bit I was expecting, I was so bored with what I'd already slogged through that it held no interest for me anymore.

Like I said, maybe another time.

Mark Desrosiers says

This groovy and jargon-free narrative is both more and less than the title suggests. "People's history" now indicates an openly ideological effort to recast "history" with sociology, underground martyrs, tragedies, and a general attempt to foreground the voiceless, plus ignore the "Great Men" except when they're bastards. This was Howard Zinn's messy specialty, and his foreword here is a benediction. But Irons doesn't wander into the Zinn muck very much: the Great Men (and Women) are very much with us here, albeit cut down to size. And though Irons gives some exciting narrative background to cases like *Dred Scott* and *Gobitis*, plus paints new portraits of the great Justices at work, on the whole I read this as more of a "popular history" -- i.e. a Supreme Court history stripped of mystery and legalese, with a bit of human frailty and excitement added in.

Some of the reviewers here were put off by the lengthy account of the Philadelphia Convention in 1787 -- 115 days of argument in eighty pages here. But I was riveted, and I think Irons's purpose is clear: the United States Constitution was not holy writ created by a meeting of brilliant minds, but the product of prejudice, compromise, experiment, short tempers, and windows shut against spies in mid-summer heat. Irons gives the lie to "strict constructionists" who ignore the social context and bitter debates -- not just in Philadelphia but in twelve state legislatures -- that got this cool but obviously Frankenstein-shaped document passed. Barely.

The rest of the book is a very selective history of the Court (our least democratic institution) as it shaped and got reshaped by a bitter, global, and bloody historical trajectory. One thing you'll notice -- and Irons takes pains to point this out at every turn -- is that most Supreme Court justices were mediocrities, dimwits, or worse. Hell even the position of CHIEF JUSTICE has often been filled by blinkered ideologues and political hacks. *Dred Scott* was not just an institution shooting itself in the foot, but let's face it, a wizened Southern aristocrat using his limited brainspace to arbitrate the future of our country. Similar idiotic results obtain in *Plessy vs. Ferguson* and *Korematsu* among many others.

But Irons properly exalts the heroes of the story, including John Marshall, John Marshall Harlan, Brandeis, Frank Murphy, Earl Warren, William Brennan, hell even Thurgood Marshall (whose epic strategery for the NAACP far overshadowed his work as a Justice). Oliver Wendell Holmes Jr. comes in for a bit of criticism as an elitist on several fronts, though it's hard to deny his writing and ability to keep the Court among America's respected institutions during rough times. Earl Warren is a fascinating mystery -- a conservative

family-values Republican from California now widely perceived as the most liberal Chief Justice ever. Conversely, Antonin Scalia is revealed as a snarky and bitterly ideological justice whose pen gets dipped in Bible blood when homosexuality hits the docket. Fascinating to see justices grappling with their own ideology and this immutable (ha!) document to figure out crazy cases, and when the dodgy "right to privacy" came out the box in the sixties, well -- all hell breaks loose. And that continues today.

Irons does put together a compelling picture of strange times and strange cases, involving rightous grievants and grumbly, witty, twitchy justices -- hell I kinda think an illustrated version of this would become a bestseller. But he fails at the end, where he considers the contemporary (2005) Court. *Bush v. Gore*, where the Court essentially re-enacted *Dred Scott* and pissed a political decision into the air that had nothing to do with the Constitution -- gets a bland recounting without any fire of ideology whatsoever. And he seems all too careful in his assessment of Roberts and Alito... whereupon the book ends, abruptly, with no postscript or any effort to look back and bring these scores of morons and occasional geniuses into perspective as a part of American life and history. That omission forces me to omit a star. Well worth reading though...

James says

I read this book over a year ago. The detail is there within it, but the pages are boughed. The author spends too much time discussing Article 3 and explaining terminology. It should adhere to its own title and inform on the 'why' when shaping the US's Constitution. Also, the book leaned too far to the left for me to digest.

Conrad says

Unlike Zinn's similarly-named book, this one is cogently argued. By "the people" Irons means not a single, monolithic demographic ("the oppressed"), but *humans*, folks, regular fellows. Each chapter contains a summary of an important event in the history of the Court and its decisions, the difference being that we get biographical detail on Dred Scott and Marbury rather than just the usual, dry narrative of administration.

The chapters on the origins of the Constitution and Supreme Court, though, are worth the price of the book by themselves. Drawing on Madison's notes on the Constitutional Convention (pretty indigestible by themselves), Irons' sketchwork is compelling and imbues Elbridge Gerry and other, more obscure conventioneers with more personality and individuality than one usually sees in other books. Altogether, Irons did an admirable job; my only real problem is that he sometimes chose the obvious civil rights cases (Dred Scott; Brown v. Board) instead of the less juicy but equally consequential. I would have wanted to read more about Lochner v. New York, the evolution of Indian law from Marshall onward, and the period between the Civil War and the robber barons which for some reason often gets overlooked in books like these written by leftists (despite having given us the separation of church and state, the temperance movement, frontier justice, and lots of other interesting legal dilemmas).

Eric says

Similar in name and intent to Zinn’s ‘A Peoples History of the United States’ (and he writes the Introduction in this book), Iron’s history of the Supreme Court is an in depth look into the history of the Constitution and the court up to the Clinton era. My only complaint is that he gets stuck on certain cases for chapters on subjects that have had many books written on those cases, the during other periods is too brief (I know he’s

done his research on the court because his other books, including ‘The Courage of Their Convictions: Sixteen Americans Who Fought Their Way to the Supreme Court’ show the breath of his knowledge on the subject.