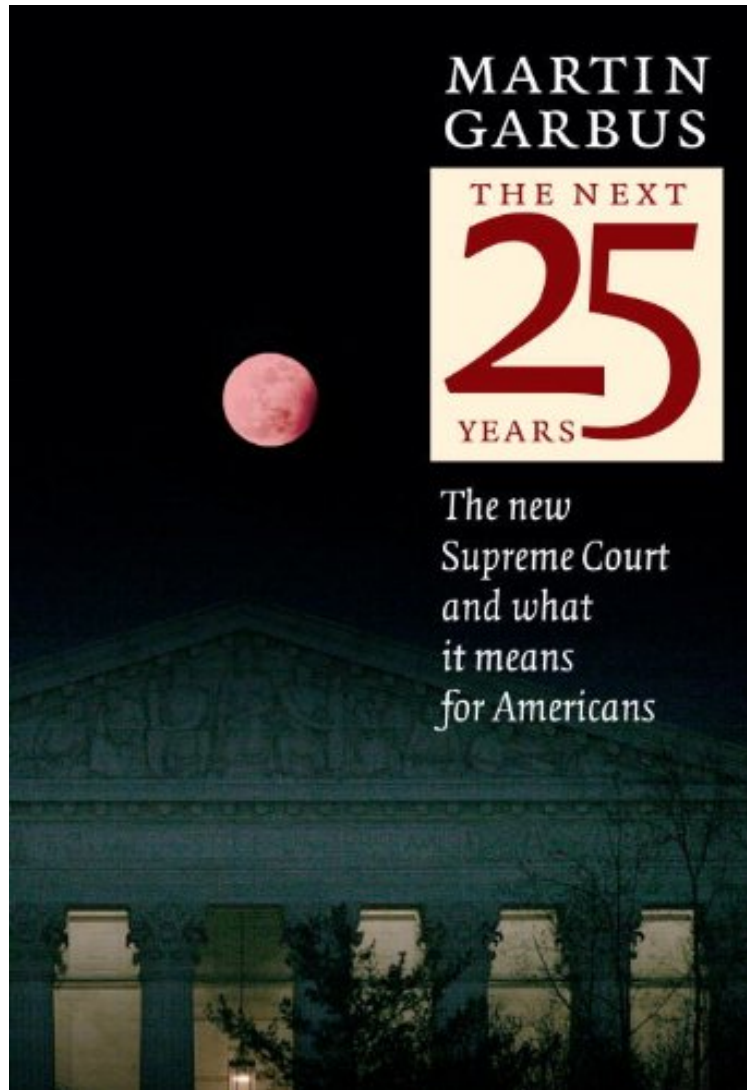


The Next 25 Years: The New Supreme Court and What It Means for Americans

Martin Garbus

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Martin Garbus : The Next 25 Years: The New Supreme Court and What It Means for Americans before purchasing it in order to gage whether or not it would be worth my time, and all praised The Next 25 Years: The New Supreme Court and What It Means for Americans:

0 of 0 people found the following review helpful. Must reading for through understanding of our Supreme CourtBy KTEvery one interested in the U.S. court system, regardless of their political inclination(s) should read and consider this book. Must reading for through understanding of our Supreme Court.0 of 0 people found the following review

helpful. Conservative impact is overstated. By Gderf Garbus says that the impact of the conservative SC block of Roberts, Alito, Scalia and Thomas will be to control the SC for the next couple of decades. Let's hope he's correct as the court has been steadily expanding federal power over the last few decades. Garbus overlooks that the liberal wing of the court Breyer, Stevens, Ginsburg and Sotomayor (Souter when the book was written) also vote as an ideological block. He is not correct to judge the swing voter, Justice Kennedy as more conservative than the previous swing voter, Sandra O'Connor. The most the current ideological polarization of the court can accomplish is to slow down the populist expansion of government power. With luck the conservative court can mitigate left wing control of government predicted in James Carville in "40 More Years". The book deserves credit for readable accounts of many significant, and mostly recent cases. It does a good job of selecting cases of previous eras from the Marshall Court, late 19th century jurisprudence and the New Deal, Warren, Burger and Rehnquist Courts. Garbus describes a case by case decision basis without any particular judicial philosophy. He attempts a pragmatic approach. Between the introduction and last chapter which degenerates into a leftist diatribe the book contains a lot of interesting case law. The reader learns much about Eminent Domain, the Takings Clause, the Commerce Clause, deregulation, and environmental control legislation. There is a moderate amount of space devoted to advocacy of the Incorporation doctrine whereby the B of R is applied to the states. The book is not good at tracing abortion legislation to right of privacy. While not generally as derogatory of business as most left wing idealists, Garbus deplors free market conservatism without citing much economic justification. Garbus deplors the conservative tendency to find facts to justify ideology. He makes no comment on that aspect for the liberal block of the court. Thurgood Marshall admitted that he decided first on the basis of social need and found justification later. The best and possibly the only original item in the book comes in a discussion of factual analysis as used in judicial decisions. Garbus alludes to the Rashomon effect to illustrate how different Justices can view facts from different perspectives to make very different conclusions from the same set of facts. Garbus continually uses opinions of Judge Bork to derogate the current conservative SC block. He over relies on the unpopular Bush v. Gore decision to support his cause. Garbus says that the Rehnquist Court cutback federal power at a time when it was dangerous to do so. When would Garbus advocate stopping expansion of federal power? He doesn't explore what will happen when all that federal power is appropriated towards a fascist cause after the inevitable swing to the right that will follow the current period of socialist government control. 'The Next 25 Years' is not as good as "The Supreme Court Phalanx" by Ronald Dworkin written from the same viewpoint as '25 Years' while analyzing the conservative stance through the idea of "Originalism", a philosophy only lightly touched as "Textualism" in Garbus' approach.

1 of 1 people found the following review helpful. Garbus continues Darrow's tradition! By E. Clark Forrest, Jr. Attorney Martin Garbus, in the social tradition of Clarence Darrow, has laid out in concise but stark terms the damage that the now-dominant, right-wing ideologue Supreme Court justices have done to constitutional and human rights. He forecasts that if their 5-4 past decisions are prologue, then the future for the next 25 years is not bright for those who believe that no one is above the law. This book is must reading for anyone who is concerned about fairness and compassion in the meting out of justice by the federal judiciary. It is an easy-to-read constitutional history of the most significant cases and their effects on Americans. There are a few errors that should have been caught during the review and editing. For example, on page 56, the name of Richard Mellon Scaife is given as Richard Scaife Mellon, and on pages 110-111, the date of Baker v. Carr is incorrectly listed as 1959, rather than the correct date of 1962. It is correct in note 42. And a final example will suffice. On page 132, Justice Byron White is incorrectly identified as his 19th century predecessor Justice Edward White. However, these errors do not detract from Mr. Garbus' cogent insight and call to action of all who believe, as he does, that "We need justice now[!]"

On a personal note, as a Louisiana native and student of its history, I was aware of the Colfax, LA, riot and murders of April 13, 1873. However, I was not familiar with United States v. Cruikshank (1876) that arose from the attempted criminal prosecution of the Colfax murderer s (p. 90). And I was certainly not aware that Justices Rehnquist, Scalia, Thomas, Kennedy, and O'Connor had resurrected this Reconstruction-era bias as a precedent in Morrison v. United States to rule on May 15, 2000, that "Congress had no power to punish private violence motivated by gender" (p. 90). Another pernicious Louisiana case, Plessy v. Ferguson (May 18, 1896), has been cited by the Rehnquist and Roberts courts to "provide the basis of future decisions on issues ranging from abortion to civil liberties to race and gender persecution" (p. 70). Plessy v. Ferguson is the Supreme Court case sanctioning segregation in which the Court ruled that "separate but equal" facilities were constitutional. Plessy was not overturned until Brown v. Topeka Board of Education in 1954.

In *The Next 25 Years*, renowned First Amendment lawyer Martin Garbus examines what will be the impact of the new Supreme Court on the future of our republic. Drawing on extensive knowledge of Constitutional law and legal precedents, Garbus, one of our most astute legal historians, defrocks the executive branch's grip over the judiciary as an extension of its own executive powers. He warns of the threat of an incoming "textualist" bench that wishes to roll back more than a century's worth of hard-won reforms. And he offers the first clear-eyed account of how the coming bench may imperil our way of life and endanger the liberties you may have thought were our inalienable rights.

From Publishers Weekly Perhaps more than even his War on Terror, President George W. Bush's Supreme Court appointments will have a tremendous impact on the country over the next 25 years and beyond, argues noted First Amendment trial lawyer and author Garbus in his latest work, an update of sorts to 2002's *Courting Disaster*. Taking on conservative critics of "activist courts," Garbus methodically lays out the arguments behind some of the most recent and controversial Supreme Court rulings (many decided by a single vote), showing Supreme Court conservatives turning precedent on its head in case after case. He also analyzes positions taken by newly-appointed Samuel Alito and John Roberts in their pre-Supreme careers, producing laws dating back to the early 1800s that the judges have been willing to change. Garbus cuts right to the heart of what's at stake, including rights to abortion, privacy and religion; states' sovereignty issues; tax reform and others. With crystal-clear reasoning, Garbus sounds a wake-up call for those suspicious of the current administration's long-term plans for the U.S. judiciary. Copyright Reed Business Information, a division of Reed Elsevier Inc. All rights reserved. About the Author MARTIN GARBUS has appeared before the United States Supreme Court and the highest courts throughout the nation. He is the subject of the HBO documentary *Shouting Fire: Stories From the Edge of Free Speech*. He lives in New York City.