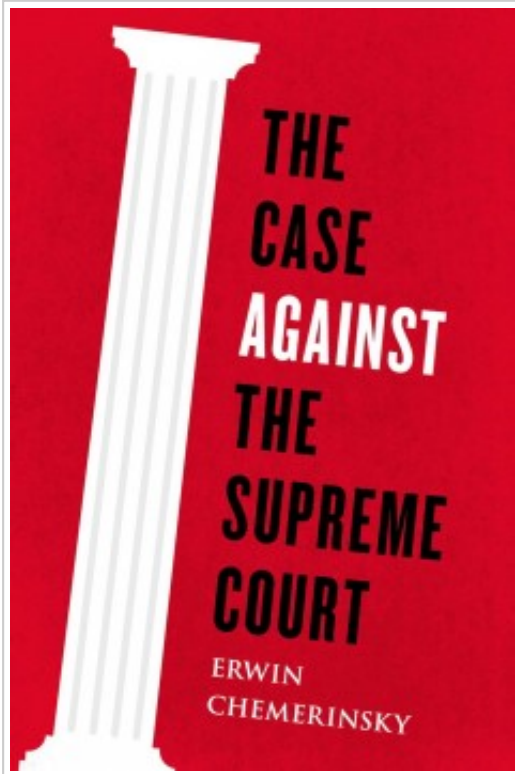


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The Case Against the Supreme Court

by Erwin Chemerinsky

Price: \$30.00(Hardcover)

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From the Publisher:

A preeminent constitutional scholar offers a hard-hitting analysis of the Supreme Court over the last two hundred years. Most Americans share the perception that the Supreme Court is objective, but Erwin Chemerinsky, one of the country's leading constitutional lawyers, shows that this is nonsense and always has been. The Court is made up of fallible individuals who base decisions on their own biases. Today, the Roberts Court is promoting a conservative agenda under the guise of following a neutral methodology, but notorious decisions, such as Bush vs. Gore and United Citizens, are hardly recent exceptions. This devastating book details, case by case, how the Court has largely failed throughout American history at its most important tasks and at the most important times. Only someone of Chemerinsky's stature and breadth of knowledge...

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What We Say

A note of resigned melancholy animates this sober, reasoned takedown of the Supreme Court's fulfillment of its duty: namely, protecting minorities from the tyranny of the majority and upholding the Constitution. Chemerinsky says he has spent most of his life in denial about its failings. As a young man, he saw Watergate prove that even the President wasn't above the law and the Supreme Court has been the bulwark making that happen, right? For all its flaws, surely it has done more good than harm. Look at the Warren Court, he's always said. Here the author -- a scholar of constitutional law and author of a standard textbook used in academia -- does indeed look at the Warren Court (which should have done more) and the long history of the Supreme Court (when it so often did far, far less). Again and again, he shows that it has sided with the powerful against the very people and principles it was designed to protect. He is at pains not to make this a liberal assault on the Court. Time and again, he gives examples that people of all political persuasions can agree were poor choices of the Court. If he offers up red meat to the left, he's sure to offer up red meat to the right with a counter example. As he explains the cases and the decisions made by the Court from its early days to today, the case against the Supreme Court becomes compelling indeed, all presented in clear and precise language any layperson can easily understand. Chemerinsky makes nonsense of the idea that judges are somehow impartial umpires rather than driven by ideology. And he offers practical steps that would improve the Court and its functions, everything from term limits to improving confirmation hearings to merit panels that would recommend options for the President (an idea used around the world and by various states including Alaska). Clearly Chemerinsky is passionate on liberal causes and makes no pretense otherwise. Yet the case he makes about the Court's myriad failures is eye-opening to anyone who understands the Supreme Court can and should play a unique and vital role in our system of checks and balances. Chemerinsky has argued cases before the Court many times. But he ruffles so many feathers in that group of nine (and not just Scalia) that it's almost hard to imagine him appearing before them again after this passionate work comes out. If he does, it'll be worth camping out overnight just to get a ticket and watch. -- Michael Giltz

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