

The Making of Modern Law: U.S. Supreme Court Records and Briefs, 1832-1978



Gale has expanded the world's most comprehensive collection of British and American legal treatises with the second installment of *The Making of Modern Law* series. This collection of primary sources expands upon the success of Gale's *The Making of Modern Law: Legal Treatises: 1800-1926*, the winner of the American Association of Law Libraries' Best New Product, 2005. *U.S. Supreme Court Records and Briefs, 1832-1978*, concentrates on the history of the Supreme Court, from the final years of the court's fourth chief justice, John Marshall, through the first 10 years of the court's 15th justice, Warren Earl Burger.

Briefs

A brief is a lawyer's written statement of his or her case, including the factual and legal arguments upon which it rests. United States appellate courts usually require a brief to be filed for the information of the judge and the opposing party.

Occasionally a brief may include considerable historical, economic, and sociological data, as in the brief presented by the plaintiff in *Brown v. Board of Education* (1954), which argued that racially segregated schools provided unequal education. As can be expected, the presentation of the brief in American appellate practice underwent considerable change during the course of the 19th and 20th centuries; yet as a written record it remains an essential research source.

FEATURES:

- Offers the most complete, digital edition of Supreme Court cases for 1832-1978 (almost 150 years of court history)
- The collection contains 75,000 cases
- 200,000 primary source documents
- Presents the background and context of the cases presented to the U.S. high court
- Contains essential primary source material on the major topics in American history

TOPICS COVERED:

- The interpretation of the constitution and its amendments
- Judicial review and the role of the courts in American history
- States' rights and national sovereignty
- The institution of slavery
- The settling of the western territories
- The role of government in war and peace
- Free enterprise, banking and commerce
- Big business and organized labor
- Discrimination and modern civil liberties

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FAMOUS CASES:

A brief sample of U.S. Supreme Court cases include many landmark decisions whose study is an essential part of American law, politics, and history with pivotal participants and rulings becoming part of the U.S. vocabulary. *Supreme Court Records and Briefs* covers these as well as countless others:

- “Dred Scott v. Sandford” (1857), held that a black slave could not become a citizen under the U.S. Constitution
- “Butchers’ Benevolent Association v. Crescent City Livestock Landing and Slaughterhouse Co.” (1873), docketed as the “Slaughterhouse Cases,” interpreted for the first time the major clauses of the Fourteenth Amendment (1868), which was designed to restrain state governments from abridging the rights of former slaves after the Civil War
- “Plessy v. Ferguson” (1896), delivered the famous “separate but equal” decision allowing for racial segregation in public transportation
- “Muller v. Oregon” (1908), features the brief of Louis D. Brandeis, who later served as justice of the U.S. Supreme Court, and which for the first time used modern social science data in a case on labor law
- “Schenck v. United States” (1919), enunciated the “clear and present danger” rule as a means of testing the validity of government interference with freedom of speech
- “National Labor Relations Board v. Jones & Laughlin Steel Corp.” (1937), upheld economic regulatory legislation by declaring the constitutionality of a key piece of New Deal legislation during the presidency of Franklin D. Roosevelt (1933-1945)
- “Brown v. Board of Education” (1954), outlawed segregation in public education. It contains historic briefs by members of the National Association for the Advancement of Colored People
- “Miranda v. Arizona” (1966), required police to inform suspects of their rights before interrogating them. “Miranda” is now a fixture of popular television police dramas, such as “Law and Order”
- “New York Times Co. v. United States” (1971), the famous cases of the “Pentagon Papers” during the Vietnam War era
- “Roe v. Wade” (1973), held with some qualification that state laws prohibiting abortions were unconstitutional
- “United States v. Richard M. Nixon” (1974), ordered President Nixon to obey a subpoena directing him to surrender tape recordings of conversations made in the White House during the Watergate scandal

TYPES OF DOCUMENTS INCLUDED:

Included documents are not published monographs as in *Making of Modern Law: Legal Treatises, 1800-1926*, but official Court filings. Some cases consist of a few documents – one or two pages in length – others may include dozens of documents, especially the ones actually heard by the Court.

The types of records contained include:

- Appellant’s Brief
- Appellee’s Brief
- Appendix
- Application for Review
- Application for Writ
- Brief for the U.S.
- Brief in Opposition
- Brief of Real Party
- Intervenor’s Brief
- Joint Appendix
- Jurisdictional Statement
- Letter Brief
- Opposition for Review
- Oral Transcript
- Petition
- Petition for Rehearing
- Petitioner’s Brief
- Petition for Writ of Certiorari
- Relator’s Brief
- Supplement to Petition
- Transcript
- Trial Transcript

Supreme Court Records and Briefs is an essential research tool for researchers in American legal history and students of American history, politics and society. The collection supports the study of the American judicial system and of American social history; the study of rhetoric and the interpretation of language; African American history and critical race theory; and feminist studies and feminist jurisprudence.

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