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Constitutional Law Stories



Synopsis

Fascinating and rich in drama, *Constitutional Law Stories* edited by Columbia University Law Professor Michael C. Dorf, and featuring leading constitutional law scholars provides real lessons pertaining to the interpretation of the United States Constitution. *Constitutional Law Stories* offers in-depth analysis of leading federal constitutional law cases by providing behind-the-scenes stories, outlining the historical context of each case and defining the role these cases play in framing fundamental questions about American law and government. The latest release from the Foundation Press "Law Stories" series, *Constitutional Law Stories* centers on 15 pivotal cases, including *Roe v. Wade*, which upheld a woman's right to choose; *Clinton v. Jones*, which denied President Clinton temporary immunity from civil litigation, and set the stage for his eventual impeachment; and *Korematsu v. United States*, which questioned the legality of military orders excluding Japanese-Americans from the West Coast of the United States during World War II. The selected cases represent three distinct areas of constitutional law: the structural constitution, which defines separation of powers and federalism; equality and the constitution (equal rights); and the constitution and liberty (individual rights, including First Amendment rights). Today's leading constitutional law scholars, including Daniel Farber, University of California, Berkeley; Samuel Issacharoff, Columbia University; and Mark Tushnet, Georgetown University, are among the writers of the essays in *Constitutional Law Stories*. General Editor Paul Caron and the editors of the "Law Stories" series bring landmark cases to life with a behind-the-scenes look at leading cases in important areas of law. Each book examines the parties of the dispute, the legal and historical context, and the immediate impact of the case, as well as the continuing importance of the case in shaping modern law. Other titles in the Law Stories series include *Tax Stories*, *Torts Stories* and *Property Stories*.

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Customer Reviews

Professor of Law, Columbia Law School

The book came to my door as quickly as was promised, which is important for textbooks. When it got here, it was in perfect condition. The ease of the transaction made me, as a customer, very, very happy.

This is a splendid collection of 15 narratives concerning historically significant cases. "Constitutional Law Stories" brings the Constitution out of the graveyards in its telling of seminal Supreme Court cases, old and new, related to structural principles, egalitarian principles, and liberty principles. The narrative approach, combined with clear and skillful analysis, goes a long way in providing students with a fuller and richer portrait of American law as lived and litigated. Some of the stories involve the "chestnut" cases, e.g., Marbury, Dred Scott, Lochner, and Roe v. Wade. Others are important but typically receive far less narrative attention - e.g., Whitney, Employment Div. v. Smith and City of Boerne v. Flores (re the "inter-connection of structure and rights"). As with any such selection, one can quibble about why this or that case is missing - e.g., Brown v. Board, Nixon v. U.S., Adamson v. California, Craig v. Boren, NYT v. Sullivan, Everson v. Board of Education, Zelman v. Simmons-Harris, Flast v. Cohen, and Bush v. Gore, among other cases. Some of these cases are, of course, examined in related cases discussed by the contributors (who are an impressive lot). Editor Michael Dorf, of Columbia University Law School, makes a good case in his thoughtful introduction why certain cases are "in" and others "out." Moreover Professor Dorf adds a welcome touch of realism when he writes: "By including a fair number of poorly reasoned or morally obtuse decisions in this book I aim to combat a common impulse among both students and scholars of constitutional law - the tendency to treat the story of American constitutionalism as the unfolding of manifest destiny of the ideals announced in the Declaration of Independence and inscribed in the Constitution." Finally, "Constitutional Law Stories" ably demonstrates that the history of the law - its logic, humanity, and impact - cannot be confined to dead-letter judicial opinions. It is a story in the real lives of real people. Three cheers for context! The book makes for a valuable supplement to

any casebook. In that respect, Dorf and colleagues have given new life to our knowledge of American constitutional law.

This book tells the histories of fifteen constitutional cases in areas such as free speech, equal protection, and federalism. The writing is reader-friendly (at least for academic writing); the chapters are packed with interesting historical details that help to make the legal issues come alive; and the authors (almost all of whom are law professors) were selected from all points of the political spectrum. Although there is enough legal analysis for readers to grasp the legal significance of each case, the writers generally avoid arcane doctrinal exegesis. The reader should know, however, that the fifteen separate chapters do not add up to an overview of constitutional history or current constitutional law. In fact, several chapters deal with cases that are usually cited today as paradigms of BAD constitutional law (*Plessy v. Ferguson* and *Lochner v. New York*). The chapters are also of mixed quality. Some are outstanding (such as the ones on *McCullough v. Maryland* or the Oregon peyote case). Others, however, deal with ephemeral cases (such as *Jones v. Clinton*); at least one (on *Roe v. Wade*) is laughably one-sided; and one (on *Dred Scott*) seems more focused on attacking Robert Bork than on analyzing the details of the case (Bork is an easy target but he didn't need to figure so prominently in the discussion of a 19th century case). With these caveats, I'd recommend the book to anyone interested in American constitutional law or history.

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