

Chapter 1 : Editions of Reconstruction and Reunion, by Charles Fairman

The Reconstruction court, [Robert Fridlington] -- Analyzes a particular period in the history of the Court, and explores the interaction and the relationship between the Justices and the society that called them to serve.

Grant to succeed Chief Justice Salmon Chase. Grant had previously nominated Attorney General George Henry Williams and former Attorney General Caleb Cushing , but withdrew both nominations after encountering opposition in the Senate. The Waite Court began with eight holdovers from the Chase Court: Bradley , and Ward Hunt. In a decision delivered by Chief Justice Waite, the court held that the Fifteenth Amendment does not prevent states from using ostensibly race-neutral limitations on voting rights such as poll taxes , grandfather clauses , and literacy tests. The decision played a major role in allowing states to effectively disenfranchise African-Americans. In a unanimous decision written by Chief Justice Waite, the court held that the Constitution did not grant women the right to vote. The ruling was effectively overturned by the ratification of the Nineteenth Amendment in 1920. In a decision delivered by Chief Justice Waite, the court overturned indictments arising from the Colfax massacre. The court held that the Due Process Clause and the Equal Protection Clause only apply to state action, and that the Fourteenth Amendment had not incorporated the First or Second amendments to apply to the states. Later decisions, including *Gitlow v. New York* , would incorporate most of the Bill of Rights to apply to states. The court held that the banning of bigamy did not conflict with the Establishment Clause. In a decision written by Justice Field, the court held that a state can exert personal jurisdiction over a defendant if the defendant is served notice while physically present in a state. In a decision delivered by Justice Strong, the court held that the Equal Protection Clause bans exclusionary policies that lead to all-white juries. The decision overturned the conviction of Taylor Strauder, an African-American convicted of murder in West Virginia by an all-white jury. Strauder was the first time that the Court reversed a state criminal conviction for a violation of a constitutional provision concerning criminal procedure. *Pace* was later overruled by *Loving v. Virginia* on the basis of the Equal Protection Clause. The Civil Rights Cases In an decision delivered by Justice Bradley, the court struck down part of the Civil Rights Act of 1875 , holding that the Equal Protection Clause and the Thirteenth Amendment do not protect against racial discrimination by private actors. The decision has not been overturned, and most future legislation against private discrimination such as the Civil Rights Act of 1964 was passed on the basis of the Commerce Clause. In a decision delivered by Justice Gray, the court held that the Citizenship Clause does not automatically grant citizenship to Native Americans born on Indian reservations. The case was effectively overruled by the passage of the Indian Citizenship Act in 1924. The Railroad Commission Cases In a decision delivered by Chief Justice Waite, the court upheld state fixation of railroad prices as a permissible exercise of police power. Minnesota later limited the effect of this ruling. *Santa Clara County v. Southern Pacific Railroad Co.* In a decision delivered by Justice Woods, the court affirmed its decision in *Cruikshank*, saying that the First and Second Amendments do not apply to state governments. The decision overturned the conviction of Herman Presser, a member of *Lehr und Wehr Verein* , a Chicago-based socialist military organization. The Telephone Cases The court split , on the ruling, and Chief Justice Waite delivered the majority opinion. Judicial philosophy[edit] The Waite Court confronted constitutional questions arising from the Civil War , Reconstruction, the expansion of the federal government following the Civil War, and the emergence of a national economy linked together by railroads. Justices, Rulings, and Legacy. Retrieved 7 March 2012. From Marshall to Rehnquist. Reconstruction and the Waite Court". The Supreme Court Review: Further reading[edit] Abraham, Henry Julian Justices, Presidents, and Senators: A History of the U. The Last Whig Justice. University Press of Kentucky. The Supreme Court Justices: Illustrated Biographies, 2nd ed. Friedman, Leon; Israel, Fred L. Their Lives and Major Opinions. An Essential History 2nd ed. University Press of Kansas. The Supreme Court under Morrison R. University of South Carolina Press. The Day Freedom Died: Henry Holt and Company.

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Chapter 4 : The Reconstruction Court, : Robert Fridlington :

Supreme Court: Reconstructionâ,â Reconstruction and Reunion, , Part 1A is the first part of the sixth volume of the Oliver Wendell Holmes Devise History of the Supreme Court of theâ,â. [PDF] Duck Duck: Story And Pictures.

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Charles Fairman () was Professor of Law at Harvard Law School and the author of Volumes 6 and 7 of the Oliver Wendell Holmes Devise History of the United State Supreme Court Reconstruction and Reunion: