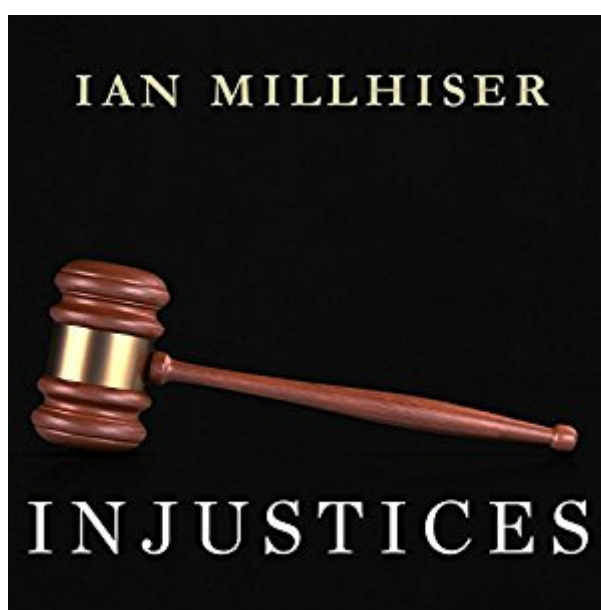


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# Injustices: The Supreme Court's History Of Comforting The Comfortable And Afflicting The Afflicted



## Synopsis

Few American institutions have inflicted greater suffering on ordinary people than the Supreme Court of the United States. Since its inception the justices of the Supreme Court have shaped a nation where children toiled in coal mines, where Americans could be forced into camps because of their race, and where a woman could be sterilized against her will by state law. In this powerful indictment of a venerated institution, Ian Millhiser tells the history of the Supreme Court through the eyes of the everyday people who have suffered the most from it. America ratified three constitutional amendments to provide equal rights to freed slaves, but the justices spent 30 years largely dismantling these amendments. Then they spent the next 40 years rewriting them into a shield for the wealthy and the powerful. In *Injustices*, Millhiser argues that the Supreme Court has seized power for itself that rightfully belongs to the people's elected representatives and has bent the arc of American history away from justice.

## Book Information

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## Customer Reviews

This is a thoroughly entertaining and well written overview, presented in a style that's easily accessible to the layperson, of the Supreme Court's checkered history and performance in the century-and-a-half since Reconstruction. Mr. Millhiser persuasively demonstrates how business interests, aided by sympathetic Justices on the nation's highest court, co-opted the 14th Amendment, which was obviously intended to address the aftermath of slavery and give an abused people true dignity and a real opportunity at self-determination, so that its primary impact was to provide corporate interests with a previously unknown, constitutionally guaranteed, "freedom of

contract." What this meant in practice is that the Supreme Court, during its so-called *Lochner* era, repeatedly struck down legislation, implemented by the people's representatives in Congress, intended to prevent child labor and perilous working conditions, among other things. Milhiser's thesis is that the *Lochner* era, which was arguably ended by the threat of Roosevelt's court-packing scheme (although Milhiser, who knows history better than I do, says that it was a fortuitous change of heart that changed the Court's balance, instead), was not an aberration. He demonstrates how arguments carrying the day in several recent Supreme Court decisions, for example, including the Hobby Lobby decision and the decision that stopped just a hairsbreadth short of invalidating the Affordable Care Act, are essentially the same as those that undergirded the *Lochner* Court's activism in an era where the Court felt free to invalidate any legislation that it considered unwise. Of course, even the novice student of our Constitutional structure understands that this is not the role assigned to the Court. Does Milhiser approach this material from a progressive/liberal perspective? Unquestionably. Does that diminish the value of his contribution to our understanding of the Supreme Court's actual role in our history? Not one whit, in my opinion. One doesn't have to agree with Howard Zinn's political worldview, for example, to acknowledge that his "A People's History of the United States" has done much to ensure that students of history today are provided with a much more nuanced, and much more realistic, view of our nation's history than the Columbus-was-awesome-and-it-has-gotten-better-ever-since version of history that we older folks were taught in the 1960's and '70s. While I'm not suggesting that Milhiser's "Injustices" will have a similar impact, especially given the overly distracted times in which we live, I am suggesting that his critical assessment of the Supreme Court as a potentially malignant force is worth serious consideration by thinking people.

Excellent historical scholarly review of the Supreme Court and its weighted negative influence and direct effect in establishing and sustaining institutionalized racism---while forging the disenfranchisement and marginalization of the African populous in America. In it one can appreciate how many parallels of the conservative right wing mantra of today's politics are reflected as retreads of racist themes of bygone days---put into law by white supremacist zealots and non-forward thinking ideologues; all that the expense of American communities at the extremes---all in attempt to sustain the dominance and power of the salient other. The mastery of the Burger and Warren courts--the sheer luck of their being established and the evidence supporting their ominous turn from the historic legal precedence of *Dred Scott* and *Plessy* is a necessary read for all Americans in search of parity and equality. A must for all libraries.

This book is clearly written and the historical context of the periods is a very nice touch. With many works we are told a given decision solely in a modern context without the context of different factions at that time. Or at least some of the factions in power, in this case legal views by conservatives on the Supreme Court and the well-to-do. I think the context is helpful to set up the information and decisions. The book is laid out temporally and focuses particularly on some of the biggest/worst decisions the SCOTUS has made based on some strained readings of the Constitution or by weighting some sections too much at the expense of others to fit ideology. These include various measures to protect monopolies by the court, legalize child labor, prevent safety regulation of nearly any kind, battles with Roosevelt and so on. Some may agree with some of these decisions in terms of ideological free market sorts of reasons, but in a full context reading it is hard not to say that many on the Court at this time were biased not by the law but their own views. This is still likely true and always will be whether you agree with the court or not, but it is nicer if they act to protect people that need protecting instead of protecting those already with vast power and resources.

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