



# The Resource Page



## NEW BOOKS

THE REPUBLIC ACCORDING TO JOHN MARSHALL HARLAN. Linda Przybyszewski. Univ. of North Carolina Press, 1999 (cloth: \$49.99; paper: \$19.95). 286 pp.

University of Cincinnati history professor Linda Przybyszewski has crafted a winning review of the legal career and views of the first Justice John Marshall Harlan (1883-1911), whose grandson and namesake also served on the Court. The first Justice Harlan served on the Court from 1877-1911; the second from 1955-1971. The elder Harlan is best known for his dissenting opinion in *Plessy v. Ferguson*, in which he condemned racial segregation, declaring: "Our Constitution is color-blind." Professor Przybyszewski reviews Harlan's work in *Plessy*, but also covers in detail the remainder of his judicial career. She uses transcripts of lectures on constitutional law given by Harlan in 1897-1898 as well as a compilation drawn up by Harlan himself of the opinions he wanted republished. If you enjoy constitutional history and judicial biography, you'll enjoy this book.

FIRST PRINCIPLES: THE JURISPRUDENCE OF CLARENCE THOMAS. Scott Douglas Gerber. New York Univ. Press, 1999 (\$30). 336 pp.

Having begun his service on the Supreme Court at age 43, Clarence Thomas will have the chance to influence American law for decades. In this book, Scott Douglas Gerber attempts a comprehensive review of the first several years of opinions by Justice Thomas as well as his public speeches and scholarly writings. Among Gerber's conclusions is that while Thomas usually votes with Chief Justice Rehnquist and Justice Scalia, his doctrinal views often dif-

fer from theirs in significant ways. A former law clerk to Justice Thomas, John C. Eastman, has taken issue with some of Gerber's interpretations, generally defending and supporting the views of Justice Thomas against attack. He concludes, however, that the book elevates the discussion of Justice Thomas' jurisprudence to a new level that is worthy of review by those interested in emerging trends of constitutional interpretation. (See John C. Eastman, *Taking Justice Thomas Seriously*, 2 GREEN BAG 2d 425 (Summer 1999)).

BRENNAN AND DEMOCRACY. Frank I. Michelman. Princeton Univ. Press, 1999 (\$24.95). 148 pp.

Frank Michelman is both a professor of law at Harvard University and a former law clerk, during the 1961-1962 Term, to Justice William J. Brennan, Jr. In this book, Michelman expands on two lectures he presented in 1996 and 1997. Michelman explores the tensions between a system of democratic self-government and the making of decisions in key areas, such as abortion and reproductive rights or affirmative action, by unelected judges. In doing so, he draws heavily on the writings of Justice Brennan, while making some extrapolations of his own of Brennan's views. For the views of some other scholars in response to Michelman's original lectures, see the May 1998 issue of the *California Law Review*.

CREATING THE THIRD BRANCH: THE UNFINISHED REFORM. Robert Tobin. National Center for State Courts, 1999 (\$27). 312 pp.

This new book by court management consultant Robert Tobin of the National Center for State Courts traces the court reform movement and looks critically both at what has been accomplished and how reform might best be pursued in the future.



## USEFUL INTERNET SITES

### Election Watching

<http://www.cnn.com/ALLPOLITICS/index.html>  
<http://www.washingtonpost.com/wp-dyn/politics/>  
<http://www.latimes.com/news/politics/elect2000/pres/>  
<http://www.nytimes.com/yr/mo/day/national/index-politics.html>  
<http://cbsnews.cbs.com/>  
<http://www.msnbc.com/news/default.asp>  
<http://abcnews.go.com/>  
<http://www.foxnews.com/elections/index.sml>

At each of these sites, you can find comprehensive election coverage. The CNN "AllPolitics" site is co-sponsored by *Time* magazine, while the *Washington Post's* site also provides links to *Newsweek* coverage. None of these sites will breach journalistic ethics by providing exit poll results before the polls are closed, as some others listed below do, but their coverage is updated throughout the day and is very high in quality.

### SUGGESTIONS FOR THE RESOURCE PAGE

Each issue of *Court Review* features The Resource Page, which seeks to help judges find solutions to problems they may be facing, alert them to new publications, and generally try to provide some practical information judges can use. Please let us know of resources you have found useful in your work as a judge so that we can tell others. Write to the editor, Judge Steve Leben, 100 N. Kansas Ave., Olathe, Kansas 66061, e-mail: [sleben@ix.netcom.com](mailto:sleben@ix.netcom.com).