

### QUICK FACTS

**Source:** Law Library, Library of Congress; Lillian Goldman Law Library, Yale University Law Library; New York City Bar Library

**Size:** Approximately 350,000 pages

**Content Types:** Legal briefs, amicus briefs, court transcripts, testimonies

**Date Range:** 1891–1980

**Available:** December 2023

**Disciplines Supported:** African American history, civil rights, disability studies, environmental history, gender studies, law and legal history, political science, psychology, public health, public policy studies, religion, sexuality studies

**Complementary Gale Archives:**

- *The Making of Modern Law: Landmark Records and Briefs of the U.S. Courts of Appeals, Part I: 1950–1980*
- *The Making of Modern Law: Landmark Records and Briefs of the U.S. Courts of Appeals, Part II: 1891–1950*
- *The Making of Modern Law: U.S. Supreme Court Records and Briefs, 1832–1978*

**Usage Highlights:**

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# THE MAKING OF MODERN LAW: RECORDS AND BRIEFS ON KEY ISSUES FROM THE UNITED STATES COURTS OF APPEALS, 1891–1980

CA 64-F PLAINTIFFS' EXHIBIT NO. 40  
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	White		Nonwhite		Positive Rican		Enrol. Total
	No.	%	No.	%	No.	%	
Acushnet Avenue	232	95.1	9	3.7	3	1.2	244
Armory Street	713	93.6	3	1.1	2	.3	723
Belliet	334	95.0	20	5.0	0	0	404
Bowles	533	99.1	5	.9			538
Brightwood	421	66.3	100	20.3	34	5.4	635
Brookings	393	44.3	405	55.2	0	0	673
Brunton	478	99.3	1	.2	0	0	479
Carroll Street	155	41.4	61	20.3	153	38.3	373
McBorry	53	9.8	541	89.9	2	.5	602

A class action brought on behalf of Black children requesting the United States District Court eliminate de facto segregation in elementary and junior high schools in Springfield, MA. *Springfield School Committee et al. v. Abraham Barksdale, Jr. et al.*, 1965, New York City Bar Association Library.

## DELIVER GREATER RESEARCH OPPORTUNITIES

United States Courts of Appeals are battlegrounds for some of the most hotly debated issues in American politics and culture. In this 13<sup>th</sup> installment to *The Making of Modern Law*, the collection reproduces records and briefs of selected cases filed with the United States Courts of Appeals throughout the twentieth century. Covering over 500 cases, this collection concentrates on key issues that continue to occupy the American social and political landscape, such as reproductive rights, immigration policy, incarceration and the rights of prisoners, environmental policy, voting rights, and the civil rights of women and people of color.

This offering complements the 11<sup>th</sup> and 12<sup>th</sup> installments of *The Making of Modern Law*, whose documents were selected via a thorough review of cases cited most frequently in law journal articles. In *The Making of Modern Law: Records and Briefs on Key Issues from the United States Court of Appeals, 1891–1980*, cases are handpicked based on their critical importance to modern social, cultural, and economic issues that regularly occupy newspaper headlines in today’s heated political climate.

Q So, in other words, sir, you are opposed to war only in a particular form: you are opposed to wars which are fought like the United States fighting Russia, or vice versa? You are opposed to that type of war, but if the ministry of the Jehovah's Witnesses sect were attacked by the United States or Russia, or by anybody, you would fight them? If for some reason, through some organization such as your Watchtower Bible & Tract Society,

[Tr. 45]

you were notified that Jehovah wanted you to fight a war against some group like communism, you would fight; is that correct—if you believed that?

A If it was a command from Almighty God.

Q If you believed that Jehovah wished you to fight communism, you would fight it?

An appeal from a conviction for refusing to submit to induction into the armed services. The appellant claimed exemption from military service both as a conscientious objector and minister of religion. *Charles William Pine v. United States*, 1954, New York City Bar Association Library.

## VALUE OF THE ARCHIVE

**Unique Content:** The collection adds to the corpus of content previously gathered in the previous two installments on the U.S. Courts of Appeals, while filling critical gaps in those collections. The key difference: case selection focuses on how well they represent critical issues in social, cultural, and political history of the United States.

**Supports Researchers:** Beyond the realm of legal scholarship, appellate briefs easily serve researchers across the humanities and social sciences—from sociology, economics, and political science to literature, philosophy, and religion.

**Scholarly Appeal:** Legal briefs offer a gold mine of information not only on legal issues but also on social, cultural, and economic matters—catering to scholars in economics, history of public health, immigration studies, law, literature, political science, psychology, religion, sociology as well as race, ethnic, Indigenous, and women's studies.

**Topical Coverage:** This 13<sup>th</sup> installment offers the “forgotten history” of appellate cases on major issues, which often enforced policies that key rulings of the Supreme Court would eventually overturn—keeping the focus almost exclusively on cases that address high-interest topics.

## TOPICAL COVERAGE

- Civil rights as they affect:
  - Children and students
  - Communities of color
  - Immigrants
  - Indigenous peoples
  - LGBTQ+ people
  - Political radicals
  - Prisoners
  - Religious minorities
  - Women
  - Workers
- Conservation and environmental policy
- Discrimination: racial, sexual, religious
- Free speech: free press, obscenity, right of assembly
- Health care and public safety
- Immigration, nationality, and citizenship
- National security: treason, sedition, pacifism, Communism
- Religious liberties and their limits
- Sexuality and reproductive rights: family planning, contraception, abortion
- Voting rights

## SAMPLE CASES

- *Cooper v. R. J. Reynolds Tobacco Co.* (First Circuit), 1958: One of the earliest cases focused on the fraudulent public health claims of “Big Tobacco.”
- *Wertheimer v. Wynne* (Third Circuit), 1928: This case tested the freedom of worship against the limits of Prohibition-era laws.
- *Boyer v. Garrett* (Fourth Circuit), 1950: An early postwar civil rights case that contested Baltimore’s segregations of athletic fields by race.
- *Rowan v. United States* (Ninth Circuit), 1927: The well-known case of the government persecution of foreign dissidents, in this case of an outspoken representative of the Industrial Workers of the World.

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