



Law & Courts

NEWSLETTER OF THE LAW & COURTS SECTION OF
THE AMERICAN POLITICAL SCIENCE ASSOCIATION

A Letter from the Section Chair

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Greetings from New York, where we had a *very long* winter. Yes, this is the endless winter issue of the Law and Courts' *Newsletter* coming to you in mid-Spring, when many of us are wrapping up our courses and revising manuscripts, while also getting ready for the 2010 Law & Society Association's annual conference in Chicago, May 27-30th. My thought is that you now have time to read the *Newsletter* and consider more carefully what we are up to.

In terms of what the Section is officially exploring this year, let me begin by mentioning the **Journal Committee**. This year's Journal Committee builds on the good work of last year's committee, chaired by Larry Baum Baum.4@polisci.osu.edu (Ohio State University).

You may recall that our previous Section chair, Stephanie Lindquist SLindquist@law.utexas.edu (University Texas-Austin) announced, in the endless Summer 2009 *Newsletter*, that the Executive Committee unanimously voted (at the 2009 APSA meeting) to move ahead in 2010 by setting up a search for candidates to edit the new Section journal and exploring our best options with prospective publishers.

The **2010 Journal Committee** is chaired by Joel Grossman jbgrossm@jhu.edu (Johns Hopkins University), a former editor of the *Law & Society Review* who is exceptionally well informed about how to run a scholarly journal that encompasses the full range of subject matter, theory, and methods employed in our field. Joel is working with Larry Baum Baum.4@polisci.osu.edu and Laura Langer, llanger@email.arizona.edu, (University of Arizona), both members of the 2009 Journal Committee. We are very pleased to also have Karen Alter kalter@northwestern.edu (Northwestern University) and Rogers Smith rogerss@sas.upenn.edu (University of Pennsylvania) on the committee. I will update you about the committee's progress in the next two issues of the newsletter which promise to be out before the 2010 APSA meetings in Washington, DC, September 2-5th.

Another important goal of mine over this year is to provide Section members with an

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David Yalof, Mark Graber, Marie Provine, Thomas G. Walker, David Danelski—plus Fellowship Announcements, “Books to Watch For” and “Upcoming Conferences.”

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General Information

Law and Courts publishes articles, notes, news items, announcements, commentaries, and features of interest to members of the Law and Courts Section of the APSA. **Law and Courts** is published three times a year in Winter, Spring, and Summer. Deadlines for submission of materials are: November 1 (Winter), March 1 (Spring), and July 1 (Summer).

Contributions to **Law and Courts** should be sent to the editor:

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Articles, Notes, and Commentary

We will be glad to consider articles and notes concerning matters of interest to readers of **Law and Courts**. Research findings, teaching innovations, or commentary on developments in the field are encouraged.

Footnote and reference style should follow that of the *American Political Science Review*. Please submit your manuscript electronically in MS Word (.doc) or Rich Text Format (.rtf). Contact the editor or assistant editor if you wish to submit in a different format. Graphics are best submitted as separate files. In addition to bibliography and notes, a listing of website addresses cited in the article with the accompanying page number should be included.

Symposia

Collections of related articles or notes are especially welcome. Please contact the Editor if you have ideas for symposia or if you are interested in editing a collection of common articles. Symposia submissions should follow the guidelines for other manuscripts.

Announcements

Announcements and section news will be included in **Law and Courts**, as well as information regarding upcoming conferences. Organizers of panels are encouraged to inform the Editor so that papers and participants may be reported. Developments in the field such as fellowships, grants, and awards will be announced when possible. Finally, authors should notify **BOOKS TO WATCH FOR EDITOR**: Bruce Peabody, bgpeabody@msn.com of publication of manuscripts or works soon to be completed.

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empirical picture of who we are as a profession, the work we do, and where we do it. This is the focus of the new **State of the Profession Committee**. Its purpose is: 1) to identify where our members work [e.g., public/private/NGOs; research-one institutions to community colleges; Political Science Departments, Public Administration & Policy Schools, Legal Studies Programs, Law Schools, etc.]; 2) to classify the nature and scope of our work [e.g., training undergraduates, graduates, students in professional schools; non-academic positions]; and 3) to determine what portion of the work we do is done by full-time and part-time professors [by rank, instructors, adjuncts, TAs, etc.]. As far as I am aware, the Section has never produced an empirical description of the Law and Courts/ Public Law profession. We begin to chart our professional organization this year.

Under the very able leadership of Mark Garber MGraber@law.umaryland.edu (former Section chair), University of Maryland, all related Section reports are being reviewed to insure that the State of the Professional Committee takes into account existing studies and analyses. The other members of the committee bring depth of experience in the profession and a solid understanding about the broad-range of work we do. They are: Greg Caldeira caldeira.1@polisci.osu.edu (Ohio State University); Malcolm Feeley mmf@law.berkeley.edu (University of California-Berkeley); Roger E. Hartley, rhartley@ELLER.ARIZONA.EDU (University of Arizona); Lisa Hilbink, hilbink@UMN.EDU (University of Minnesota); and Wendy Martinek, martinek@binghamton.edu (Binghamton University). Each committee member has a commitment to establish a baseline-map of the profession for future committees to work from and raise additional questions to be studied. The committee's report will also provide our members, and future members, as well as the APSA, with a map of who we are as a profession.

Stay tuned in and best wishes,

Christine Harrington

Symposium: *A Tribute to David Danelski*

Introduction

David Yalof

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There is no more fitting time than the present to celebrate the life and career of David J. Danelski, recipient of last year's lifetime achievement award for our section. Though David technically retired nearly two decades ago, his impact on our field remains profound. Professors continue to discuss his seminal works in graduate seminars, including his 1964 book, *A Supreme Court Justice is Appointed*, and his 1960 article on "The Influence of the Chief Justice in the decisional process of the Supreme Court." He remains an active and busy scholar, as he puts the finishing touches on a biography of Justice William O. Douglas that has occupied his attention for the better part of two decades. And up until recently he continued to teach for short stints at Johns Hopkins University, the University of Maryland and elsewhere. So much for the so-called "retirement" his family was promised .



(L-R:Tom Walker, Marie Provine, Mark Graber, David Yalof, and David Danelski)

I had the privilege of sitting on the lifetime achievement award panel at the APSA meeting in Toronto which celebrated David's achievements, along with three colleagues. Each of them added their own unique perspectives to the tribute, and I am grateful that their contributions have been recreated for all to read in the symposium that follows. Thomas Walker confesses that he never worked with David Danelski personally, but that makes his perspective as a student of David's scholarship that much more compelling. Tom doesn't just speak from the heart; he speaks as a scholar who -- like so many others in the field -- was able to connect with David's work from afar. Doris Marie Provine -- one of David Danelski's top graduate students -- offers that particular perspective as only she can, replete with stories of his mentorship and teaching. Mark Graber provides the vantage point of a colleague working on the same faculty as David for a short period at the University of Maryland. Mark speaks of David Danelski's commitment to the education of undergraduates. I witnessed that trait as well when I served as his teaching assistant one semester while he was a visiting professor at Johns Hopkins University. The undergraduate students loved him, and he returned their love with his passionate devotion to the craft of teaching.

Finally, we were treated to David Danelski's own presentation. Few of us who were present that afternoon will soon forget it. The long and winding road that took David from Green Bay, Wisconsin, to the U.S. Naval Reserve, from the armed services to his small trial practice, and then eventually to teaching stints at the University of Illinois, the University of Washington and Yale University, among other places --- all these different stops remind us that careers (especially those as accomplished as David's) rarely follow a carefully laid out or logical path. Read David's account, and the one constant that will jump out at you is the love of his life, his wife Jill.

In *The Pioneers of Judicial Behavior* (2003), Thomas Walker notes that scholarly pioneers like Danelski "are measured not only by their successful break from the past, but also by the significance of the work that builds on theirs." In the case of David Danelski, it is not just a career of scholarship, but a life that must be measured. His life touched so many others, and their lives in turn were richer for his contributions. Please find time in your busy schedules to take in this inspiring story of the 2009 Lifetime Achievement Award winner. It will be time well spent.

David Danelski; An Appreciation

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Teaching is what superstar scholars do when no one is looking. Adjunct teaching is what they do when the world is blindfolded. David Danelski, a "pioneer of judicial behavior" (Maveety 2006), was first and foremost a teacher. That pedagogical commitment was so powerful that after a distinguished career at Yale and Stanford, he could be found in the classrooms at the University of Maryland, educating undergraduates for a pittance that would have to be raised considerably to even be considered insulting. His presence in that classroom served as a vital reminder that what we learn as researchers is of use only to the extent that we communicate them to our students.

David Danelski and I got to know each other as human beings during the years when he was an adjunct at the University of Maryland. I, as every other member of my generation, knew the name “David Danelski” as from the title page of path breaking works exploring relationships on the Supreme Court, the judicial selection process, American constitutional development, and comparative constitutional law. The person I had lunches with in those years seemed less impressed by those works than the rest of the field. David’s interest was in our students. Students at all institutions were different, he reminded me. Maryland students were socialized differently than his students at Stanford and Yale. He repeatedly reminded me that one could not take the easy road and simply teach the same constitutional law course in different universities. Teachers, Professor Danelski knew, have to refashion their lectures to meet the needs of their new pupils. This was the central focus of our conversations. How could he meet the needs of Maryland students? As a teacher, he was less interested in if his students could appreciate what his scholarship had taught the field of public law, the discipline of political science, and the wider academic world.

This commitment to education has deep connections to central themes in Professor Danelski’s scholarship. The best teachers are not attitudinalists, jurisprudes, institutionalists or whatever in the classroom. They recognize that students have different interests. Their teaching is adjusted to address and inspire these different interests. Sometimes the class discussion on *Roe v. Wade* turns on questions about constitutional interpretation; other discussions explore whether justices are voting on policy or legal preferences. Professor Danelski as a teacher was aware of the diversity of undergraduate interests and adjusted his plans accordingly. His scholarship displays the same eclecticism and flexibility. His writings on intracourt relationships are fodder for all camps in our subfield. Justices are trying to advance notions of good policy, they are trying to do so within what they see as legal parameters, some justices are better strategic actors than others, and these interactions have had a powerful influence on American constitutional development. The point of the work is to teach every one, never to create disciplines and never to score points for the sake of scoring points. In short, just as Professor Danelski was determined to be a teacher who would address all the legitimate needs of his students at the University of Maryland, so he has proven to be a scholar who addresses all the legitimate interests of our subfield members.

Professor David Danelski broke into public law at the time when our field was splintering. For more than half a century, he has refused to identify with any camp or interest. He has borrowed from all liberally and taught all extensively. Unsurprisingly, the audience at his Lifetime Achievement Award program came from all parts of our field. We should all aspire to be David Danelski, our scholar and teacher.

Danelski as Scholar, Teacher, and Friend

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Mark Silverstein and I were David’s graduate students back in the 1970s. We jointly nominated David for this award because he was then, and remains, such an impressive scholar, teacher, human being, and friend. I want to talk briefly about each.

What impressed me first about David Danelski, even before I knew his work, was that he had gotten tenure at Yale. After I got better acquainted, it was easy to see why. He is a bridge person in his field, linking areas of research together by being clear about his theoretical concerns and asking interesting, field-crossing questions.

He was a leader in the behavioral approach to judicial decision-making on the U.S. Supreme Court, but he was able to create a historical and political backdrop that was 3-dimensional and rich. That’s because he has always been genuinely interested in the Court’s history as an institution that had to strategize to gain power in our political system. He is interested in how the Court has changed character over time as it found its historical place in our political system. All of this informs his micro-level research.

He came to the analysis of the Supreme Court's decision-making with a well-developed knowledge of psychology. This enabled him to go beyond the early insights of the attitudinal scholars who showed us how to use voting patterns to develop insights about judicial ideology. David took on new problems – like leadership on the Court, and the role of personal biography in developing values and attitudes. Indeed his conceptualization on task and social leadership is still widely cited and useful for law and courts scholars. He is a judicial/legal historian, but with the focus of a political scientist. The history of the Court in his hands is nuanced, vibrant, with intrigue and strategy and living people. We are all looking forward to his biography of William O. Douglas.

He approached his comparative work – I'm thinking of the research on the Japanese Supreme Court – as a social scientist. He asked the fundamental questions that make comparative work really comparative, but contextualized too. He went beyond the confines of decision-making to ask how court routines – such as assignment practices – affect decisions. How do justices actually get appointed? The words I associate with Danelski's scholarly work are: richness, clarity, readability, and humanity.

The humanity is what we saw as graduate students. His hard work in preparing for classes – he actually wrote several pages of notes for each day of his civil-liberties course. He leveled the playing field for students and freed them to listen. We saw his relationship with his wonderful wife Jill and his five children – how he saw them individually, and valued each of them. And most importantly to us at the time, we appreciated the support he gave us. He believed in us. That was a real relief because as graduate students, we had some doubts about our ability to actually get a Ph.D. at Cornell.

I loved the way David taught. He was organized, very dramatic, and funny. He related to the students as fellow intellectuals. They were inspired, and flattered, just like we were as graduate students. I got my thesis topic from sitting in on his lecture on agenda setting. In three years of law school, no one had mentioned that some courts *choose* the cases they decide.

While I was at Cornell, David took on the additional job of being the University's first Ombudsman. They couldn't have made a better choice. David knows how to litigate, but he also knows how to listen. He could advise people of their options accurately, but his forte was helping them out of trouble. He helped this office grow from an idea to an integral part of the institution. You can check out their nifty website. Not too long after, he and Jill worked hard to make Cornell in Washington a success. It now has programs running all year, and an even niftier web page. He's a man who knows how to create an institution and help it succeed.

Finally, David the friend. He has staying power. He maintains relationships, remains intellectually engaged, and remains close to family. We will always remember his old role as an advisor, and his new one as a colleague and friend – a very nice mix!

David J. Danelski: A Lifetime of Achievement

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Although I never have had the pleasure of working with David Danelski, I have always felt a connection with him through his scholarship. It started during my graduate student days when I first read David's *A Supreme Court Justice is Appointed* (Danelski 1964), his wonderful account of Pierce Butler's ascension to the Supreme Court. Based on painstakingly detailed archival research, this beautifully written and analytically organized volume remains today the best case study of any Supreme Court appointment.

Soon after I read what is arguably Danelski's most influential work, "The Influence of the Chief Justice in the Decisional

Process of the Supreme Court” (Danelski 1960). This paper, presented at the 1960 APSA meeting in New York and reprinted many times since, was drawn from his dissertation research directed by C. Herman Pritchett at the University of Chicago. This effort, too, relied on extensive archival research, but it also was innovatively driven by social psychological theories of small group leadership. Such an approach was anathema to most public law scholars of that time, and the paper received scathing criticism when it was first presented. Since then it has become a classic.

David Danelski, of course, was a major figure in the development of the judicial behavior subfield. In the 1950s and 1960s he, along with Herman Pritchett, Glendon Schubert, Walter Murphy, Harold Spaeth, Sidney Ulmer, and others, challenged the entrenched scholarly establishment with their new perspectives (see Maveety 2003). Because of the bias against these novel approaches, judicial behavior scholars suffered strong criticism and often were forced to endure limited conference presentation opportunities and restricted journal space for their research. But they persevered and were ultimately successful. We owe that generation of scholars a great debt for what they accomplished.

What I find most striking about Danelski’s work is its sheer creativity. He has been able to see intriguing research questions well before others could. Scholars today are still working on many of the lines of inquiry he proposed:

- Long before more systematic rational actor approaches made their inroads into our field, David Danelski understood that single justices can achieve little on their own; rather, they are largely dependent on the preferences and actions of their colleagues.
- Before others realized the value of borrowing intuitions from other fields, David productively did so demonstrating an adept ability to apply theories from our sister disciplines carefully and appropriately to the judicial context.
- Prior to the more recent wave of research examining archival materials, David mined the private papers of the justices to uncover evidence that would help us evaluate our theories of judicial behavior.
- While the question of how Chief Justices use the opinion assignment power has attracted the attention of several contemporary political scientists, Danelski’s research on this form of leadership was first presented in 1960.
- Along with Walter Murphy’s seminal *Elements of Judicial Strategy* (Murphy 1964), Danelski’s work provided one of the first attempts to understand bargaining and negotiation on the Court.
- While today the goal of finding a valid and reliable measure of judicial ideology independent of judicial votes has attracted significant attention, Danelski confronted this problem and tested a possible solution in 1966.
- And before current efforts to develop a more comparative understanding of judicial behavior and institutions, Danelski was engaged in systematic examinations of the Japanese legal system.

With these rich and varied intellectual interests, one would presume that Danelski’s career was exclusively focused on his judicial politics interests. But that certainly has not been the case.

Danelski was first trained as a lawyer, a profession he practiced in the military and in civilian life. He used his skills as an attorney to advance individual liberties and to defend principles of academic freedom. His commitment to civil rights, especially during the heights of the civil rights era, included participating in the march from Selma to Montgomery in 1965 and volunteering his legal expertise to the Student Non Violent Coordinating Committee and the Mississippi Freedom Democratic Party. He held faculty positions at the University of Washington, Yale, Cornell, and Stanford, and he received a number of teaching awards. He interrupted his teaching career once returning to Seattle to practice law and another time to serve as vice president for academic affairs at Occidental College. He has lectured all over the world.

The pioneers of any successful intellectual endeavor invariably are individuals of great independence of thought. Breaking away from the past requires a scholar to bring a fresh perspective to an academic field, often fueled by insights evolving from the theories and methods of other disciplines. It demands the ability to develop new questions and to frame old questions differently, to identify analytical weaknesses that others overlook, and to suggest new methods to solve old problems. It takes a good bit of intellectual courage to withstand inevitable criticism from the established community and a great deal of confidence to persevere when mainstream publication outlets are hostile to new ideas. David Danelski meets all of these criteria and has done so all of his professional life. That is why he is so deserving of this lifetime achievement award.

*Revised version of remarks presented at the American Political Science Association meeting, Toronto, Canada,

September 3, 2009.

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Remarks by David J. Danelski
upon Receiving the Lifetime Achievement Award from the Law and Courts Section of the
American Political Science Association on September 3, 2009

I don't take much credit for what I achieved in my career. Frankly, I was lucky. I was born at the right time and in the right place, and I had generous parents, a wonderful wife, and a great mentor.

My birth in 1930 gave me several advantages. First, it put me in a cohort that faced less competition because the birth rate had dropped at the beginning of the Depression. As a result, it was easier for me to gain admission to college, law school, and graduate school. Second, because the age requirement for minors to work changed during World War II from 16 to 14, I began working as a Western Union messenger when I was 14 and later worked at other jobs at which I earned enough money to pay my college tuition for the first year. Third, during my college and law school years, the economy was booming, which permitted me to get jobs easily and earn enough to pay all my tuition and living expenses without borrowing. Fourth, I was admitted to graduate school in 1956 when there was less competition for admission because World War II veterans on the GI Bill had by that time finished their graduate studies. Fifth, I received my doctorate in 1961, which was just before the academic job market expanded to accommodate the baby boomers.

I was fortunate to have grown up in Green Bay. It had good public and parochial schools, a fine Carnegie public library, and a stimulating Great Books Club, which I joined when I was 18. There were about 12 of us in the club—the director of the University of Wisconsin Extension Center, the local librarian, a young lawyer, his wife, several high school teachers, one or two wives of paper-mill executives, an elevator operator at the local hotel, and me. We discussed the works of Plato, Aristotle, Freud, Augustine, Shakespeare, More, Montaigne, and other great writers. The most impressive member of the discussion group was the young lawyer who had publicly debated Senator Joseph McCarthy in Green Bay in 1950, which convinced me of the value of a legal education. The young lawyer was John W. Reynolds, who later became governor of Wisconsin and a federal judge.

I owe much to my parents. My father was a factory worker who was born in Poland. My mother was born on a Wisconsin farm, which she left at the age of 13 to become a domestic servant in Green Bay. She was 18 when I was born. Later she and my father had six more children, all of whom attended college. Neither of my parents went beyond the fifth grade, but they accomplished much because they were shrewd, frugal, ambitious, proud, and hardworking. For a while during the Depression, my father was unemployed, but he refused public aid unless he could earn it. Only after he had shoveled snow off the streets of Green Bay all day did he accept a bag of groceries. He valued work and his fellow workers, and sometimes he worked two jobs to support his family, but he never made more than \$4,000 a year. My mother continued to work as a domestic after I was born and took me to work with her. I have vague memories of the

home in which she worked; it had high ceilings, thick carpets, and a piano. Our family did not have money, but we were not poor. In fact, we lived quite well. In 1935, my parents built their first home, a modest three-bedroom structure on a large lot in Green Bay's Polish neighborhood. They planted fruit trees and established a vegetable garden. My mother sewed our clothes, baked bread every week, canned fruit and vegetables each summer, and cooked our meals. We never ate at restaurants. My father enjoyed hunting, and we enjoyed eating the game he brought home—venison, pheasant, quail, wild duck, rabbit, frog legs, and turtle. Only years later did I become aware of how well we ate.

My parents subscribed to the local newspaper, but there were no books at home when I was growing up. When I was in the third or fourth grade, I asked my mother why we didn't have any books, and she answered that it was a waste of money to buy books when they could be borrowed from the library without cost. She said that she had never been to the library but knew where it was. I asked her if she and my father would take me there, and she said "sure." They drove me to the library in their old Pontiac, but they wouldn't go in with me. I went in by myself, received a library card, and was told that I could check out two books for two weeks. I marched over to the nearest shelf and took the first two books I saw. That was the beginning of a lifetime of reading. Until I left Green Bay to go to law school when I was 19, I spent most of my free time reading at the public library. I read everything I could—novels, poetry, philosophy, psychology, psychoanalysis, sociology, economics, politics, semantics, science, and medicine. During that period, I read Karen Horney's work on personality, which I later used in my first book.

In retrospect, two of the most important things my parents did for me were taking me to the public library when I was about eight years old and permitting me to keep all the earnings from my jobs. The latter was especially generous, for often children in the working-class families in Green Bay had to give some or all of their earnings to their parents.

I learned more at the public library than I did in school, but my last two years of high school were important for two reasons. First, I had two wonderful teachers who encouraged me not only to go college but to set high goals for myself and to be persistent in achieving them. Second, I was in the senior class play—*Lost Horizon*. Because I went to work every-day after school, I had not participated in any extracurricular activities. But as my senior year was ending, I decided to submit two poems to the literary magazine and to read for the class play. Everyone was surprised that I was chosen to play Conway, the principal character in the play. Since I had never acted, the play's director, a young speech teacher, had her work cut out for her. She began by teaching me to speak proper English. She then taught me to enunciate, project, and pace my speech—skills that later served me well as a lawyer and lecturer. Finally, she taught me how to become Conway and play his role. As she worked with me, I learned other things that have been invaluable: how to see myself as others see me, how to present myself socially, and how to role-play off stage.

I also learned a great deal from the jobs I had in Green Bay as a Western Union messenger, stable boy at a country club, railroad section hand, and assistant manager at a movie theater. I learned most from my Western Union job because I delivered a few telegrams from the War Department to parents whose sons had been killed in action, which led me to conclude that war was insane. I chose to work at the movie theater because it opened at noon. Thus, I could work full-time and attend college fulltime while living at home. For two years, I attended St. Norbert College, which is a fine liberal arts institution near Green Bay. During that period, I earned enough to pay my tuition and saved enough to begin law school at DePaul University in Chicago. I chose DePaul because it required only two years of pre-law, because it scheduled all of its classes in the morning so its students could work in the afternoons and evenings, and because its tuition was affordable—\$360 a year.

The Korean War began the year I entered law school. I was then an enlisted man in the U.S. Naval Reserve and thought I would be soon called to active duty. Again I was lucky. I was chosen for a Naval Officer Candidate Program that required two summers of training while in college and active duty on the receipt of a bachelor's degree. The program had been designed for B.A. candidates, but since an LL.B. was a bachelor's degree, I was admitted. Thus I was able to finish law school during the Korean War. Because I would be called to active duty upon graduation from law school, I was allowed to take the Illinois bar examination as a third-year law student. I passed the bar examination and was admitted to practice a few weeks before I received my law degree. I was then commissioned a JAG officer, sent to the School of Naval Justice, and assigned to Thirteen Naval District Office in Seattle as District Trial Counsel. I was 22 years old. In the next two years, I tried more than 100 cases.

Just as I owe much to parents, I owe even more to two others—my wife, Jill Parmer Danelski, and my mentor at the University of Chicago, C. Herman Pritchett.

Jill and I were married the year before I left the Navy, and our first child was born ten months later. We settled in Mount Vernon, Washington, which is between Seattle and the Canadian border. There I practiced law with a former JAG officer with whom I had served. Things went well during the earlier months of practice. I had argued my first constitutional case, I tried criminal cases as a court-appointed lawyer, and I taught a course in business law at Skagit Valley Junior College. Then I received a phone call from the dean of the college that changed my life. The dean asked me if I would fill in for a social science professor, who was seriously ill. He said it would be for only a week or two. At it turned out, the professor died and I taught all of his courses for rest of the year. The courses were in economics, psychology, and philosophy. During that period, I fell in love with teaching. I felt I had been called to teach like a priest is called to the clergy. So I decided to change careers. Jill agreed with the decision, and I applied to the graduate program in political science at the University of Chicago, which was near her parents' home. So in the summer of 1956, we drove from the West Coast to Chicago with our one-year old daughter. We would make similar trips many times in the next eight years. The only thing that varied in those trips was the number of children accompanying us. There were three children when we went to Urbana in 1959, four when we went to Seattle in 1961, and five when we went to New Haven in 1964.



(Jill and David Danelski)

Jill helped me in countless ways during my career. She taught elementary school during my first year in graduate school, which meant I did not have work part-time that year. It was the only year I enjoyed that luxury, but it was important to me because it gave me an opportunity to read broadly in the social and behavioral sciences, to write my master's thesis, and to take one of my Ph.D. exams. She helped me with my research, did statistical analysis, typed and edited manuscripts, and prepared indices that were so good that book reviewers went out of their way to praise them. She was also a joint author with me of an APSA paper on leadership in the Warren Court, which was later published. She made travel arrangements for our trips to other universities and think tanks. When I taught in Japan, she learned Japanese so she could do the grocery shopping, and she taught English in a Tokyo secretarial school to help us get by financially. A superb cook, she organized elegant dinner parties at the various universities at which I taught, and she was a wonderful hostess who put all our guests at ease. She also shared my commitment to civil rights and supported my decisions to represent SNCC workers in Greenwood, Mississippi, in 1964, to participate in the civil rights march from Selma to Montgomery in 1965, and to represent the Freedom Democratic Party in Holmes County, Mississippi, in 1967. In 1976, she received a graduate degree in counseling and higher education administration and worked as an assistant dean at Cornell and later as an assistant to the dean of the Graduate School of Business at Stanford. In 1987, at Stanford's request, we went to Washington, D.C. to create and administer Stanford in Washington. Without her, I never would have had an academic career. My thanks to her are profound.

My thanks to Herman Pritchett are also profound. While I was teaching at the junior college in 1956, I read Herman's book, *The Roosevelt Court*, and decided to get a Ph.D. under his supervision. I wrote him in May of that year and

enclosed my college and law school transcripts. He answered that I would be admitted to the graduate program in political science and that he looked forward to seeing me. So in the fall of 1956, Herman began transforming a small-town lawyer into a scholar. He advised me to take his courses and all the courses of William T. Hutchinson, the American constitutional historian. He also advised me to finish my master's thesis quickly, take my Ph.D. examinations, and begin research on my doctoral dissertation during my second year of graduate study, which I did. My plan was to combine my training in political science and history in a dissertation on the influence of the chief justice in Supreme Court decision-making, but I did not know exactly how to do it. That did not concern Herman. He said that I'd figure it out when I analyzed my data. While I was at the Library of Congress doing research for the dissertation, he stopped by one day to see how I was doing and gave me a check to help pay for my living expenses in Washington.

I finished research on the dissertation in the summer of 1959 and began teaching at the University of Illinois at Urbana that September. Herman had arranged for my job interview at Illinois, and I was certain I got the job because of him. While I was writing my dissertation at Illinois in the spring of 1960, Herman arranged for me to deliver a paper at the Midwest Conference of Political Scientists, which was a draft of a chapter on opinion assignment by the chief justice. He also arranged for me to deliver a paper at the 1960 APSA meeting that summarized by dissertation, which then was in draft. The first paper was well received, but the second paper, in which I used social psychological theory to analyze task and social leadership in the Court, was severely criticized by public-law traditionalists, but that did not bother Herman. He said the paper was an important contribution and included it in *Courts, Judges, and Politics*, which he was then editing with Walter Murphy. His judgment about the paper proved correct. It was reprinted 15 times, and, after almost 50 years, it is still in print.

Three months before the APSA meeting in September, 1960, I defended Professor Leo Koch before the Board of Trustees of the University of Illinois, which dismissed him for writing a letter to the student newspaper in which he asserted that society should condone premarital sex. I argued that Koch's dismissal was a violation of his right to freedom of speech guaranteed by the First and Fourteenth Amendments. Later I learned that after the trustees voted to dismiss Koch, they voted on whether to dismiss me for representing Koch. The vote failed, I was told, because lawyers on the board argued that I not only had a right but also a duty to represent Koch. Herman supported me throughout the Koch affair. After the ACLU took over the case in the courts, he asked me if I wanted leave Illinois, because, if I did, he would arrange a job for me at the University of Washington. I urged him to do so, and a few weeks later, Washington made me an offer without an interview, which I accepted. Three years later, he recommended me for a job at Yale, where I received tenure.

Herman remained my mentor for the rest of his life. He attended every APSA meeting he could, and he never missed a panel at which one of his former students delivered a paper or was a discussant. He was a great man and a great mentor. I owe my career to him.

Sixteen years ago, when I was 62, I decided to take emeritus status at Stanford to devote the rest of my life to research and writing with the hope of publishing works that would surpass those I published earlier in my career. I was willing to lecture or teach if the assignment was limited and advanced my research agenda. In 1995, I gave a lecture sponsored by the Library of Congress and the Supreme Court Historical Society that revealed the inside story of the Saboteurs Case—*Ex parte Quirin*—and argued that it was wrongly decided. The published version of the lecture received considerable attention after 9/11 because the Bush administration relied on *Quirin* to justify trials by military commissions for the detainees at Guantanamo. I taught briefly at Whitman College, where I did research on the early life of William O. Douglas, who had attended Whitman and who had grown up in Yakima, and I taught briefly at Johns Hopkins and Maryland, while I did research in Douglas's papers at the Library of Congress.

I became interested in Douglas's life in 1990 when I was asked to deliver the Henry M. Jackson Lecture at Whitman College, and I chose to speak on the origins of Douglas's constitutional jurisprudence. I sent the published version of the lecture to Walter Murphy, who had been a close friend since we were graduate students at Chicago. Because he had interviewed Douglas several times and had written a brilliant article about him, I assumed that he would write the definitive biography of Douglas. Walter told me that he had no plans to write Douglas's biography but urged me to so. So, with his blessing, I went to work. I began research in 1993. I thought the project would take five years. How wrong I was! I am still working on it, but the end is now in sight.

Writing the biography has been a wonderful experience. As I have grown older, I found research and writing have become easier and more enjoyable, perhaps because I do it almost every day. In any case, the last seven years have been the best in my life. I do not plan to retire. I intend to continue writing as long as I can.

I deeply appreciate receiving the Lifetime Achievement Award from the Law & Courts Section of the American Political Science Association. It is truly a great honor. But, as I said at the outset of these remarks, I was fortunate to have had the help of several good people who made my career possible. I am happy that one of them is here today, and I hope the other three are here in spirit.

BOOKS TO WATCH FOR

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Richard Brisbin (West Virginia University) and **John Kilwein** (West Virginia University) are the authors of **Real Law Stories: Inside the American Judicial Process** (Oxford University Press), an undergraduate text presenting “real world” interviews with lawyers, judges, and police officers. Each featured law professional describes his or her job across a range of legal activities, and offers insights into the legal process in the United States. Rather than focusing on exceptional or famous cases, the authors examine the routine, day-to-day functions of lawyers, courts, and the law in personal injury, divorce, employment relations, real estate, commercial practice, criminal justice, and the appellate process. The book seeks to help students grasp how law operates in the everyday world while encouraging them to look beyond the mass media's negative portrayals of lawyers, police, and litigants.

Why hasn't the United States reformed the Electoral College? Editor **Gary E. Bugh** (Texas A&M University) and colleagues consider this and other questions pertaining to democratization of the presidential electoral system in **Electoral College Reform: Challenges and Possibilities** (Ashgate Publishers). The volume brings together new research on an array of issues related to electoral reform, including reasons for change, issues surrounding proposed constitutional amendments to the Electoral College, effects of the Electoral College on political campaigns, and possibilities for extra-constitutional reform. The authors consider both the Federalists' vision of balanced representation and a more democratic and equality-based ideal. Contributors include Robert Alexander, Jody Baumgartner, Robert Bennett, Gary Bugh, Brendan J. Doherty, George Edwards, Rhonda Evans Case, Brian Gaines, Michael Korzi, Burdett Loomis, Mark McKenzie, James Melcher, Michael Rogers, Paul Schumaker, and Jeffrey Stonecash.

The U.S. legal system has often been criticized for being overrun by rules and procedures that shackle professional judgment, have no valid purpose, and serve only to appease courts and lawyers. In **Making Rights Real: Activists, Bureaucrats, and the Creation of the Legalistic State** (University of Chicago Press), **Charles R. Epp** (University of Kansas) argues, however, that few Americans would want to return to an era without these legalistic policies, which helped bring recalcitrant bureaucracies into line in the 1970s with a growing national commitment to civil rights and individual dignity. Focusing on three disparate policy areas (workplace sexual harassment, playground safety, and police brutality in both the United States and the United Kingdom) the author explains how activists and professionals used legal liability, lawsuit-generated publicity, and innovative managerial ideas to pursue the implementation of new rights.

Louis Fisher (Library of Congress) has recently published **The Supreme Court and Congress: Rival Interpretations** (CQ Press). The author explores how the Court operates in relation to legislative action, as well as how it has defined the extent and limits of congressional power. This book begins with introductory essays and analysis that trace conflicts

between the branches over judicial review and other key separation of powers issues, as well as over civil rights for African Americans and women, individual liberties, and regulation of the national economy. Following these discussions, the book presents relevant primary documents including committee reports and hearings, floor debates, public laws, presidential statements, Attorney General opinions, court rulings, and state actions. Overall, the author aims to portray the dialogue among the three branches and the fifty states that helps reconcile constitutional interpretation with self-government.

The Supreme Court's combination of influence and seeming unaccountability has led many to complain that there is something illegitimate, even undemocratic, about judicial authority. **Barry Friedman's** (New York University) new book, **The Will of the People** (Farrar, Straus and Giroux) challenges this perspective by arguing that the Court has always been subject to a higher power: the American public. Judicial positions have been abolished, the justices' jurisdiction has been stripped, the Court has been packed, and unpopular decisions have long been defied. Americans have always managed to make justices aware of their political vulnerability, and for at least the last sixty years, the justices have made sure that their decisions do not stray too far from public opinion. The author provides an overarching historical account of the relationship between popular opinion and the Supreme Court, from the Declaration of Independence to the end of Rehnquist Court in 2005. Through this narrative, the book depicts how the American public came to embrace judicial power, and, in so doing, helped shape the meaning of the Constitution itself.

Neha Singh Gohil and **Dawinder "Dave" S. Sidhu** have written **Civil Rights in Wartime: The Post-9/11 Sikh Experience** (Ashgate). As the authors discuss, discrimination against the Sikh community in America has escalated sharply since September 11th, due in part to a populace that often confuses Sikhs with Muslim extremists. According to the authors, although Sikhs have mobilized to spread awareness and condemn violence against themselves and Muslims, there has been a conspicuous absence of academic literature to aid scholars and commentators in understanding the effect of the backlash on the Sikh community. Ultimately, this work strives to add a new chapter to the ongoing national story of the difficulties minority groups have faced in protecting their civil liberties in times of war.

In Private Lawyers and the Public Interest: The Evolving Role of Pro Bono in the Legal Profession (Oxford University Press), **Robert Granfield** (University of Buffalo, State University of New York) and **Lynn Mather** (University at Buffalo, State University of New York) have assembled original essays examining the history, conditions, organization, and strategies of pro bono lawyering. The fifteen chapters trace the rise and impact of the American Bar Association's campaign to commit lawyers and the legal profession to public service. Combining empirical legal research with reflections by practitioners and theorists about the meaning and practice of pro bono legal work, this book interrogates the public service ideals that are inscribed within the legal profession and places these ideals within a broader social, economic, ideological, and normative context.

Anna Law (DePaul University) has written **The Immigration Battle in American Courts** (Cambridge University Press), a book that examines the role of federal courts in making U.S. immigration policy, while also developing scholarly ideas about the differing functions of the U.S. Courts of Appeals and Supreme Court over time. The major premise of the study is that because the Supreme Court and the U.S. Courts of Appeals operate in decidedly different institutional settings, these two courts decide immigration cases in dissimilar ways, with significant implications for immigrant litigants. Using a historical-institutional approach, this book studies changes in the roles and missions of both federal courts over time, and, more broadly, it considers how law, policy, and legal institutions interact.

Sanford Levinson (University of Texas, Austin) has again revised a new edition of Robert McCloskey's classic work **The American Supreme Court** (University of Chicago), now celebrating its fiftieth anniversary. This fifth edition includes McCloskey's original text, along with two new chapters that address the Court's most recent decisions and apply McCloskey's basic approach to contemporary developments, including the Court's decisions in cases arising out of the War on Terror, which range from issues of civil liberty to tests of executive power. This new edition also discusses the Court's skepticism regarding campaign finance regulation, its affirmation of the right to bear arms, and the increasingly important nomination and confirmation process of Supreme Court justices, including that of the first Hispanic justice, Sonia Sotomayor.

Tom N. McInnis (University of Central Arkansas) is the author of **The Evolution of the Fourth Amendment** (Lexington Books). This author discusses the Supreme Court's different approaches to interpreting the Fourth

Amendment, concentrating on changes since the Court applied the exclusionary rule to the states in 1961. Among other topics, the book examines the evolution of the warrant rule and its exceptions, the reasonableness approach, the special needs approach, individual and social expectations of privacy, the role of the exclusionary rule, and the future of the Fourth Amendment.

In **Anatomy of an Execution: The Life and Death of Douglas Christopher Thomas** (Northeastern University Press), **Todd C. Peppers** (Roanoke College) and **Laura Trevvett Anderson** recount the story of the second to last juvenile offender to be executed in Virginia. In the course of this narrative, the authors shed light on issues surrounding capital punishment such as the quality of court appointed counsel, the execution of juveniles (from both a constitutional law and public policy perspective), conditions of confinement on death row, and the role of spiritual advisors in the condemned's last days. While providing insight into the legal workings of the modern death penalty system, the book also offers a look at a young man's life before and after a crime, as well as through the trial and sentencing process.

David A. J. Richards's (New York University) recent book **The Sodomy Cases: Bowers v. Hardwick and Lawrence v. Texas** (University Press of Kansas) examines how these two landmark Supreme Court cases shed light on America's evolving views of privacy. The author views the Bowers and Lawrence cases as the nadir and apogee of the gay community's efforts to fight discrimination through the courts. He explains how the Lawrence case established that the right to a private life is an innate human right and that our constitutional right to privacy rests on the moral bedrock of equal protection.

David Schultz (Hamline University), **Michelle Deardorff** (Jackson State University), and **John Vile** (Middle Tennessee State University) are the authors of **Constitutional Law in Contemporary America** (Oxford University Press). Volume One addresses institutions, politics, and process and includes such topics as judicial review, federalism, separation of powers, state power, economic due process, eminent domain, war and foreign policy, and election law. Volume Two focuses on civil liberties and rights, including those addressed in the Bill of Rights and the Reconstruction Amendments.

David Schultz has also published **Evicted! Property Rights and Eminent Domain** (Praeger Press). The book examines the *Kelo v. City of New London* decision and claims about eminent domain abuse, arguing that such assertions are largely false. The author provides an overview of what property rights are, how the eminent domain process works, a review of Supreme Court eminent domain case law, and recommendations for changing the eminent domain process.

In a related vein, **Kyle Scott's** (University of Houston) new book, **The Price of Politics: Lessons from Kelo v. City of New London** (Lexington Books) explores contemporary property rights jurisprudence. The author discusses the Supreme Court's departure from an earlier conception of property and argues that the departure is the result of the politicization of rights. This work draws on historical and philosophical sources to develop a unified theory of rights and employs empirical analysis of state policy adoption to show how rights have become increasingly susceptible to political manipulation.

In **Supreme Power: Franklin Roosevelt vs. the Supreme Court** (W.W. Norton & Company) **Jeff Shesol** argues that in the years before World War II, Franklin Roosevelt's fiercest opponent was neither a foreign power nor a domestic political leader, but the Supreme Court of the United States. Beginning in 1935, the Supreme Court's conservative majority left much of FDR's agenda in ruins. Roosevelt's response created a firestorm that engulfed the White House, the Court, Congress, and the nation, and ultimately dealt FDR the biggest setback of his political life. Roosevelt's confrontation with the Court, the author contends, split the Democratic party, set the stage for a future era of Republican dominance, and transformed America's political and constitutional landscape, hastening the nation's march into the modern world.

The "state secrets" privilege has been recently invoked by both the Bush and Obama administrations in order to exclude evidence that the government claims would harm national security. **Barry Siegel's** (University of California, Irvine) new book explores the landmark case in which the Supreme Court identified the doctrine. **Claim of Privilege: A Mysterious Plane Crash, a Landmark Supreme Court Case, and the Rise of State Secrets** (HarperCollins) offers a "true account" of this "shameful" incident and its lasting impact on our nation. The author places the case, *United States v. Reynolds*, in historical context and draws connections between the fears of the early Cold War years and post-9/11 America. He concludes that the case, and its subsequent applications, have dangerous consequences for our civil liberties and have brought about abusive, irresponsible government behavior.

In **Why the Constitution Matters** (Yale University Press), **Mark Tushnet** (Harvard Law School) argues that the Constitution's major significance stems not from how it structures our government but in how it structures our politics. Unlike legal scholars who consider the Constitution only as a blueprint for American democracy, the author focuses on the ways it serves as a framework for political debate. Each branch of government draws substantive inspiration and procedural structure from the Constitution but can effect change only when there is the political will to carry it out. This book's understanding of the Constitution does not demand that citizens pore over the specifics of each Supreme Court decision in order to improve our nation. Instead, by providing key facts about Congress, the president, and the nature of the current constitutional regime, this book suggests not only why the Constitution matters to each of us but also how it matters.

Upcoming Conferences

Conferences

2010 Canadian Political Science Association Annual Conference

www.cpsa-acsp.ca/

Dates: June 1-3, 2010

Location: Concordia University, Montreal

Call for presentations deadline: November 3, 2009

APSA Annual Meeting and Exhibition

http://www.apsanet.org/content_4827.cfm

Dates: September 2-5, 2010

Location: Washington, DC

Submission Deadline: December 15, 2009

Northeastern Political Science Association Annual Meeting

<http://www.northeasternpas.com>

Dates: November 11-13, 2010

Location: Omni Parker House, Boston, Massachusetts

Call for Proposals Deadline: June 15, 2010