Program from the Twenty-sixth Thomas M. Cooley Lectures

University of Michigan Law School

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The Thomas M. Cooley Lectures

Twenty-sixth Series

JUDICIAL REVIEW AND THE NATIONAL POLITICAL PROCESS

JESSE H. CHOPER
Professor of Law
University of California, Berkeley

3:15 P.M.
March 21, 22 and 23

and

3:15 P.M.
March 24, 1977
(Symposium)

HUTCHINS HALL, ROOM 100 — ANN ARBOR, MICHIGAN
THE THOMAS M. COOLEY LECTURES

THOMAS M. COOLEY was one of the leading figures in nineteenth-century American law and legal scholarship. He was a member of the first law faculty at The University of Michigan, which was assembled in 1859, and was appointed Dean of the Law Department in 1871. From 1864 to 1885 judicial service as a member of the Supreme Court of Michigan was added to his academic duties. Cooley is perhaps most frequently remembered today for his remarkably influential treatises, especially his works on Torts and Constitutional Limitations. In 1887 he was appointed first Chairman of the Interstate Commerce Commission by President Grover Cleveland.

The Thomas M. Cooley Lectureship was established by the faculty of The University of Michigan Law School in order to stimulate research and to communicate its results in the form of public lectures. The Lectureship is supported by the William W. Cook Endowment for Legal Research.

THE LECTURER

JESSE H. CHOPER brings to one of the enduring issues of American law and politics, judicial review and the role of the Supreme Court in defining governmental relationships, a meticulous scholarship, probing mind, and balanced judgment. Still relatively youthful, he has already established himself as a leading figure in the two diverse fields of constitutional law and corporations. His current lecture series promises to be a major contribution to the literature.

Mr. Choper was born in 1935 and grew up in Pennsylvania. He graduated from Wilkes College in 1957, and received an honorary doctorate from his alma mater in 1967. He obtained his J.D. from the University of Pennsylvania Law School in 1960. While at Pennsylvania he was an instructor at the Wharton School of Finance and Commerce. Following law school he clerked for Chief Justice Earl Warren of the United States Supreme Court. Mr. Choper began teaching law at the University of Minnesota Law School in 1961, and moved to Berkeley's Boalt Hall in 1965.

Mr. Choper has endeared himself to colleagues both by his sincerity and by his guile. Shortly after arriving in Minneapolis, he made an eloquent and successful argument before the state supreme court on behalf of a conscientious objector to jury duty, assuring the justices that "none of us good Minnesotans" would try to evade an important civic duty on improper grounds.

JUDICIAL REVIEW AND THE NATIONAL POLITICAL PROCESS

LECTURE I
Monday, March 21
The Nature, Essentiality, and Fragility of Judicial Review

LECTURE II
Tuesday, March 22
The Scope of National Power Vis-à-Vis the States: The Dispensability of Judicial Review

LECTURE III
Wednesday, March 23
Constitutional Conflicts between Congress and the President: A Subject for the Political Process

SYMPOSIUM
Thursday, March 24

THE LECTURER will be joined by
DONALD H. REGAN
TERRANCE SANDBALOW
Professors of Law
University of Michigan

Moderator: SAMUEL D. ESTEP
Professor of Law
University of Michigan
PREVIOUS THOMAS M. COOLEY LECTURES

1947: The Constitution and Socio-Economic Change
PROFESSOR HENRY ROTTSCHEF, University of Minnesota

1948: Our Legal System and How It Operates
PROFESSOR BURKE SHARTEL, The University of Michigan

1949: Some Problems of Equity
PROFESSOR ZECHARIAH CHAFFEE, JR., Harvard University

1950: Administrative Discretion and Its Control
DEAN E. BLYTHE STASON, The University of Michigan

1952: Perspective in Conflicts Law
PROFESSOR HESSEL E. YNTEMA, The University of Michigan

1953: Selected Topics on the Law of Torts
DEAN WILLIAM LLOYD PROSSER, University of California

1954: A Common Lawyer Looks at the Civil Law
PROFESSOR FREDERICK HENRY LAWSON, University of Oxford

1955: Public Policy and the Dead Hand
PROFESSOR LEWIS M. SIMES, The University of Michigan

1956: Frontiers of Constitutional Liberty
PROFESSOR PAUL G. KAUPER, The University of Michigan

1958: The Use of International Law — A Re-examination
PROFESSOR PHILIP C. JESSUP, Columbia University

1959: Judges: Oracles of the Law
PROFESSOR JOHN P. DAWSON, Harvard University

1959: Law and Processes of Social Change in United States History
PROFESSOR JAMES WILLARD HURST, University of Wisconsin

1961: Towards Administrative Justice
PROFESSOR H. W. R. WADE, Oxford University

1962: Criminal Law Reform in England
DEAN D. SEABORNE DAVIES, University of Liverpool

1964: Policy, Justice and Principle in the Choice-of-Law Process
PROFESSOR DAVID F. CAVERS, Harvard Law School

1966: Politics and the Independent Regulatory Commission
PROFESSOR WILLIAM L. CARY, Columbia University Law School

1967: Recent Developments in Contract Law
PROFESSOR OTTO KAHN-FREUND, Oxford University

1969: Politics, the Constitution, and the Warren Court
PROFESSOR PHILIP B. KURLAND, University of Chicago

1970: New Priorities in Criminal Justice
BERNARD BOTEIN, formerly Presiding Justice, Supreme Court of New York, Appellate Division

1970: The Reform of Civil Procedure
PROFESSOR MAURICE ROSENBERG, Columbia Law School
PROFESSOR BENJAMIN KAPLAN, Harvard Law School
PROFESSOR MAURO CAPPELLETTI, University of Florence

1971: Regulating the Broadcaster
PROFESSOR LOUIS L. JAFFE, Harvard Law School

1973: Income Taxation and Political Rhetoric
PROFESSOR BORIS I. BITTKER, Yale University

1974: The Future of Imprisonment
PROFESSOR NORVAL MORRIS, University of Chicago

1975: Biology, Ethics and Law: Can They Help Each Other?
PROFESSOR ROBERT S. MORISON, Cornell University

1975: The Emergence of an American Theory of Law
PROFESSOR STANLEY M. KATZ, University of Chicago
PROFESSOR MORTON J. HORWITZ, Harvard University
PROFESSOR WILLIAM E. NELSON, Yale University